

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 12 December 2007

The meeting commenced at 4.45 pm.

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held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 December 2007

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 December 2007

COMMENCING AT: 4.45PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George, Clr M L King, Clr J E Mauger,
Clr M J Murray, Clr S H Murray (4.51pm),
Clr P B Tuddenham, Clr L A C Whipper and Clr P Yeo

IN ATTENDANCE: General Manager, Director Corporate Services, Director
Environment & Planning, Director Technical Services, Manager
Administration Services and Administration Officer (AOR)

PRAYER

100/1

The meeting was opened in prayer led by Reverend Neville Kellam of Bowral Baptist Church.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 28
NOVEMBER 2007

100/1

MN 384/07

MOTION moved by Cllr M J Murray and seconded by Cllr T D Gair:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 28 November 2007 MN 344/07 to MN 383/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the following correction to Item o-CS3 Committee Appointments & Resignations (MN 364/07) in that Mr Murray Loane is the correct name and not Murray Sloane as detailed in the minutes.

PASSED

DECLARATIONS OF INTEREST

101/3

1. Clr N N Campbell-Jones declared a non-pecuniary interest in Closed Council Item EP-1 Broughton Street Rezoning – Voluntary Planning Agreement on page 109 of the business paper as his son was an associate of the owners of this development. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 2. Clr P Yeo declared a non-pecuniary interest in Closed Council Item CS-1 Tender for Provision of Legal Services as he is a friend of one of the tenderers. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
 3. Clr M Murray declared a non-pecuniary interest in Closed Council Item EP-1 Broughton Street Rezoning – Voluntary Planning Agreement as the owners of this development had donated to his team's 2004 election campaign. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
 4. Clr P George declared a non-pecuniary interest in Closed Council Item EP-1 Broughton Street Rezoning – Voluntary Planning Agreement as the owners of this development had donated to her team's 2004 election campaign. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
 5. Clr M King declared a non-pecuniary interest in Closed Council Item EP-1 Broughton Street Rezoning – Voluntary Planning Agreement as the owners of this development had donated to her team's 2004 election campaign. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
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MAYORAL MINUTE

c-MM1 U Turn the Wheel

REF. MAYOR

7410, (cc 102/5)

Reporting on the success of the U-Turn the Wheel road safety program.

Clr S Murray joined the meeting at 4.51pm.

MN 385/07

MOTION moved by Clr G Lewis and seconded by Clr M King:

1. **THAT** local Rotary Clubs, Road Safety Officer Charmaine Cooper, the many people representing various emergency and other organisations who gave their time to make such telling presentations to the students, as well as the Mittagong RSL Club be thanked in a Council News Page of the Southern Highland News for their outstanding contribution towards road safety in Wingecarribee Shire.
2. **THAT** Wingecarribee Shire residents be urged to drive safely, not just during the upcoming festive season, but at all times.

PASSED

DEFERRED ITEMS FROM COUNCIL MEETING HELD WEDNESDAY, 28 NOVEMBER 2007

c-GM1 General Manager's Quarterly Report

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 30 September 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 372/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 386/07

MOTION moved by Clr M J Murray and seconded by Clr P George:

THAT the information in respect of the General Manager's Quarterly Report to 30 September 2007 be received and noted.

PASSED

c-GM2 Weekly Circulars

REF.	GM	100/8, 203/2007
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 373/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 387/07

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT the information relating to Local Government Weekly Circulars Nos 43-46/07 and Council Weekly Circulars Nos 43-47/07 be noted.

PASSED

.....Cont'd

Matters Arising from Weekly Circulars

1. CAR PARKING STATISTICS 5504

Clr N N Campbell-Jones referred to the Weekly Circulars and stated that there had been no car parking statistics included for the past three weeks.

The Director Environment & Planning responded that he would include some car parking statistics in the next Weekly Circular.

2. "HIGH STREET", BONG BONG STREET, BOWRAL LUA 07/1083, LUA 07/1127

Clr N N Campbell-Jones referred to Item 9 on page 18 of Weekly Circular No. 50/07 where it is stated that "*all toilets have internal overflows....*". Had stated that he had inspected the development and found that the toilets had no internal overflow.

Clr Campbell-Jones also queried the statement in Item 9 that "*the current lack of an artificial ventilation system to this area may not comply with the Building Code of Australia*" and asked for clarification of this point.

The Director Environment & Planning responded that these points would be clarified with the appropriate officer.

3. CAR PARKING STATISTICS 5504

Clr P George referred to Item 2 on page 6 of Council Weekly Circular No. 48/07 and queried the fact that rangers had impounded garage sale signage.

The Director Environment & Planning responded that it was his intention in the New Year to bring forward a report from Council Rangers on where they see the priorities. He added that he would seek direction from Councillors as to what they believe the priorities are.

c-NM2 27/2007 – Notice of Motion – Leisure Centre Survey

REF: MAS

100/4, 7181/4

Clr L A C Whipper has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 28 November 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 374/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

“THAT Council agree to take up the offer of Mr Theo Onisforou at no cost to Council to conduct a survey to determine the current position of the residents of the Wingecarribee Shire towards the expenditure of funds toward the construction of a Leisure Centre.”

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MOTION moved by *Clr L A C Whipper* and seconded by *Clr J Clark*:

THAT Council agrees to take up the offer of Mr Theo Onisforou, at no cost to Council, to conduct a survey to determine the current position of the residents of the Wingecarribee Shire towards the expenditure of funds toward the construction of a Leisure Centre.

LOST

VOTING ON THE MOTION:

Voting for the Motion: Ctrs Whipper, Clark, Mauger and S Murray

Voting against the Motion: Ctrs Lewis, Gair, King, George, M Murray, Campbell-Jones, Tuddenham and Yeo

QUESTIONS WITH NOTICE

c-QWN1	QWN 06/07 – Funds Collected – Companion Animals Act
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REF.	EHM
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101/2, 5500/4

Reporting on a Question with Notice raised by Clr L A C Whipper on 9 November 2007 regarding the breakdown of funds collected since Companion Animals Act inception.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 375/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

Clr P B Tuddenham left the chamber at 5.42pm

Clr L A C Whipper thanked the Environment & Health Branch for their response but requested additional information to be brought to the Ordinary Meeting of Council to be held on Wednesday, 30 January 2008 including a breakdown of percentages in relation to core responsibilities of Council and the discretionary income from fines and animal registrations.

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports		
REF.	DCS	107/1

Submitting minutes of the following eight (8) committee meetings that will be tabled for information:

1. Mittagong Memorial Hall Management Committee meeting Thursday 4 October 2007
2. Lake Alexandra Reserve Management Committee meeting Tuesday 25 September 2007
3. Mittagong Community Centre Management Committee meeting Thursday 11 October 2007
4. Penrose Hall & Recreation Reserve Management Committee Meeting Monday 27 August 2007
5. Welby Hall Management Committee Annual General Meeting Thursday 9 August 2007.
6. Services & Infrastructure Committee meeting Wednesday 7 November 2007.
7. East Bowral Community Centre Management Committee meeting Tuesday 23 October 2007
8. Exeter Park Management Committee meeting Monday 12 November 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 376/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 388/07

MOTION moved by Clr M J Murray and seconded by Clr T D Gair:

THAT the information contained in the eight (8) Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 24 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 377/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 389/07

MOTION moved by Clr M J Murray and seconded by Clr P A George:

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 24 October 2007 be adopted.

PASSED

c-CR3	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 14 November 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 378/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 390/07

MOTION moved by Clr P J Yeo and seconded by Clr LAC Whipper:

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 14 November 2007 be adopted with the exception of Item 7 Proposed Montessori School at 5 Elizabeth Street, Burradoo.

PASSED

.....Cont'd

Cont'd.....

1. ITEM 7 – PROPOSED MONTESSORI SCHOOL AT
5 ELIZABETH STREET, BURRADOO 502/60; LUA07/0723

Clr P Yeo referred to Item 7 on page 94 of the Legal Committee Minutes held on Wednesday, 14 November 2007 which reads that includes the following recommendations:

1. *THAT Council decides if it will defend the appeal should the application be refused at the Council Meeting on 28 November 2007.*
2. *THAT should the appeal be defended, Council considers whether it will engage a consultant due to the staff recommendations to approve the proposed development.*

As the application was in fact refused Clr Yeo asked that this matter be deferred for discussion in Closed Council later in the meeting.

MN 391/07

MOTION moved by Clr P J Yeo and seconded by Clr LAC Whipper:

THAT Item 7 – Proposed Montessori School at 5 Elizabeth Street, Burradoo on page 94 of the Legal Committee Minutes of Wednesday, 14 November 2007 be deferred for discussion in Closed Council later in the meeting.

PASSED

c-CR4	Arts & Culture Board (Working Group)
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REF	SPM	1660/1
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Submitting minutes of the Arts & Culture Board (Working Group) meeting held Monday, 29 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 379/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 392/07

MOTION moved by Clr M J Murray and seconded by Clr P A George:

THAT the recommendations as detailed in the minutes of the Arts & Culture Board (Working Group) meeting held Monday, 29 October 2007 be adopted.

PASSED

c-CR5	Rural Fire Service District Liaison Committee
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REF	GM	6433/5
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Submitting minutes of the Rural Fire Service District Liaison Committee meeting held Tuesday, 6 November 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 380/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 393/07

MOTION moved by Clr M J Murray and seconded by Clr P A George:

THAT recommendation Nos. SLA 03/07 to SLA 04/07 as detailed in minutes of the Rural Fire Service District Liaison Committee meeting held Tuesday 6 November 2007 be adopted.

PASSED

c-CR6	Environment & Sustainability Committee
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REF	PPM	5465/29.01
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Submitting minutes of the Environment & Sustainability Committee meeting held on Wednesday, 17 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 381/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 394/07

MOTION moved by Clr M J Murray and seconded by Clr P A George:

THAT Recommendation Nos 1 to 3 as detailed in minutes of the Environment & Sustainability Committee meeting held Wednesday, 17 October 2007 be adopted.

PASSED

c-CR7	Traffic Committee
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REF	TE	107/6
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Submitting minutes of the Traffic Committee meeting held on Monday, 22 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 382/07):

THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.

MN 395/07

MOTION moved by Clr M J Murray and seconded by Clr P A George:

THAT Recommendation Nos TC 110/07 to TC 133/07 as detailed in minutes of the Traffic Committee meeting held Monday, 22 October 2007 be adopted.

PASSED



MAYORAL MINUTE

c-MM1	U Turn the Wheel
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REF.	MAYOR	7410, (cc 102/5)
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Reporting on the success of the U-Turn the Wheel road safety program.

This matter was considered earlier in the meeting (refer MN 385/07).

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Under Delegated Authority

REF: DCM 5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 20/11/07 and 3/12/07.

MN 396/07

MOTION moved by Clr P J Yeo and seconded by Clr M J Murray:

THAT the information relating to Development Consent Nos 1-12 under Delegated Authority be received and noted.

PASSED

o-EP2 List of Development Applications received by Council

REF: DCM 5302

Submitting a list of development applications which have been received between 20/11/07 and 3/12/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

MN 397/07

MOTION moved by Clr M J Murray and seconded by Clr T D Gair:

THAT the information regarding the List of Land Use Applications Nos 1-14 received by Council be received and noted.

PASSED

.....Cont'd

Cont'd.....

Matters Arising from Development Applications received by Council

1. ALTERATIONS TO SERVICE STATION, ARGYLE ST, MOSS VALE LUA07/1303

Clr J Clark referred to Item 1 and asked why this development application was just coming to Council when the work has already been completed.

The Director Environment & Planning responded that he was unsure of the date the application was lodged as this list reflected DAs received from 20 November 2007. He stated he would provide further information including lodgement details of this DA in the Weekly Circular?

Clr Clark also asked for details of the timeline involved with the receipt and notification process of development applications.

2. "ROSEDALE" - 11 X LOT SUBDIVISION, ILLAWARRA HIGHWAY, SUTTON FOREST LUA07/1329

Clr J Clark referred to item 8 and asked for more details of this development.

The Director Environment & Planning responded that he would include this information in the Weekly Circular.

3. "DITTON HILL" YARRAWA ROAD, MOSS VALE – USE OF EXISTING COTTAGE AS A TOURIST FACILITY LUA07/1334

Clr M King referred to Item 6 and asked if she could she be kept informed on this matter.

The Director Environment & Planning responded that he would provide updates in the Weekly Circular.

4. DEMOLITION OF DWELLING, ILLAWARRA HIGHWAY, MOSS VALE (OPPOSITE WALKERS ROAD) LUA07/1323

Clr M King referred to Item 10 and stated that it would be very helpful in future to have a house number as well as a lot number to enable easier identification.

The Director Environment & Planning advised that in this instance it is unlikely the property has a street number.

.....Cont'd

Cont'd.....

Clr S Murray suggested that a very brief description could also assist Councillors in identifying a property.

Clr M King asked that when a demolition is involved Councillors be provided with a photograph. She suggested that when a building is listed for demolition the applicant be asked to supply Council with a photograph. The photograph could then be shown on the screen in the Council Chamber when the matter was being discussed.

The Director Environment & Planning asked Councillors if they wished the supply of a photograph for demolitions to be a matter of course for this list which has traditionally been a simple list of the applications received.

MN 398/07

MOTION moved by *Clr M L King* and seconded by *Clr S H Murray*:

THAT for any proposed demolition the applicant be requested to provide a photo of the building which could be viewed on the screen during the Council meeting.

PASSED

o-EP3	Land Use Applications Received
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REF:	DCM
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5302

Submitting a list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of November 2007.

MN 399/07

MOTION moved by *Clr P J Yeo* and seconded by *Clr M J Murray*:

THAT the information regarding the List of Land Use Applications Received by Council for the month of November 2007, be received and noted.

PASSED

o-EP4 Wingecarribee Community Services Centre

REF: DEP

LUA06/0409

Reporting on a request for further Council assistance in the development of the Wingecarribee Community Services Centre, Moss Vale.

MN 400/07

MOTION moved by Clr P J Yeo and seconded by Clr T D Gair:

1. **THAT** Council provides a supplementary grant of up to \$85,000 (being half the initial cost) from the Land Rental Reserve to the Wingecarribee Community Services Centre Inc Committee for further assistance for the Wingecarribee Community Services Centre.
2. **THAT** Council investigates the recovery of this money via the Section 94 Plan being prepared for the shire wide improvements.
3. **THAT** it be noted Council's support of this project to date includes the land (\$300,000), an interest free loan of \$100,000, a previous grant of \$87,500 and this supplementary grant of \$85,000 totalling well over \$500,000.

PASSED

o-EP5 Building Professionals Board Audit Report

REF: DCM

LUA05/0085; 5302/9

Reporting on final report received from the Building Professionals Board into its investigation of Council in its capacity as a Certifying Authority.

MN 401/07

MOTION moved by Clr M J Murray and seconded by Clr P A George:

THAT Council review procedures for receipt and processing of applications where necessary to meet its Regulatory responsibilities as a Certifying Authority.

PASSED

o-EP6 Proposed Aldi Store, Old Hume Highway, Mittagong

REF: DEP, PO

LUA07/0613

Reporting on proposed Aldi store Old Hume Highway, Mittagong.

MN 402/07

MOTION moved by Clr T D Gair and seconded by Clr P J Yeo:

1. **THAT** Council supports the approval of LUA 07/0613 **AND THAT** the Director Environment & Planning be granted delegated authority to issue an appropriately worded consent consistent with the inclusion of the store opening hours as set out by the applicant and with the deletion of Condition 18 requiring the applicant to purchase the existing right of carriageway that exists over Council owned Lot A DP26366, Old Hume Highway, Mittagong.
2. **THAT** Council meets with Aldi in relation to the sale of the existing right of carriageway **AND THAT** an agreed cost be brought back to Council for ratification.

PASSED

o-EP7 Port O Call Hotel, Corner Bong Bong Street & Bundaroo Street, Bowral

REF: DCM

LUA07/1187

Reporting on a proposal for a replacement Port O Call Hotel at Lot 10 DP 805345 Bong Bong Street and Bundaroo Street, Bowral. The decision to grant approval to demolish the original hotel was considered by full Council. Council successfully defended an appeal to the Land and Environment Court of a refusal of an earlier application.

MN 403/07

MOTION moved by Clr N N Campbell-Jones and seconded by Clr P J Yeo:

THAT Council delegates authority to the Director Environment & Planning to issue a consent to the development generally in accordance with the proposed conditions of consent forming Attachment 3 of the report dated 12 December 2007.

PASSED

o-EP8 Strata Subdivision: Lot 1 DP 780565 (former Coach & Horses Inn, c 1856) No 24
Jellore Street, Berrima

REF: DCM

LUA07/0467

Reporting further on strata subdivision.

The Director Environment & Planning provided additional verbal information at the meeting in relation to this application.

MN 404/07

MOTION moved by Clr M J Murray and seconded by Clr P J Yeo:

THAT the two (2) lot subdivision be approved with the remainder to be a common area subject to the Revised General Terms of Approval from the Heritage Office dated 7 December 2007 and subject to the conditions of consent provided by Council officers.

PASSED

o-EP9 S82A Review – Proposed 30 Motel Units including Manager’s Residence, Cnr Dixon & Yarrowa Streets, Moss Vale

REF: DCM, PO

LUA07/0385

Reporting further on S82A for proposed 30 motel units.

The Director Environment & Planning provided additional verbal information at the meeting in relation to this application.

MN 405/07

MOTION moved by Clr M J Murray and seconded by Clr T D Gair:

THAT the application be approved subject to the agreement of the applicant and the Moss Vale RSL Club to provide the easement for parking as prescribed by Council’s Solicitor in his letter dated 12 December 2007.

PASSED

o-EP10 Report on Interim Heritage Order for Jackman's Cottage, Bundanoon

REF: DEP

LUA07/1170

Reporting further on Interim Heritage Order for Jackman's Cottage, Bundanoon.

The Director Environment & Planning advised that having regard to the Services & Infrastructure Committee meeting held on 5 December 2007 that the Department had issued orders to commence and that the matter was under way.

MN 406/07

MOTION moved by Clr G Lewis and seconded by Clr P B Tuddenham:

THAT the information in respect of the Interim Heritage Order for Jackman's Cottage, Bundanoon be noted.

PASSED

CORPORATE SERVICES DIVISION

o-CS1 Committee Appointments & Resignations

REF: MAS

107/1, 7219/1

Reporting on Management Committee Appointments and Resignations.

MN 407/07

MOTION moved by Clr T D Gair and seconded by Clr M J Murray:

1. **THAT** Jane Wilson be appointed to the Robertson Community Centre Management Committee **AND THAT** Ms Wilson be notified of Council's determination.
2. **THAT** the Robertson Community Centre Management Committee be notified of Council's determination.

PASSED

o-CS2 Reporting on Request to enter into Licence Agreement with MVH-92.5FM (Moss Vale High FM) for use of Mt Gibraltar Radio Facility

REF. PO

7922; 7130/2; 1830/13

Reporting on a request from Moss Vale High 92.5FM to enter into a licence agreement to use the facilities on the tower at Mt Gibraltar to transmit radio broadcast.

It was noted that the Youth Radio will be known as WYR FM.

MN 408/07

MOTION moved by Clr M J Murray and seconded by Clr S H Murray:

1. **THAT** Council enters into a licence agreement with WYR FM for the use of the Mt Gibraltar radio facility for a ten (10) year period.
2. **THAT** the amount of the annual licence fee payable by WYR FM to Council be determined by negotiation **AND THAT** the General Manager be delegated authority to finalise the terms of the licence in this regard.
3. **THAT** the General Manager and Mayor be authorised to execute the Licence Agreement under the Common Seal of the Council.

PASSED

o-CS3 Easement for Grave Site, Lot 3 Deposited Plan 700397, Yuille Avenue, Bundanoon

REF. PO,

PN:1691500

Reporting on a request by the registered proprietors of Lot 3 Deposited Plan 700397 to consent to registration of an easement for grave site.

MN 409/07

MOTION moved by Clr M L King and seconded by Clr J R Clark:

1. ***THAT*** the Plan of Easement for Grave Site pertaining to Lot 3 Deposited Plan 700397 be executed under the Common Seal of the Council.
2. ***THAT*** the Section 88B Instrument in relation to Lot 3 Deposited Plan 700397 be executed under the Common Seal of the Council to enable the plan to be registered at the Lands Department.
3. ***THAT*** all costs of Council associated with the approval and registration of the easement be met by the Trustees, Brian Raymond Silvia and Andrew John Love.

PASSED

o-CS4 Transfer of Trusteeship of the Wingello Literary Institute to Council

REF: PO, AOL

7223/1

Reporting on a request by Wingello Mechanics Institute Hall Association Inc to transfer the trusteeship of Wingello Literary Institute, Lot 5 Section 2, Village of Wingello to Wingecarribee Shire Council.

MN 410/07

MOTION moved by Clr M L King and seconded by Clr LAC Whipper:

1. **THAT Council requests the Department of Lands to transfer the trusteeship of the Wingello Literary Institute, Lot 5 Section Village of Wingello to Council.**
2. **THAT the affairs and day to day management, care and control of the hall be operated by a Committee under Section 355 of the Local Government Act 1993.**
3. **THAT the Minister's consent be sought for the revocation of the existing reserve and the reserve being dedicated as a reserve for community purposes.**
4. **THAT Council seeks the consent of the Minister to establish the name of the new trust to be Wingello Mechanics Institute Hall Reserve Trust.**
5. **THAT the Mayor and General Manager be authorised to execute the transfer or agreement form under the Common Seal of the Council.**

PASSED

o-CS5 Dedication of Splay Corner as Public Road, Cnr Bowral and Station Streets, Bowral

REF. PO PN 233400; LUA 05/0732; LUA 07/0349

Reporting on request to dedicate a splay corner as public road at the corner of Bowral Street and Station Street, Bowral.

Interest: Clr S Murray declared a non-pecuniary interest in this matter as she is a friend of the applicant. She left the chamber, took no part in the debate and refrained from voting thereon.

MN 411/07

MOTION moved by Clr P J Yeo and seconded by Clr T D Gair:

1. **THAT** the Plan of Redefinition of Lot 1 Deposited Plan 746864 for the dedication of the splay corner be executed under the Common Seal of the Council **AND** **THAT** the Plan of Redefinition be lodged for registration at the Department of Lands following execution.
2. **THAT** the splay corner defined in the Plan referred to in 1 above be dedicated as Public Road by notice in the Government Gazette.

PASSED

o-CS6 Request For Donation – Bowral Public Hospital Breast Cancer Unit

REF. MAS, , CSMM, FSM, TM 2155/1, 1671/8

Requesting financial assistance to Bowral Public Hospital from the Tulip Time budget surplus.

MN 412/07

MOTION moved by Clr M L King and seconded by Clr M J Murray:

1. **THAT** Council allocates \$15,000.00 from the surplus generated from the 2007 Tulip Time Festival to Bowral Public Hospital for the purchase of a sentinel probe breast cancer machine **AND THAT** this amount be funded from the Tulip Time Budget.
2. **THAT** appropriate arrangements be made for the Mayor and Chairperson of the Tulip Time Committee, Clr May King, to present the cheque to representatives from Bowral Public Hospital.

PASSED

o-CS7	2007/2008 Loan Program
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REF. FSM	2130/2007
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Submitting a report on Council's 2007/2008 Loan Borrowing Program.

MN 413/07

MOTION moved by Cllr P J Yeo and seconded by Cllr M J Murray:

- THAT Council accepts the National Australia Bank's offer to provide a loan for the Resource Recovery Centre of \$2,000,000.00.***
- THAT the Mayor and General Manager be authorised to sign the necessary documentation under the Common Seal of the Council.***

PASSED

OTHER MATTERS

PETITION

c-P1 Petition Received Regarding Berrima Camping Reserve

REF. TE, PPM 6526/15

Reporting on a petition signed by 379 residents and visitors to the area of Berrima supporting the continued use of Berrima Reserve as a Camping and Picnic Area.

MN 414/07

MOTION moved by Clr T D Gair and seconded by Clr J R Clark:

THAT the information be received and noted.

PASSED

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of the following eight (8) Committee meetings that will be tabled for information.

It was noted that the minutes of the Services & Infrastructure Committee meeting held on Wednesday, 5 December 2007 were also tabled at the meeting in conjunction with this report.

1. Bong Bong Common Management Committee meeting Tuesday 28 August 2007
2. Hampden Park Management Committee meeting Wednesday 3 October 2007
3. Hill top Community Centre Management Committee meeting Thursday 15 November 2007
4. Moss Vale Senior Citizens and Community Centre Management Committee meeting Monday 19 November 2007
5. Strategy & Finance Committee meeting Wednesday 28 November 2007
6. East Bowral Community Centre Management Committee meeting Tuesday 27 November 2007
7. Mittagong Memorial Hall Management Committee meeting Thursday 1 November 2007
8. Water & Sewer Advisory Committee meeting Wednesday, 31 October 2007

MN 415/07

MOTION moved by Clr T D Gair and seconded by Clr M J Murray:

THAT the information contained in the eight (8) Committee Reports and the Services & Infrastructure Committee meeting held on 5 December 2007 be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Traffic Committee
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REF.	TE	107/7
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Submitting Minutes of the Traffic Committee meeting held Monday, 3 December 2007.

Clr T D Gair asked for it to be noted in relation to Item 4 on page 98 (Traffic Signals at Bowral Road and Bessemer Street, Mittagong) that there was still a lot of work to be done in relation to this intersection. A further analysis needs to be carried out before any changes are implemented as it is extremely dangerous and there have been a number of deaths at this intersection. The analysis that has been given to the RTA requires further interpretation in relation to the traffic signals and Clr Gair asked for it to be noted by the press and members of the public that there will be full consultation before a final decision is made.

MN 416/07

MOTION moved by Clr T D Gair and seconded by Clr M J Murray:

THAT recommendation Nos: TC 134/07 to TC 155/07 as detailed in the minutes of the Traffic Committee meeting held Monday, 3 December 2007 be adopted.

PASSED

c-CR3	Moss Vale Master Plan Sunset Working Group
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REF.	DEP	1603/28
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Submitting Minutes of the Moss Vale Master Plan Sunset Working Group meeting held Monday, 3 December 2007.

MN 417/07

MOTION moved by Clr T D Gair and seconded by Clr M J Murray:

THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Sunset Working Group meeting held Monday, 3 December 2007 be adopted.

PASSED

QUESTIONS FROM THE PUBLIC

1. LEISURE CENTRE SURVEY

7181/4

Mrs Pam Cooper asked if a survey (regarding the future of the Leisure Centre) is in the negative, has Council made any alternate plans if this should be so.

The General Manager advised that it had been recommended earlier in the meeting that there would be no survey.

2. SALE OF PROPOSED LAND

100/4, 7122/2

Mrs Pam Cooper asked that if the sales of the proposed land to fund the Leisure Centre do not reach their estimated value what contingency plans does Council have to raise the balance funds needed.

The General Manager advised that Council staff and Councillors, in conjunction with some expert consultants, have gone through a risk assessment process where they have assessed all the various risks that could impact on both the delivery and the funding of the project. That risk model has been considered by Council and Councillors have acknowledged that remedial actions are required.

As part of those remedial actions three funding models were developed: one that involved 100% of the land sales being achieved which would more than fund the Leisure Centre with money to spare; another model based on if 25% of the land sales did not proceed what the funding model would be like, and a further model based on about 50% of the land sales not proceeding. At a Council discussion it was decided that the likely model was somewhere between 75% and 100% which involved a mixture of borrowings and receipt of income from land sales.

3. BERRIMA CAMPING GROUND RESERVE

6526/15

Mr Mark Whitby referred to the Berrima Camping Ground Reserve petition and asked what process would be followed by the Property Officer in this matter – i.e. would the Property Officer be asking any questions of the campers.

The Director Technical Services responded that Council's Property Officer would be managing this process and would contact Mr Whitby to let him know the program for the consultation.

Mr Whitby added that he had noticed two large logs had been put in position near the toilet facility which prevented the mini buses from Harbison Care gaining access.

The Director Technical Services stated that he was not aware of this but would obtain a briefing from the officers concerned and respond to Mr Whitby.



4. LOCAL ENVIRONMENT PLAN

5900

Mr Fred Lemann wished to pass on his congratulations to the Shire and Council officers on all the work that has gone into the Local Environment Plan. He stated that it was a wonderful document from which some very weighty matters could be considered.

GENERAL BUSINESS

1. ROBERTSON SPRING FESTIVAL 1670/8

Clr J Mauger stated that he had been contacted some time ago by a Mr Goldsack in relation to the Robertson Spring Festival and had suggested to Mr Goldsack that he makes representations to the General Manager and the Mayor regarding a shortfall the organisers had incurred with the staging of the festival due to unforeseen circumstances. Clr Mauger wondered if anything had happened in relation to this matter.

The Mayor responded that this matter would be discussed later in the meeting.

2. LEIGHTON GARDENS EXTENSION 6546/28

Clr T D Gair asked if the Director Environment & Planning and Director Corporate Services would liaise with the ARTC in relation to the Leighton Gardens extension. The latest correspondence had denied access and he believed the writer of that letter had been unaware of the previous discussions and agreements which were undertaken. He asked if a face-to-face meeting could be arranged between Council and ARTC to resolve this matter.

The Director Corporate Services responded that he understood the lease was signed on 14 November and is now in effect.

3. LETTER FROM MARY RYAN OF WINGELLO 7460/36

Clr M King asked if the letter from Mary Ryan of Wingello could be referred to the Traffic Committee as it concerns road safety issues in Wingello. Clr King believed that urgent traffic calming measures were needed and in the interim at least the installation of "Slow Down" signs at each end of the village.

4. UMPIRES' ROOM, DAVID WOOD PLAYING FIELD 6535/10

Clr N N Campbell-Jones asked for an update on the umpires' room/canteen at the David Wood playing field as he had been told it would be available for the soccer season.

The Director Technical Services stated that he would obtain an update from Council officers and respond to Clr Campbell-Jones.

5. TRAFFIC ISSUES IN MITTAGONG

7460/25

Clr P B Tuddenham referred to the traffic issues in Mittagong and asked if Council should be contesting the RTA decisions on the way they are doing the developments, especially as far as the width of roads and turning bays are concerned.

Clr T D Gair responded that Council could go against the RTA recommendation and erect a "No Right Turn" sign. This matter went back to the Traffic Committee and all the issues that were raised were put to the RTA, the Road Safety Officer and the Police. They had gone through the process point by point and the RTA (as the consent authority) will not alter their position.

6. ANNESLEY – WHEEN CLOSE

101/2

Clr L A C Whipper referred to the question with notice he had raised regarding this matter at the Ordinary Council Meeting held on Wednesday, 13 June 2007. Since the original application in 1999 there had been five subsequent DAs and part of those approvals related to ancillary use. Clr Whipper believed there was a big question mark over the activities that are occurring and whether they are ancillary uses and not commercial uses. He asked that this matter be referred to the Legal Committee and that a representative of the residents make a presentation for the benefit of Councillors.

The Mayor suggested that an information session be held in the New Year when it would be decided whether this matter should be referred to the Legal Committee.

7. BONG BONG COMMON MANAGEMENT PLAN

6530/1

Clr L A C Whipper referred to the Bong Bong Common Management Plan and stated that at the last meeting he had suggested that the aboriginal community be consulted in the process. He asked that this be part of the process and that some sort of formal consultation be commenced with the aboriginal community.

The Director Technical Services responded that he would investigate this matter with the appropriate staff.

8. ROBERTSON INN

LUA07/0958

Clr L A C Whipper stated that he had not yet received any information in response to the question he had raised at the Ordinary Meeting of Council held on Wednesday, 26 September 2007 regarding a development application to demolish part of the Robertson Inn and to construct four shops.

The Director Environment & Planning responded that he would review this matter.

7. ACTION REQUESTS

504/6

Clr J Clark asked if it would be possible for Council to provide an electronic form of Action Request and a suitable email address for lodgement to make it easier for Councillors to submit requests.

The Director Technical Services stated that he would investigate this matter.

8. BOWRAL TOWN SIGN

7415/4

Clr P Yeo referred to the Bowral town sign on Mittagong Road near Tulloona Ave on the northern approaches. The sign and its surrounds are untidy and not a good advertisement for the shire.

The Director Technical Services stated that he would investigate this matter.

10. DRAFT LOCAL ENVIRONMENT PLAN

5900

Clr P Yeo stated that the draft LEP is on exhibition and the Planning Panel had knocked back Council's request that the industrial land on Braemar Straight be rezoned to residential. At the time we talked about the fact that perhaps the community be invited to make submissions on that during the exhibition period.

As Council does not meet again until 30 January 2008 Clr Yeo asked if we had considered how we are going to go about making the community aware of this knock back and making them aware that they can make submissions to Council on this matter.

Clr P George stated that the Minister for Planning, the Hon. Frank Sartor MP had made recommendations on how Council should proceed on this matter. He recommended that Council should identify industrial land in Mittagong in the near vicinity and also that it should look at a staging of zonings, not going directly to residential but cutting it in half with buffer zones between the other commercial businesses on either side.

The Director Environment & Planning responded that a detailed combined submission would be coming forward from the landowners involved as a result of the current exhibition. A meeting had been held with the Braemar/Balaclava residents group last week. The Director Environment & Planning stated that he was unable to attend the meeting.

9. TREE PRESERVATION ORDER

5454

Clr N N Campbell-Jones asked if a report could be obtained from Council officers regarding a Tree Preservation Order (TPO) as a couple of trees had been removed unnecessarily from a block of land. He further stated that a report is needed to try to formulate a TPO that is relevant to the things we are trying to achieve.

The Mayor suggested that a report come to Council which would lead to an information session being held on this matter.

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10. SI-EP3 - PROPOSED HEALTH RETREAT INCLUDING GUEST ACCOMMODATION, CONFERENCE FACILITIES AND GUEST DINING AT KENNERTON GREEN, BONG BONG RD, MITTAGONG LUA07/0890

Clr M King referred to the above item on page 6 of the minutes of the Services & Infrastructure Committee meeting held on Wednesday, 5 December 2007. She asked that the recommendations be amended as follows and that it be considered as a matter of urgency as the correction to the minutes could not wait for a future meeting of the Services & Infrastructure Committee meeting.

MATTER OF URGENCY

The Mayor ruled that this be considered as a Matter of Urgency.

MN 418/07

MOTION moved by Clr P J Yeo and seconded by Clr M L King:

THAT Council considers SI-EP3 Proposed Health Retreat including Guest Accommodation, Conference Facilities and guest Dining at Kennerton Green, Bong Bong Road, Mittagong as a matter of urgency.

PASSED

MN 419/07

MOTION moved by Clr M L King and seconded by Clr P J Yeo:

1. **THAT Council delegates authority to the Director, Environment & Planning to issue an appropriately worded and conditioned consent which includes the proposed draft conditions accompanying this report but excludes the conditions for concerts and other performing arts activities.**
2. **THAT the property name shall remain as “Kennerton Green” with the proposed health retreat to operate as “Shambala at Kennerton Green”.**

PASSED

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11. CORRESPONDENCE REGARDING WATER SUPPLY & SEWERAGE SERVICES 7610

The Mayor read out correspondence received from the Hon. Nathan Rees, MP (Minister for Emergency Services and Minister for Water Utilities). This was in response to Council's letter dated 19 November 2007 regarding the Draft Terms of Reference for the review of structural and regulatory arrangements for water supply and sewerage services in regional New South Wales.

12. LIBRARIES

1700, 1708

The Mayor advised that there had been a great response within the community regarding the proposed funding cuts to libraries. Community support had been very strong and we will continue the fight for appropriate and equitable funding for the Shire libraries.

13. WARDS

105

The Mayor stated that this matter would have been on the agenda in February or March 2008 but suggested that it be delayed to a more suitable time later in the year (possibly March 2008) to gain maximum benefit for the community.

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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To consider moving into Closed Council.

At this juncture, the time being 7.00pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is the opinion of the General Manager that publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

1. PROPOSED MONTESSORI SCHOOL AT 5 ELIZABETH STREET, BURRADOO LUA07/0723

The Mayor referred to Item 7 of the minutes of the Legal Committee meeting held on Wednesday, 14 November 2007 in relation to the proposed Montessori School at 5 Elizabeth Street, Burradoo.

The matter is referred to Closed Committee under Clause 10A(2)(g) of the Local Government Act 1993 as it relates to advice concerning litigation.

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

2. PROPOSED SEPP SL 'CAPERNWRAY', MOSS VALE ROAD, MOSS VALE LUA06/1457

The Mayor also referred to the Capernwray SEPP application for 77 dwellings and wished to raise this in Closed Committee as a Matter of Urgency due to proceedings being instigated in the Land & Environment Court.

The matter is referred to Closed Committee under Clause 10A(2)(g) of the Local Government Act 1993 as it relates to advice concerning litigation.

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

No objections were received from the members of the public.

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Cont'd.....

MN 420/07

MOTION moved by Clr P J Yeo and seconded by Clr M J Murray:

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

EP-1 BROUGHTON STREET REZONING – VOLUNTARY PLANNING AGREEMENT **5701/22**

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2)(c) and (d) of the Local Government Act 1993 as it contains commercial information in relation to financial negotiations of Council in relation to a Voluntary Planning Agreement (VPA) outlining funding arrangements.

Brief Description

Reporting on a matter pertaining to the consideration of a Voluntary Planning Agreement for the Broughton Street Moss Vale Rezoning site.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

CS-1 TENDER FOR PROVISION OF LEGAL SERVICES **6330/07.4**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on the tenders for the provision of legal services.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

CS-2 PROPOSED ROAD CLOSURE AND PURCHASE – UNFORMED SECTION
RITCHIE STREET BRAEMAR **PN 251500; 1493/1**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on a request to finalise the road closure application in respect of the unformed section of Ritchie Street Braemar.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

TS-1 ROBERTSON SEWERAGE AUGMENTATION - EFFLUENT RE-USE
NEGOTIATIONS **7650**

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on negotiations with two land owners who have expressed interest in taking effluent for agricultural re-use as part of the effluent management strategy for the Robertson Sewerage Scheme.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

**TS-2 LUMP SUM CONTRACT 4/08 – REHABILITATION OF WATER & SEWERAGE
MAINS** **6330/07.5, 7799**

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on tenders received for the rehabilitation of approximately 4,137 metres of sewerage mains and 2,580 metres of water mains in various locations in Bowral, Mittagong, Moss Vale and Bundanoon.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

ADDITIONAL MATTERS

**(I) PROPOSED MONTESSORI SCHOOL AT 5 ELIZABETH STREET,
BURRADOO** **LUA07/0723**

Relevant Legal Provision

The matter is referred to Closed Committee under Clause 10A(2)(g) of the Local Government Act 1993 as it relates to advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on the lodgement of an application for a proposed Montessori School at 5, Elizabeth Street, Burradoo.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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Cont'd.....

(II) **PROPOSED SEPP SL "CAPERNWRAY", MOSS VALE ROAD,
MOSS VALE**

LUA06/1457

Relevant Legal Provision

The matter is referred to Closed Committee under Clause 10A(2)(g) of the Local Government Act 1993 as it relates to advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on the lodgement of an application for a proposed SEPP Seniors Living at "Capernwray", Moss Vale Road, Moss Vale

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

PASSED

ENVIRONMENT & PLANNING DIVISON

EP-1 Broughton Street rezoning – Voluntary Planning Agreement – REVISED REPORT

REF	DEP	5701/22, 5701/5
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This matter was presented in the agenda for the Closed Session of Council on Wednesday 28 November 2008.

Subsequent to this matter being reported to the above meeting, additional information has now become available. As a result of this additional information a revised report is now submitted for Council's consideration.

Note: The original report is included as Attachment 2 and is provided for information only.

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2)(c) and (d) of the Local Government Act 1993 as it contains commercial information in relation to financial negotiations of Council in relation to a Voluntary Planning Agreement (VPA) outlining funding arrangements.

Brief Description

Reporting on a matter pertaining to the consideration of a Voluntary Planning Agreement for the Broughton Street Moss Vale Rezoning site.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Interest: Clr N N Campbell-Jones declared a non-pecuniary interest in this matter as his son is an associate of the owners of this development. He left the chamber, took no part in the debate and refrained from voting thereon.

Interest: Clr M Murray declared a non-pecuniary interest in this matter as the owners of this development had donated to his team's 2004 election campaign. He remained in the chamber, took part in the debate and voted thereon.

.....Cont'd

CLOSED COUNCIL

Cont'd....

Interest: Clr P George declared a non-pecuniary interest in this matter as the owners of this development had donated to her team's 2004 election campaign. She remained in the chamber, took part in the debate and voted thereon.

Interest: Clr M King declared a non-pecuniary interest in this matter as the owners of this development had donated to her team's 2004 election campaign. She remained in the chamber, took part in the debate and voted thereon.

Clr T D Gair requested that when this matter came back to Council for final endorsement the Mayor and General Manager prepare a press release acknowledging the contribution made by Council.

The Committee on a **MOTION** moved by Clr M J Murray seconded by Clr T D Gair
RECOMMENDED:

1. **THAT** Council approves in principle the entering into the Voluntary Planning Agreement with the applicant/developer and seeks a further report to endorse the final legal document;
2. **THAT** Council forwards the section 68 report to the Department of Planning requesting the Minister for Planning to make the plan and rezone the land.

PASSED

CORPORATE SERVICES DIVISION

CS-1 Tender for Provision of Legal Services

REF. DCS

6330/07.4

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on the tenders for the provision of legal services.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

Interest: Clr P Yeo declared a non-pecuniary interest in this matter as he is a friend of one of the tenderers. He left the chamber, took no part in the debate and refrained from voting thereon.

The Committee on a **MOTION** moved by Clr M J Murray seconded by Clr T D Gair
RECOMMENDED:

1. **THAT** Council engages a Panel of three (3) legal service providers to provide legal services for a period of four (4) years commencing January 2008.
2. **THAT** Council accepts the tenders of B Bilinsky & Co Solicitors, Marsdens Law Group and Lindsay Taylor Lawyers and appoint them to a Legal panel for a period of four (4) years.
3. **THAT** Council seeks independent legal advice to prepare contracts for the provision of legal services by the Legal Panel Members.
4. **THAT** internal guidelines be developed to provide clear direction to staff in allocating legal work to the panel members.

PASSED

**CS-2 Proposed Road Closure and Purchase – Unformed Section Ritchie Street
Braemar**

REF. PO

PN 251500; 1493/1

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on a request to finalise the road closure application in respect of the unformed section of Ritchie Street Braemar.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

The Committee on a MOTION moved by Cllr M J Murray seconded by Cllr T D Gair
RECOMMENDED

1. **THAT the General Manager and Mayor be authorised to execute a Deed of Agreement with the applicants, John Dezarnaulds, Peter Douglas Dezarnaulds and Annette Louise Robinson, to secure the payment of a 25% premium on the agreed purchase price paid by the applicants to the Crown for the closure of the unformed section of Ritchie Street Braemar.**
2. **THAT, subject to 1 above and payment by the applicant of the relevant registration fees, Council promptly lodge the registrable plan with the Department of Lands to give effect to the road closure by the creation of a title which will then vest in the Crown.**
3. **THAT the funds received by Council (equating to 25% premium on the purchase price paid to the Crown by the applicant) be allocated to Council's Property Development Reserve.**

PASSED

TECHNICAL SERVICES DIVISION

TS-1 Robertson Sewerage Augmentation - Effluent Re-use Negotiations

REF: MBW

7650

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on negotiations with two land owners who have expressed interest in taking effluent for agricultural re-use as part of the effluent management strategy for the Robertson Sewerage Scheme.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

Interest: Clr S Murray declared a non-pecuniary interest in this matter as she is a member of the board of the Sydney Catchment Authority. She left the chamber, took no part in the debate and refrained from voting thereon.

The Committee on a MOTION moved by Clr M J Murray seconded by Clr P J Yeo
RECOMMENDED

1. **THAT Council adopts the irrigation of reclaimed water for agricultural production at “Wurringulla” as the basis of the effluent management strategy for the proposed Robertson Sewerage Scheme.**
2. **THAT Council enters into a Heads of Agreement with the owner of “Wurringulla” AND THAT the agreement be executed under the Common Seal of the Council.**
3. **THAT the requirement for the land owner to lodge a security deposit, until a Deed of Agreement for the reclaimed water scheme is executed, be waived in this instance.**

PASSED

TS-2 Lump Sum Contract 4/08 – Rehabilitation of Water & Sewerage Mains

REF: WSM

6330/07.5, 7799

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on tenders received for the rehabilitation of approximately 4,137 metres of sewerage mains and 2,580 metres of water mains in various locations in Bowral, Mittagong, Moss Vale and Bundanoon.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

The Committee on a MOTION moved by Clr M J Murray seconded by Clr P J Yeo
RECOMMENDED

1. **THAT the Lump Sum tender in the sum of \$530,800.00 submitted by CLM Trenchless Pty Ltd be accepted for Schedule 1 of Contract 4/08;**
2. **THAT the Lump Sum tender in the sum of \$470,663.00 submitted by CLM Trenchless Pty Ltd be accepted for Schedule 2 of Contract 4/08;**
3. **THAT the Lump Sum tender in the sum of \$215,055.00 submitted by CLM Trenchless Pty Ltd be accepted for Schedule 3 of Contract 4/08;**
4. **THAT the Lump Sum tender in the sum of \$194,724.00 submitted by Interflow Pty Ltd be accepted for Schedule 4 of Contract 4/08;**
5. **THAT the Lump Sum tender in the sum of \$293,900.00 submitted by O'Brien Civil Pty Ltd be accepted for Schedule 5 of Contract 4/08;**
6. **THAT the Mayor and General Manager be granted authority to execute the contract(s) under the Common Seal of the Council.**

PASSED

ADDITIONAL MATTERS

1. **PROPOSED MONTESSORI SCHOOL AT 5 ELIZABETH STREET,
BURRADOO**

LUA07/0723

Relevant Legal Provision

The matter is referred to Closed Committee under Clause 10A(2)(g) of the Local Government Act 1993 as it relates to advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on the lodgement of an application for a proposed Montessori School at 5, Elizabeth Street, Burradoo.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

The Committee on a **MOTION** moved by Clr M J Murray seconded by Clr P A George
RECOMMENDED:

THAT Council defends its decision regarding the proposed Montessori School at 5 Elizabeth Street, Burradoo.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clrs Lewis, Mauger, King, George, M Murray, Tuddenham and Campbell-Jones

Voting against the Motion: Clrs Gair, Whipper, S Murray, Clark and Yeo

.....Cont'd

Cont'd.....

2. **PROPOSED SEPP SENIORS LIVING AT 'CAPERNWRAY', MOSS VALE ROAD, MOSS VALE**

LUA06/1457

Relevant Legal Provision

The matter is referred to Closed Committee under Clause 10A(2)(g) of the Local Government Act 1993 as it relates to advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on the lodgement of an application for a proposed SEPP Seniors Living at "Capernwray", Moss Vale Road, Moss Vale

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

The Committee on a **MOTION** moved by Clr M J Murray seconded by Clr P J Yeo
RECOMMENDED:

THAT Council defends the proceedings initiated by the applicants of Capernwray (LUA06/1457) in the Land & Environment Court AND THAT this matter be referred to the Ordinary Meeting of Council to be held on Wednesday, 6 February 2008.

PASSED

OPEN COUNCIL

MN 421/07

MOTION moved by Clr LAC Whipper and seconded by Clr J R Clark :

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 422/07

MOTION moved by Clr LAC Whipper seconded Clr J R Clark:

THAT the recommendations of the Closed Council held on Wednesday, 28 November 2007 EP-1, CS-1, CS-2, TS-1, TS-2 and Additional Matters 1 and 2 inclusive, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 December 2007



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.50PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 12 December 2007 numbered MN 384/07 to MN 422/07, were signed by me hereunder at the Council Meeting held on Wednesday, 30 January 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 30 JANUARY 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 December 2007

