

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



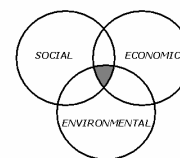
held on Wednesday, 2 April 2008

The meeting commenced at 3.32pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 2 April 2008



CONTENTS

CONFIRMATION OF MINUTES	2
MATTERS DEFERRED FROM COUNCIL MEETING HELD ON 26 MARCH 2008	5
ENVIRONMENT & PLANNING DIVISION	5
o-EP5 Renwick Voluntary Planning Agreement.....	5
VISITOR ITEMS	8
v-EP1 Proposed Redevelopment, Home Hardware Site Mittagong	8
MATTERS REFERRED FROM 26 MARCH 2008 COUNCIL MEETING	9
COMMITTEE REPORTS ATTACHED	9
c-CR2 Legal Committee	9
c-CR3 Moss Vale Livestock Selling Centre Strategic Advisory Board.....	10
VISITOR ITEMS	11
v-EP1 Proposed Redevelopment, Home Hardware Site Mittagong	11
v-EP2 Proposed Child Care Centre at Crimea Street, Balaclava	11
OPEN COUNCIL	12
ENVIRONMENT & PLANNING DIVISION	12
o-EP1 NSW Food Regulation Partnership	12
o-EP2 Port O'Call Hotel, Cnr Bong Bong & Bundaroo Streets, Bowral	13
o-EP3 Proposed Boundary Adjustment and SEPP 1 Objection: Springhill Road, High Range..	13
TECHNICAL SERVICES DIVISION	14
o-TS1 Leisure Centre Project Reference Group.....	14
OTHER MATTERS	15
c-NM1 11/2008 – Notice of Motion – Development Consents – 5 year period	15
MATTERS DEFERRED FROM COUNCIL MEETING HELD ON 26 MARCH 2008	16
COMMITTEE REPORTS TABLED	16
c-CR1 Management and Advisory Committee Reports	16
QUESTIONS FROM THE PUBLIC	16
GENERAL BUSINESS	17
COMMITTEE REPORTS TABLED	22
c-CR1 Management and Advisory Committee Reports	22
CORPORATE SERVICES DIVISION	23
CS1 Closed Council	23
CLOSED COUNCIL	26
CS-1 Leisure Centre Re Consultant Appointment for Verification of Value of Land	26
TS-1 Mittagong Water Supply Augmentation - Tender Assessment	27
TS-2 Assignment of Waste Contracts.....	28
CS-2 Hancock v WSC	29

COMMENCING AT: 3.32PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George (4.07pm), Clr M L King, Clr J E Mauger,
Clr M J Murray, Clr P B Tuddenham, Clr L A C Whipper
and Clr P Yeo

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

PRAYER

100/1

The meeting was opened in prayer led by Reverend Robyn Triglone of Mittagong Uniting Church.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 26
MARCH 2008

100/1

MN 117/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 26 March 2008 MN 95/08 to MN 116/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

DECLARATIONS OF INTEREST

101/3

1. Clr P B Tuddenham declared a pecuniary interest in Item v-EP1 Proposed Development – Home Hardware site, Mittagong as he is the owner of premises located in Station Street, Mittagong. 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 T D Gair declared a pecuniary interest in Item o-EP1 – NSW Food Regulation Partnership as he is a shop owner and is directly affected by the increase in fees. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
-

UPDATE ON EVENTS AT WOLLONGONG AND SHELLHARBOUR CITY COUNCILS

205/2, 205/5

For the information of Councillors, the Mayor gave an overview of a Wollongong City Council business lunch he had attended on Monday, 31 March 2008. The guest speaker had been Gabrielle Kibble AO, one of the three administrators appointed by Wollongong City Council and all three administrators were present at the lunch.

The role of the administrators is to assume the functions of the Mayor and the elected Councillors. The General Manager, Mr David Farmer, will continue in his role and the administrators will hold office for a period of four (4) years until the Council elections to be held in 2012. Therefore, there will be no elected representatives in Wollongong City Council until that time.

The Mayor added that he had been privileged to speak to some of the independent Councillors who had not been involved in the court proceedings but had been dismissed. When they knew he was the Mayor of Wingecarribee Shire they spoke very highly of the General Manager, Mr Mike Hyde, who had previously worked at Wollongong City Council.

The Mayor advised that the ruling on Shellharbour Council would be handed down at the end of April. His observation was that there have been two Councillors in particular since the last Council elections who have spent most of their time trying to disrupt proceedings and he felt that this was a sad predicament for a Council.

The Mayor stated that those members of the public who have suggested Wingecarribee Shire Council should also be sacked do not have any evidence or grounds on which to base these comments. These people need to stop and think that in the case of Port Macquarie-Hastings Council and Wollongong City Council who have been dismissed in the last month there will be no community representation on those Councils for four years. He recognised that there was community angst regarding some matters but stressed that all Councillors around this table including himself worked very diligently for the Shire.

OPEN COUNCIL

MN 118/08

107/10

MOTION moved by Cllr J Clark and seconded by Cllr P Yeo:

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Cllr T D Gair in the Chair.

PASSED

MATTERS DEFERRED FROM COUNCIL MEETING HELD ON 26 MARCH 2008

ENVIRONMENT & PLANNING DIVISION

o-EP5 Renwick Voluntary Planning Agreement

REF: DEP

5817/9

Reporting on the progress on the Renwick Voluntary Planning Agreement.

Clr P George joined the meeting during discussion of this matter.

Mr Richard Wood and Mr Mick Burt of Landcom addressed the meeting on behalf of the applicant in this matter.

Clr N N Campbell-Jones stated that in his opinion Clause 7.4 on page 8 of the Proposed Renwick Planning Agreement appeared to indemnify a profit for Landcom.

Mr Burt responded that the issue relates to moving forward with the project as markets can fluctuate and profit levels may not be what they would have been at the instigation of this project. He was quite happy to negotiate the final drafting of it. The GST clause had also been rewritten and the bottom line is that Council could not be asked to pay GST.

Clr M Murray suggested that this clause be deleted and Mr Burt agreed that with this request.

Clr M Murray referred to Clause 14 regarding Leisure Centre Monetary Contributions and asked it were possible for Council's lawyers to redraft this clause to include some sort of definition for a community wide facility. He added that if there was a disagreement the matter could be referred back to Clause 24 as is done in Clause 14.6 (Dispute Mechanism).

Mr Burt responded that Landcom was happy to have the Leisure Centre within the agreement as it is a leisure and lifestyle objective. Should the Leisure Centre not proceed he confirmed that the money would stay in the plan on the basis that it is for a community facility specifically located in the Renwick area in line with healthy lifestyle activities.

.....Cont'd

Cont'd.....

OC 42/08

The Committee on a MOTION moved Clr M Murray and seconded Clr P Yeo
RECOMMENDED:

1. **THAT the Mayor and General Manager be delegated authority to approve an amendment to Clause 14.2 - Leisure Centre Monetary Contributions and Clause 38 - GST to actively reflect the agreement between the parties discussed in Council including that the facility have a lifestyle benefit with a relevant nexus to Renwick.**
2. **THAT Council notes that Clause 7.4 is to be removed.**
3. **THAT subject to the above amendments Council endorses the Draft Planning Agreement for the purpose of placing it on public exhibition.**
4. **THAT following the public exhibition process, a report be presented to Council.**

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

1. **THAT Council notes that Clause 7.4 is to be removed.**
2. **THAT Clause 14.2 be amended to the satisfaction of full Council before going on public exhibition.**
3. **THAT subject to the above amendments Council endorses the Draft Planning Agreement for the purpose of placing it on public exhibition.**
4. **THAT following the public exhibition process, a report be presented to Council.**

LOST

MOTION PASSED

SUSPENSION OF STANDING ORDERS

Clr P Yeo requested that standing orders be suspended to allow Item v-EP1 Proposed Redevelopment – Home Hardware Site, Mittagong to be heard at this juncture of the meeting as the applicant, Mr Jim Allman, was present in the gallery.

OC 43/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr J Mauger
RECOMMENDED:

THAT standing orders be suspended to allow Item v-EP1 Proposed Redevelopment – Home Hardware Site, Mittagong to be considered.

PASSED

VISITOR ITEMS

v-EP1 Proposed Redevelopment, Home Hardware Site Mittagong

REF: DCM

LUA07/0555

Reporting on proposed re-development at Lots 7 and 30, Section 4 DP 1289, Lots 1 to 4 DP913353, Lot 1 DP724351 and Lot 1 DP 1003684, Bowral Road & Princess Street, Mittagong. Applicant: Allman Johnston, Architects.

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as he is the owner of premises located in Station Street, Mittagong. He left the chamber, took no part in the debate and refrained from voting thereon.

Mr Jim Allman addressed the meeting on behalf of the applicant in this matter.

OC 44/08

The Committee on a MOTION moved Clr N N Campbell-Jones and seconded Clr M Murray
RECOMMENDED:

THAT authority be delegated to the Director Environment and Planning to approve the development application for the redevelopment of the Home Hardware site in 2 stages as described in the report, and subject to special conditions including:

- a) ***The provision of car parking as described in the report;***
- b) ***The provision of traffic lights at the Bowral Road/Princess Street intersection as part of stage 1 and at the developer's expense;***
- c) ***The upgrading of Regent Lane as part of stage 1;***
- d) ***The dedication of the splayed corner of Princess/Regent Street as part of stage 2;***
- e) ***The retention of existing trees in Bowral Road;***
- f) ***The need for further investigation if any artefacts are found during construction work; and***
- g) ***The requirements of the Roads & Traffic Authority in respect of road works, and the Sydney Catchment Authority in respect of water quality;***
- h) ***The retention of the builders' supply yard in Priestley Street as the bulky goods centre.***
- i) ***The construction of traffic lights be in lieu of a Section 94 levy.***
- j) ***The investigation of water sensitive urban design and solar power as possible options.***

PASSED

MATTERS REFERRED FROM 26 MARCH 2008 COUNCIL MEETING

COMMITTEE REPORTS ATTACHED

c-CR2 Legal Committee

REF	DEP	107/22
-----	-----	--------

Submitting minutes of the Legal Committee meeting held on Wednesday, 12 March 2008.

Interest: Clr N N Campbell-Jones declared a non pecuniary interest in the matter of Truck Parking/Depots in Ovington Road Yerrinbool as he resides in the area. He left the chamber, took no part in the debate and refrained from voting thereon.

Clr M Murray referred to Truck Parking/Depots in Ovington Road, Yerrinbool and stated that he believed Council was in court regarding this matter. He asked for further details to be provided via the Weekly Circular.

OC 45/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr M Murray
RECOMMENDED:

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 12 March 2008 be adopted.

PASSED

c-CR3 Moss Vale Livestock Selling Centre Strategic Advisory Board
--

REF	PPM	7170/01
-----	-----	---------

Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board meeting held on Friday, 7 December 2007.

The Mayor, Clr G Lewis, referred to Recommendation 4 on page 17 of the business paper regarding "Country Hour" and the National Livestock Reporting Service (NLRS) who had indicated they were not interested in reporting matters concerning the Moss Vale Livestock Selling Centre (MVLSC). He asked how Council compared against some of the other selling centres in New South Wales.

Clr T D Gair responded that the MVLSC was not a large centre, being more in the medium sized range. Therefore because of our size the NLRS is not interested and Council would have to supply the commentary. If it used the NLRS commentary team there would be a cost to Council and to this point we have not determined how far we will pursue the matter but a further report would be coming to Council.

OC 46/08

The Committee on a MOTION moved Clr T D Gair and seconded Clr J Mauger
RECOMMENDED:

THAT recommendation Nos 1 to 4 as detailed in the minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board meeting held Friday, 7 December 2007 be adopted.

PASSED

VISITOR ITEMS

v-EP1 Proposed Redevelopment, Home Hardware Site Mittagong

REF: DCM

LUA07/0555

Reporting on proposed re-development at Lots 7 and 30, Section 4 DP 1289, Lots 1 to 4 DP913353, Lot 1 DP724351 and Lot 1 DP 1003684, Bowral Road & Princess Street, Mittagong. Applicant: Allman Johnston, Architects.

This matter was considered earlier in the meeting (refer OC 44/08).

v-EP2 Proposed Child Care Centre at Crimea Street, Balaclava

REF: DCM

LUA 07/1052

Reporting on proposed Alterations and Additions to Dwelling and Change of Use to Child Care Centre at Lot 9 DP 841 Crimea Street, Balaclava.

OC 47/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr N N Campbell-Jones
RECOMMENDED:

THAT authority be delegated to the Director Environment & Planning to approve LUA07/1052 for a Child Care Centre at Lot 9 DP 841 Crimea Street, Balaclava subject to conditions as generally included in Attachment 2 (circulated under separate cover).

PASSED

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 NSW Food Regulation Partnership

REF: EHM

5401/3

Reporting on recent amendments to the Food Act 2003 and Food Regulation 2004, which sees changes to the role of Councils in the regulation of Food Quality.

Interest: Clr T D Gair had previously declared a pecuniary interest in this matter but now withdrew this interest as the fees are included in Council's Schedule of Fees & Charges which apply across the Shire.

OC 48/08

The Committee on a *MOTION* moved Clr J Clark and seconded Clr L A C Whipper
RECOMMENDED:

1. **THAT Council adopts Category B as its level of participation under the amendments to the Food Act 2003, and that the NSW Food Authority be informed accordingly.**
2. **THAT the normal inspection fee be increased to \$80 (GST incl), and that an inspection fee of \$143.08 be charged for an inspection of large premises, where the inspection time takes 1 hour or more.**
3. **THAT Council charges the \$330 fee for issuing an improvement notice and carrying out one re-inspection.**
4. **THAT these fees and charges be considered in Council fees and charges adoption process, and then be applied after 1 July 2008.**

PASSED

o-EP2 Port O'Call Hotel, Cnr Bong Bong & Bundaroo Streets, Bowral

REF: DCM

LUA07/1187

Reporting on a Section 96 (2) amendment for the Port O Call Hotel at Lot 10 DP 805345 Bong Bong Street and Bundaroo Street, Bowral

OC 49/08

The Committee on a MOTION moved Clr N N Campbell-Jones and seconded Clr P Yeo
RECOMMENDED:

THAT Council delegates authority to the Director Environment & Planning to issue an amended consent pursuant to the Section 96(2) application for modification under LUA07/0118 as detailed within the amended plans forming Attachment 1 to this report AND THAT the Heritage Advisor's recommendations on colour tones be included in the conditions of consent.

PASSED

o-EP3 Proposed Boundary Adjustment and SEPP 1 Objection: Springhill Road, High Range

REF: DCM

LUA07/1229

Reporting on a boundary adjustment and SEPP 1 Objection lodged for lots 11 & 12 DP 800599 Springhill Road, High Range.

OC 50/08

The Committee on a MOTION moved Clr M Murray and seconded Clr N N Campbell-Jones
RECOMMENDED:

THAT this matter be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 23 April 2008 to allow the applicant the opportunity to provide information regarding the ability for effluent to be treated onsite.

PASSED

TECHNICAL SERVICES DIVISION

o-TS1	Leisure Centre Project Reference Group
--------------	---

REF: DPM	7181/5
----------	--------

Reporting on the minutes of the meeting of the Leisure Centre Project Reference Group held Monday 17 March 2008.

OC 51/08

The Committee on a MOTION moved Clr M Murray and seconded Clr N N Campbell-Jones
RECOMMENDED:

1. ***THAT*** the selective tendering process continue through the short-listing of suitable building contractors, but that tenders for construction not be invited until Council has considered the outcome of the poll;
2. ***THAT*** the consultants for the Leisure Centre complete the tender documentation and pre-tender estimate of cost;
3. ***THAT*** the cost estimates prepared by Council's current Quantity Surveyors be considered when formulating the wording of a question for the poll.

PASSED

NOTICES OF MOTION

OTHER MATTERS

c-NM1	11/2008 – Notice of Motion – Development Consents – 5 year period
--------------	--

REF:	MAS
------	-----

100/4, 5302/1

Clrs T D Gair and M Murray have given notice of their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 2 April 2008.

*“**THAT** all Development consents issued by Council be for a maximum period of 5 years as allowed under the provisions of the E & P Act, unless otherwise determined by Council at the time of determining the Development Application”.*

OC 52/08

The Committee on a MOTION moved Clr P Yeo and seconded Clr M Murray
RECOMMENDED:

THAT this matter be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 23 April 2008 to allow a Councillor Information Session to be held at which the options available to Council will be clarified.

PASSED

CHAIRPERSON

At 5.30pm, being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

MATTERS DEFERRED FROM COUNCIL MEETING HELD ON 26 MARCH 2008

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF.	DCS	107/1
------	-----	-------

Submitting minutes of the following nine (9) Committee meetings that will be tabled for information.

1. Bong Bong Common Management Committee meeting Tuesday 27 November 2007
2. Bong Bong Common Management Committee meeting Tuesday 5 February 2008
3. East Bowral Community Centre Management Committee meeting Tuesday 29 January 2008
4. Exeter Park Management Committee meeting Monday 4 February 2008
5. Exeter Park Management Committee Executive meeting Monday 3 March 2008.
6. Mittagong Community Centre Management Committee meeting Thursday 14 February 2008
7. Mittagong Memorial Hall Management Committee meeting Thursday 6 March 2008
8. Moss Vale Senior Citizens and Community Centre Management Committee meeting Monday 4 February 2008
9. Wingecarribee Aboriginal Advisory Committee Meeting Tuesday the 26 February 2008

MN 119/08

MOTION moved by Cllr P Yeo seconded Cllr P B Tuddenham:

THAT the information contained in the nine (9) Committee Reports be noted.

PASSED

QUESTIONS FROM THE PUBLIC

No questions were received from the public.

GENERAL BUSINESS

GENERAL BUSINESS

1. MOBILE PHONES 607/3

Clr T D Gair requested information on the number of mobile phones Council had purchased from Telstra and referred to the problems associated with them.

The General Manager responded that Telstra has acknowledged that the phones are faulty and he has met with Pat Nolan, the Area Manager. He confirmed that all phones not performing properly will be replaced.

2. ROBERTSON SEWERAGE WORKS 7650

Clr T D Gair referred to the sewerage treatment works grants and asked where this puts the accelerated time frame with the \$6.5 million for the Robertson sewerage works.

The General Manager responded that the dollar provision is not what is holding up the Sewerage Treatment Plant. It means that Council ends up with a happy situation where ratepayers, sewer users etc do not have to subsidise it as much. The issue of timing is totally separate, the facility is being built as fast as possible but there are a number of constraints.

The Sewerage Projects Co-ordinator, Mark Williams, added that the Environmental Impact Statement for the project is finished and the final negotiations with the landowner of the irrigation property are preventing this going on public exhibition. As soon as the landowner signs the agreement with Council construction can commence and this is likely to be early in 2009 as long as the environmental approval process goes smoothly.

3. ELLSMORE ROAD, EXETER RD 2304 0010

Clr M Murray referred to Ellsmore Road, Exeter and stated that he had emailed the Director Technical Services to request a date when this road may be sealed.

The Acting Director Technical Services responded that he would provide details in the Weekly Circular.

GENERAL BUSINESS

4. SIGNS ON INTEGRAL ENERGY POLES 5613, 6322, 5501/5

Clr N N Campbell-Jones referred to the signage placed high up on Integral Energy poles which has now changed from “*Your Rights at Work*” to “*Don’t Sell off the Power Stations*”. He asked what can be done about these signs as they are against Council’s signage policy.

The General Manager responded that there was very little, if anything, that Council could do as the signs were being installed by union members who were totally opposed to the sell off of the power stations. He stated that he would write again to Integral Energy but would probably not receive a positive response.

Clr Campbell-Jones stated that he felt Council should take action “politically” about this matter and that he would work out the wording for a resolution to come to a future Ordinary Meeting of Council.

5. BRIDGE AT END OF RANGE ROAD, MITTAGONG 7850, RD 3189

Clr P B Tuddenham referred to the bridge at end of Range Road near Frensham and asked who was responsible for the maintenance of the surface which had a lot of cracks in it - i.e. whether it was the Roads & Traffic Authority or Council who was responsible.

The Acting Director Technical Services responded that he believed it was Council’s responsibility but would investigate and respond to Clr Tuddenham.

6. LEISURE CENTRE AND LAND SALES 7181/4, 7122/2

Clr L A C Whipper referred to the question raised by Mrs Jan Hainke at the Ordinary Meeting of Council held on Wednesday, 26 March 2008 which she did not believe was recorded in the Council minutes - i.e. “*If the sale of land goes ahead and money is accumulated through the sale of any lands and the Leisure Centre doesn’t go ahead, where would that money then be distributed?*”

The General Manager responded that this question had been forwarded to the appropriate Council officer for a formal reply to Mrs Hainke. However in short, the money becomes funds for Council and when any real estate is sold Council will decide through its budgetary processes where it applies those funds.

7. UPPER NEPEAN COMMUNITY REFERENCE GROUP MEETING

5459/7

Clr L A C Whipper advised that on Monday, 31 March 2008 the Upper Nepean Community Reference Group had met again and that there is a month long exhibition which commenced today in relation to the environmental assessments for that project. There were some concerns regarding this and the reference group is at the moment preparing a submission in relation to the assessments to forward to the Sydney Catchment Authority (SCA).

A couple of points came up during the presentation of which Clr Whipper felt Councillors should be aware. They are prepared to come and make a presentation between now and the close of the exhibition period so that Councillors can be briefed on their submission. It would be a good opportunity for Councillors to become aware of the submission that the group is going to put forward and perhaps we can consider whether we want to support that submission or take elements of it to put a proposal forward ourselves.

At the meeting they were advised that the SCA have been communicating with Council staff regarding the use of some public road signs on which to place infrastructure in relation to the bore field extraction. Clr Whipper made it clear that Councillors were not aware of this but was told by the SCA that they were communicating with staff. Clr Whipper suggested that Councillors should be informed of this and stated that a presentation would be made to the Environment Committee in the next couple of weeks which Councillors may wish to attend once a date has been set.

The General Manager stated that he has been communicating with the Environment & Health Manager on the whole project. The Director Environment & Planning is proposing to hold an Information Session for Councillors and to distribute available information in the form of a CD so that Councillors are fully appraised of what may or may not be going to happen and the time lines. There was also an intention to ask for a time extension in view of the Council meeting dates so that an information session can be held and feedback obtained for a submission to forward to the SCA.

The General Manager suggested that it was probably appropriate as a matter of urgency to put forward a motion so that Council has a resolution from which the Director Environment & Planning can draft a letter to say that Council has resolved to ask for an extension.

Clr N N Campbell-Jones expressed his concern regarding the water that is going from Wingecarribee to Goulburn. He believed that this shire is going to be reliant on the use of water habits of the people of Goulburn because of this permanent pipe line that is going to be constructed. He asked if there was a set of rules on exactly what triggers the usage of Wingecarribee water to Goulburn or whether it will be constantly available.

.....Cont'd

Cont'd.....

MATTER OF URGENCY

7730, 5458/7, 5458/2

1. **EXHIBITION PERIOD FOR THE UPPER NEPEAN BOREFIELDS PROJECT**

The Mayor requested that due to the unstable water situation and the time frame relating to the exhibition period this should be treated as a matter of urgency.

MN 120/08

MOTION moved by *Clr L A C Whipper* seconded *Clr N N Campbell-Jones*:

THAT *this be treated as a matter of urgency.*

PASSED

MN 121/08

MOTION moved *Clr L A C Whipper* and seconded *Clr N N Campbell-Jones*:

1. **THAT** *Council makes representations to the Sydney Catchment Authority (SCA) seeking an extension of the exhibition period in relation to the submission regarding the environmental assessment for the Upper Nepean (Kangaloon) Borefields Project.*
2. **THAT** *the SCA be asked to comment on the set of rules to trigger the supply of water in the pipeline to Goulburn.*

PASSED

8. **BLUEGUM ROAD, BUNDANOON – ROAD WIDENING AND TREE REMOVAL** RD 1809, 7813/1

Clr J Clark referred to the above matter and asked that Council responds to his requests for information on the removal of endangered ecological communities which may result from proposed road widening at Blue Gum Road. He also asked that Council informs residents what measures will be undertaken to minimise damage to existing vegetation.

The Director Environment & Planning stated that he would provide a response in the Weekly Circular.

9. CHERRY TREE WALK

6527/14.1

Clr P Yeo referred to the fact that some trees on the Cherry Tree Walk are doing well while others have been vandalised. The healthier trees are now competing with other exotics and in one case a native tree. He believed that sensitive and judicious pruning was needed as they are growing into each other and the cherry trees are unable to blossom properly. He asked if Council could work with the appropriate groups to have this work carried out between Bowral Pool and Boolwey Street.

The Mayor stated that the Parks & Property Manager and the Civic Services Co-ordinator are dealing with the matter and there appears to be some disagreement between the groups as to what should be done. However, Council is trying to resolve the issue in the best way possible and an update on this matter would be provided in the Weekly Circular.

The General Manager stated that there appeared to be a big friction point in terms of applying the Master Plan when it has been adopted. There is no way to keep everyone happy but we have gone through a process which started 14 months ago when we went and listened to the groups and came up with a resolution about a mechanism to move forward. We are still moving through that mechanism and will be meeting next week with the Parks & Property Manager and Director Corporate Services to align the budgets so that the money is there to move the trees that need to be moved in a timely manner.

Clr Yeo stated that Council needed a management plan for the creek itself and that during the life of this Council we should sign off on the Master Plan for the whole reserve between the swimming pool and Bowral Street.

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
--------------	--

REF.	DCS	107/1
------	-----	-------

Submitting minutes of the following three (3) Committee meetings that will be tabled for information.

1. Minutes of the 2007 Annual General Meeting of Southern Councils Group held 7 March 2008.
2. Minutes of the 1st Business Meeting of 2008 of the Southern Councils Group held 7 March 2008.
3. Minutes of the Water & Sewer Advisory Committee meeting held 13 February 2008

MN 122/08

MOTION moved by Clr P Yeo and seconded Clr P B Tuddenham:

THAT the information contained in the three (3) Committee Reports be noted.

PASSED

CORPORATE SERVICES DIVISION

CS1	Closed Council	
REF.	DCS	107/9

To consider moving into Closed Council.

At this juncture, the time being 6.15pm, 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.

No objections were received from the members of the public.

MN 123/08

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

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:**

CS-1 **LEISURE CENTRE RE CONSULTANT APPOINTMENT FOR VERIFICATION OF VALUE OF LAND** **100/4 & 7181**

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2) (c) of the Local Government Act 1993 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.

Brief Description

Reporting on the expressions of interest submitted by consultants for appointment to verify the value of land proposed to be sold in respect of the Leisure Centre.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because 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.

TS-1 MITTAGONG WATER SUPPLY AUGMENTATION - TENDER ASSESSMENT

7740/11

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

Presenting details of tenders for the structural design and construction of a water supply reservoir at Willow Vale and construction of associated pipelines to augment the Mittagong water supply system.

Public Interest

It would 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 ASSIGNMENT OF WASTE CONTRACTS

7500/19.1, 7501/23

Relevant Legal Provision

This report is placed in Closed Committee and should be treated as CONFIDENTIAL in accordance with the provisions of Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Brief Description

Reporting on the proposed sale of Staples Bros Pty Ltd, the Contractor providing Domestic Waste Collection and RRC Transportation services to Council, and the subsequent assignment of these contracts.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could prejudice the commercial interests of a party with whom Council has contractual arrangements.

SUPPLEMENTARY REPORT

CS-2 HANCOCK V WSC

PN1720080, 1421/1

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

Brief Description

Reporting on a legal matter between Wingecarribee Shire Council and Mr & Mrs Hancock and claim for professional fees by Bohdan Bilinsky.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject 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

CLOSED COUNCIL

CLOSED COUNCIL

CS-1 Leisure Centre Re Consultant Appointment for Verification of Value of Land

REF. MAS

100/4 & 7181

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2) (c) of the Local Government Act 1993 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.

Brief Description

Reporting on the expressions of interest submitted by consultants for appointment to verify the value of land proposed to be sold in respect of the Leisure Centre.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because 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.

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

1. **THAT Inspira Planning & Development be appointed as consultant to undertake a review of Mittagong Sewerage Treatment Plant (Roscoe Street, Mittagong) and Bowral Swimming Pool to provide a report on possible development options and potential financial returns.**
2. **THAT the fees for the consultant detailed in the report be paid from the Property Development Reserve.**

PASSED

TS-1	Mittagong Water Supply Augmentation - Tender Assessment
-------------	--

REF: MBW	7740/11
----------	---------

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

Presenting details of tenders for the structural design and construction of a water supply reservoir at Willow Vale and construction of associated pipelines to augment the Mittagong water supply system.

Public Interest

It would 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 Murray seconded by Clr P Yeo
RECOMMENDED:

1. **THAT the tender of CLM Excavations Services Pty Ltd be accepted for Contract 0702036 at a lump sum cost of \$6,453,473.55 (exclusive of GST);**
2. **THAT the Mayor and General Manager be authorised to execute the contract documentation under the Common Seal of Council.**

PASSED

CLOSED COUNCIL

TS-2 Assignment of Waste Contracts

REF: RRCM

7500/19.1, 7501/23

Relevant Legal Provision

This report is placed in Closed Committee and should be treated as **CONFIDENTIAL** in accordance with the provisions of Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Brief Description

Reporting on the proposed sale of Staples Bros Pty Ltd, the Contractor providing Domestic Waste Collection and RRC Transportation services to Council, and the subsequent assignment of these contracts.

Public Interest

It would be contrary to the public interest to consider this information in Open Council because it contains information which could prejudice the commercial interests of a party with whom Council has contractual arrangements.

The Resource Recovery Manager, Miles Lochhead, addressed Council on this matter.

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

1. **THAT Council approves the assignment of the Domestic Waste Contract and the Resource Recovery Transport Contract from Staples Bros Pty Ltd to WSN Environmental Solutions;**
2. **THAT subject to the satisfactory completion of due diligence investigations and finalisation of commercial arrangements, the Mayor and the General Manager be authorised to execute Deeds of Assignment under the Common Seal of Council.**

PASSED

Dissenting vote: Clr J Mauger asked that his dissenting vote be recorded in respect of this motion

SUPPLEMENTARY REPORT

CS-2	Hancock v WSC
-------------	----------------------

REF. DCS	PN1720080, 1421/1
----------	-------------------

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

Brief Description

Reporting on a legal matter between Wingecarribee Shire Council and Mr & Mrs Hancock and claim for professional fees by Bohdan Bilinsky.

Public Interest

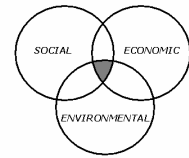
It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

The Committee on a MOTION moved by Clr T D Gair seconded by Clr L A C Whipper

RECOMMENDED:

THAT the General Manager be authorised to settle the matter as agreed by Council.

PASSED



OPEN COUNCIL

MN 124/08

MOTION moved by Clr P Yeo seconded Clr M Murray:

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 125/08

107/9

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

THAT the recommendations of the Closed Council held on Wednesday, 2 April 2008
CS-1, TS-1, TS-2 and Supplementary Report CS-2, be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 126/08

107/10

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

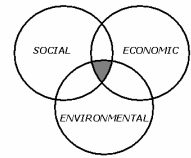
THAT the recommendations of the Open Council held on Wednesday, 2 April 2008
being OC 42/08 to OC 52/08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 2 April 2008



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.40PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 2 April 2008 numbered MN 117/08 to MN 126/08, were signed by me hereunder at the Council Meeting held on Wednesday, 23 April 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 23 APRIL 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 2 April 2008

