

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 14 May 2008

The meeting commenced at 3.33 pm.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 14 May 2008

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**COMMENCING AT:** 3.33PM

**PRESENT:** Councillor Gordon Lewis (Mayor) in the Chair  
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,  
Clr P A George (3.45pm), Clr M L King, Clr J E Mauger,  
Clr M J Murray, Clr S H Murray (3.40pm), Clr P B Tuddenham  
(5.45pm), and Clr L A C Whipper

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

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**PRAYER**

100/1

The meeting was opened in prayer led by Captain David Day of Bowral Salvation Army.

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**APOLOGY**

PERS

***MN 168/08***

***MOTION moved by Clr M Murray and seconded by Clr J Clark:***

***THAT the apology of Clr P Yeo be accepted and leave of absence granted.***

***PASSED***

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**PUBLIC FORUM**

Mr John Peters requested and was granted permission to address Council on the following item in the agenda.

*o-EP7 Road Construction Standard for Joadja Road, Joadja*

The Mayor thanked Mr Peters for his comments which would be taken in account when the matter was considered later in the meeting.

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## CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 23  
APRIL 2008

100/1

**MN 169/08**

**MOTION** moved by *Clr T D Gair* and seconded by *Clr M King*:

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 23 April 2008 MN 129/08 to MN 148/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the exception of Item o-EP10 Request for Removal of Common Seal of Council on page 18 of the minutes.

**PASSED**

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1. o-EP10 - REQUEST FOR REMOVAL OF COMMON SEAL OF COUNCIL

The Manager Administration Services advised of a correction to Item OC 67/08.

LUA00/1227

**MN 170/08**

**MOTION** moved by *Clr J Mauger* and seconded by *Clr T D Gair*:

**THAT** the Mayor and General Manager be granted authority to release 88(E) Restriction on the property at Lot 32 DP869229 Yarrowa Road, Moss Vale **AND THAT** the Mayor and General Manager be granted authority to affix the Common Seal of the Council to the Land Titles dealing "Release or Extinguishment of Restriction on the Use of Land.

**PASSED**

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## BUSINESS ARISING

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1. C-QWN1: QWN 01/08 – WRITE-OFF OF DEBT

101/2

Clr L A C Whipper referred to the Question with Notice on page 23 of the minutes and asked when the further report on this matter would come to Council.

The General Manager responded that he believed a report would be brought to the Ordinary Meeting of Council to be held on Wednesday, 28<sup>th</sup> May 2008.

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MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
30 APRIL 2008

100/1

**MN 171/08**

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

**THAT the minutes of the Extraordinary Meeting of Council held on Wednesday, 30 April 2008 MN 149/08 to MN 167/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.**

**PASSED**

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**DECLARATIONS OF INTEREST**

101/3

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1. Clr T D Gair declared a pecuniary interest in Item c-NM3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition (the matter relating to Lots 10 and 11, Sec 4, DP 758415, Fitzroy Falls) as he is an adjacent landowner. 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 G Lewis declared a pecuniary interest in Item c-NM3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition (the matter relating to the corner of Park Road and Purcell Street Bowral) as he resides in the vicinity. 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 S Murray declared a pecuniary interest in Item c-NM3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition (any items in the vicinity of her home at 39 Oxley Drive, Mittagong and any clauses pertaining to corner allotments) as she is the owner of a corner block. She stated that she would leave the chamber when these matters were discussed, take no part in the debate and refrain from voting thereon.
  4. Clr S Murray declared a non-pecuniary interest in Item c-NM3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition (the matter relating to 31 Cliff Street, Bowral being Lot 5 DP 740677) as she is a friend of the applicant. She stated that she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
  5. Clr S Murray declared a non-pecuniary interest in Item c-NM3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition (the matter relating to the corner of Illawarra Highway & East Street, Robertson - Lots 5 & 6 DP 805522) as she is a friend of the applicant. She stated she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
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6. Clr M Murray declared a pecuniary interest in Item c-NM3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition (the matter relating to the subdivision in Devon Road, Exeter – rezoning to 5 acre lots) as both he and his children’s grandfather own properties in the vicinity. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
  7. Clr M King declared a pecuniary interest in Item c-NM3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition (the extension of the business zoning in Wingello in the LEP) as she resides in the vicinity. She stated that she would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.
  8. Clr N N Campbell-Jones declared a non-pecuniary interest in Item o-EP5 Alterations & Additions to Springett’s Arcade, Bowral as he is a close personal friend of the applicant. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

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**OPEN COUNCIL**

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**MN 172/08**

107/10

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

**THAT** Council moves into Open Council to discuss various matters listed in the Agenda with *Clr M King* in the Chair.

**PASSED**

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**VISITOR ITEMS**

**CORPORATE SERVICES DIVISION**

**v-CS1      2007/10 Management Plan and Budget**

REF:      FSM

2120/2008

Submitting the 2008/11 Draft Management Plan/Budget and Revenue Policy for endorsement as a draft for public exhibition.

Clr P George joined the meeting at 3.45pm.

The Director Corporate Services, Barry Paull and Financial Services Manager, Doug Neville, addressed Council on this matter.

**OC 77/08**

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

1. **THAT the Draft 2008/11 Management Plan/Budget, Revenue Policy and Fees and Charges be endorsed and placed on public exhibition from 19 May to 16 June 2008.**
2. **THAT the Draft 2008/11 Management Plan/Budget and Revenue Policy be considered for adoption by Council at the Ordinary Council meeting on Wednesday 25 June 2008.**
3. **THAT Council confirms its intention to continue with its Wingecarribee Our Future Environment levy of 4.51% of rate revenue for a further 5 years if approved by the Minister.**
4. **THAT Council confirms its intention to source external loan funds of \$5,000,000 for inclusion in the 2008/09 Budget.**

**PASSED**

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## TECHNICAL SERVICES DIVISION

<b>v-TS1</b>	<b>Master Plan for Glebe Park, Bowral</b>
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REF: PPM	6527/3
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The purpose is for Council to endorse the Master Plan for Glebe Park, Bowral and approval for seeking submissions from the public.

Council's Parks & Property Manager, Peter Bowmer, addressed Council on this matter.

### **OC 78/08**

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

**THAT the draft Master Plan for Glebe Park be placed on public exhibition for twenty eight (28) days seeking public comment.**

**PASSED**

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**o-EP1 Development Consents Under Delegated Authority**

REF: DCM 5302

Submitting a list of development consents determined under delegated authority of the Director of Environment and Planning between 20<sup>th</sup> February 2008 and 2<sup>nd</sup> May 2008.

**OC 79/08**

The Committee on a MOTION moved Clr M Murray and seconded Clr G Lewis  
**RECOMMENDED:**

**THAT the information relating to Development Consent No's 1 - 4 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 14/4/08 and 2/5/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 80/08**

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

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

**PASSED**

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Cont'd.....

**Matters Arising from Development Applications Received by Council**

1. 7 LOT SUBDIVISION, 50 NORTH STREET, ROBERTSON LUA08/0350

Clr L A C Whipper referred to Item 8 and stated that he believed this matter should come to a full Council Meeting due to its close proximity to Caalang Creek.

**OC 81/08**

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

***THAT the 7 lot subdivision at 50 North Street, Robertson be referred for consideration to a future Ordinary Meeting of Council.***

**PASSED**

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<b>o-EP3</b>	<b>Land Use Applications Received</b>
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REF: DCM	5302
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Submitting a list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of April 2008.

**OC 82/08**

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

**THAT the information regarding the List of Land Use Applications Received by Council for the month of April 2008, be received and noted.**

**PASSED**

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<b>o-EP4</b>	<b>Proposed Subdivision Lots 17, 18 &amp; 19 DP20797 Centennial Road, Bowral</b>
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REF: DCM	LUA06/0401
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LUA06/0401 was received in May 2006 seeking development consent for an eight (8) lot subdivision of "Neerim", Centennial Road, Bowral. The owner's consent for a proposed access over an adjoining lot was received in April 2008, enabling the application to now be determined.

**OC 83/08**

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

1. **THAT the SEPP 1 objection seeking variation to the 4,000sqm standard be supported.**
2. **THAT the 8 lot subdivision be approved, subject to Conditions of Consent including Rural Fire Service and Department of Natural Resources conditions, a condition requiring a shift in boundary between proposed lot 5 and Lot 6, a condition restricting access to proposed Lot 1-6 via the Central driveway only and a condition requiring a S88b restrictive covenant to accompany the linen plans of subdivision addressing tree removal, architectural and landscaping standards and building envelopes to compliment the "Neerim" dwelling, with Council as the authority empowered to vary or modify the restrictions.**
3. **THAT those who made a submission be advised of Council's decision.**

**PASSED**

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**o-EP5 Alterations & Additions to Springett's Arcade**

REF: DCM

LUA 06/1126

Section 96 Modification has been received seeking approval to modify development consent LUA 06/1126 which approved alterations and additions to Springett's Arcade, Bowral. The original application was presented to Works and Planning Committee, hence the presentation of this Section 96 (2) modification to Council.

**Interest:** Clr N N Campbell-Jones declared a non-pecuniary interest in this matter as he is a close personal friend of the applicant. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr T D Gair requested that the accessible toilet be fitted with a sliding door as opposed to a swinging door and that this be included in the Conditions of Consent.

**OC 84/08**

The Committee on a MOTION moved Clr T D Gair and seconded Clr G Lewis  
**RECOMMENDED:**

**THAT the Section 96 (2) modification be approved including additional conditions accepting the Voluntary Planning agreement offer for deficient car spaces and a condition requiring architectural improvements to the Wingecarribee Street façade.**

The Committee on an AMENDMENT moved by Clr M King and seconded by Clr M Murray:

1. THAT the Section 96 (2) modification be approved containing additional conditions accepting the Voluntary Planning agreement offer for deficient car spaces and a condition requiring architectural improvements to the Wingecarribee Street façade.
2. THAT the roofline over the loading dock remain as previously submitted by the applicant.

**LOST**

**MOTION PASSED**

**o-EP6 Proposed 2 Storey, 32 Hotel Room Addition to Milton Park Country House Hotel**

REF: DCM

LUA 08/0154

LUA08/0154 has been received, and is seeking Council approval for a 2 storey, 32 Hotel Room addition to the Milton Park Country House Hotel. The proposal will increase the total number of guest rooms to 76.

**OC 85/08**

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

1. **THAT if the Rural Fire Service Conditions of Consent are not received within seven (7) days the application for the proposed 2 storey, 32 hotel room addition to Milton Park Country House hotel be approved under delegated authority by the Director Environment & Planning.**
2. **THAT those who made the submissions be advised of Council's decision.**

**PASSED**

**o-EP7 Road Construction standard for Joadja Road, Joadja**

REF: DCM

LUA06/0994

Reporting on S.96 application to modify development consent for an 11 lot subdivision at Lots 22 & 23 DP 1023493 Joadja Road, Joadja. (*This matter was deferred for consideration from the Ordinary Meeting of Council held on Wednesday, 23 April 2008*).

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The Committee on a MOTION moved Clr M King and seconded Clr G Lewis  
**RECOMMENDED:**

1. THAT Joadja Road be upgraded when the eco resort goes ahead at the cost of the applicant.
2. THAT purchasers of the new nine (9) lot subdivision be informed of this amendment to the conditions of consent by way of a letter from the applicant and the applicant to provide a signed copy to Council by the purchaser acknowledging receipt.
3. THAT Council accepts \$120,000 from the applicants to be put aside for the maintenance of Joadja Road or to be put towards the future upgrading when it occurs AND THAT this clause in no way removes the requirement to make full contribution for final road requirements should the eco resort go ahead.

The Committee on an AMENDMENT moved by Clr T D Gair and seconded by Clr L A C Whipper **RECOMMENDED:**

1. THAT Council delegates authority to the Director Environment & Planning to modify the development consent to require a six (6) metre pavement width and to advise the applicant that Council declines the offer of a monetary payment to undertake the roadworks.
2. THAT the Property Officer arranges for the dedication of the eastern section of Joadja Road as Public Road.

**On being put to the meeting voting was tied at five (5) all on the amendment and the matter was therefore deferred for determination until the Mayor resumed the chair (refer to MN 173/08 on page 13).**

**CHAIRPERSON**

At 5.37pm, being the conclusion of Open Council, the Mayor, Clr G Lewis, resumed the chair to conduct the remainder of Council business.

**o-EP7 Road Construction Standard for Joadja Road, Joadja**

REF: DCM

LUA06/0994

This matter was resubmitted from Open Council as voting was tied at five (5) all (refer page 12).

**MN 173/08**

**MOTION** moved by *Clr N N Campbell-Jones* and seconded by *Clr M J Murray*:

1. **THAT** *Joadja Road be upgraded when the eco resort goes ahead at the cost of the applicant.*
2. **THAT** *purchasers of the new nine (9) lot subdivision be informed of this amendment to the conditions of consent by way of a letter from the applicant and the applicant to provide a signed copy to Council by the purchaser acknowledging receipt.*
3. **THAT** *Council accepts \$120,000 from the applicants to be put aside for the maintenance of Joadja Road or to be put towards the future upgrading when it occurs **AND THAT** this clause in no way removes the requirement to make full contribution for final road requirements should the eco resort go ahead.*

The Committee on an **AMENDMENT** moved by *Clr T D Gair* and seconded by *Clr L A C Whipper* **RECOMMENDED**:

1. **THAT** Council delegates authority to the Director Environment & Planning to modify the development consent to require a six (6) metre pavement width and to advise the applicant that Council declines the offer of a monetary payment to undertake the roadworks.
2. **THAT** the Property Officer arranges for the dedication of the eastern section of Joadja Road as Public Road.

**The AMENDMENT was put and voting was tied at 5 all whereupon the Mayor exercised his casting vote to defeat the AMENDMENT.**

**The MOTION was put and voting was tied at 5 all whereupon the Mayor exercised his casting vote in favour of the MOTION.**

**VOTING ON THE MOTION:**

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

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

**Dissenting vote:** *Clr J Mauger requested that his dissenting vote be recorded in respect of this matter.*

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## QUESTIONS FROM THE PUBLIC

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1. PROPOSED PLANT NURSERY AND REFRESHMENT ROOM, LOT 2-5 SECTION 3 DP1002, LOTS 1-25, SECTION 5 DP1002 AND LOT 100 DP1078294 "TARELLA", GREENHILLS ROAD, WERAJ LUA07/1457

Mrs Pam Cooper referred to Item o-EP10 to be considered later in the meeting and asked the following questions:

- a) Is the proposed nursery on Wera Road to be for wholesale or retail sales?
- b) Are there extensions proposed in future if it is a success?
- c) As nurseries need ample water supplies are water tanks to be installed to supplement town water with other environmental considerations, i.e. water recycling?

The Mayor advised that these questions would be taken on notice and a response provided to Mrs Cooper.

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2. EXETER QUARRY 5813/3

Mrs Pam Cooper asked whether Council had received any further information from Mr Frank Sartor on the rezoning of Exeter Quarry? This matter has been in process since 2003 and until DLEP 124 is gazetted the quarry remains potentially operational. She asked if Council could request that this matter be given priority and gazette DLEP 124 or enquire as to when the government will do so.

The Director Environment & Planning responded that Council has been pursuing this matter but has not received a definite answer.

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3. LEISURE CENTRE 7181

Mrs Jan Hainke referred to the debate over the Leisure Centre which has revolved around Stage 1 (comprising an aquatic centre, small gymnasium, meeting room, café and crèche) and asked the following questions:

- a) What form will Stage 2 take?
- b) What will be the cost?
- c) How will it be funded?
- d) When can we expect the promised Leisure and Cultural Centre to be completed?

The General Manager responded that these questions would be taken on notice and a response provided to Mrs Hainke.

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4. LAND USE APPLICATIONS / ABORIGINAL ARCHAEOLOGICAL SURVEYS 5300/1

Mr Peter Falk stated that physical aboriginal archaeological surveys must be carried out on all properties with land area over 5,000 sq.m. and asked if Council could ensure that this is carried out. The archaeological finds to date show that there is a rich Aboriginal heritage in the Wingecarribee Shire and this should not be destroyed as in the past (examples are LUA06/0401, LUA08/0350, LUA07/0771, LUA06/1198 and LUA06/0994).

The Director Environment & Planning stated that he would investigate this matter.

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5. RAILWAY PARADE, BUNDANOON RD 0569 0120

Mr Peter Falk stated that 3 years ago Council had a budget item of \$75,000 to repair Railway Parade, Bundanoon and asked why this had not occurred.

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

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6. MT ALEXANDRA BUSH PARK 6545/5

Mr Peter Falk asked if there was a management plan for Mt Alexandra Bush Park in Welby and if so where is it. He also asked if Council was aware that there are Aboriginal sites on this property being destroyed by the bike tracks and that off-road trail bikes are used in the park.

The Mayor advised that a response would be provided to Mr Falk.

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7. DRAFT WINGECARRIBEE LEP 2007/08 5210/1

Mr Mac Cott advised that it appears a junk yard may be operating commercially on Railway Department land in Railway Parade, north of Mittagong and if so, whether the operation had development approval?

The Director Environment & Planning stated that he would investigate this matter.

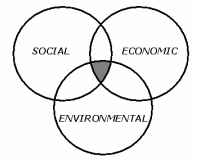
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8. WATER & SEWERAGE PROVISION IN REGIONAL NSW 7799

Mr Kevin George referred to the proposed takeover by the State Government of water and sewerage services and asked if Council could consider an extensive advertising campaign to keep the public informed of the adverse effects if this takeover goes ahead.

The Mayor advised that there would be a meeting on the 20<sup>th</sup> May 2008 in Sydney which he and Water & Sewerage staff would attend and information would be released following this meeting.

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9. LEGAL MATTERS

502

Mr Terry Oakes-Ash asked why there was no page detailing the costs of legal matters when Council had agreed some months ago that legal costs would be updated and presented against each item from time to time. He asked when the next update would appear in the business paper.

Clr M Murray stated that the matter had been raised in the Legal Committee meeting today and the Director Environment & Planning would address this issue at the next meeting.

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**o-EP8 Proposed Subdivision Lot 4 DP702752 "Thornhill" Illawarra Highway, Burrawang**

REF: DCM

LUA08/0103

Reporting on proposed subdivision Lot 4 DP702752 "Thornhill" Illawarra Highway, Burrawang. This development application is for a subdivision to create 2 lots with areas of 15 hectares and 68 hectares.

**MN 174/08**

**MOTION** moved by Clr N N Campbell-Jones and seconded by Clr T D Gair:

1. **THAT** Council supports the SEPP1 objection and refers the development application to the Director-General, Department of Planning for concurrence; and
2. **THAT** Council delegates authority to the DEP to determine the development application upon receipt of a response from the Director-General.

**PASSED**

**o-EP9 Proposed Monopole Telecommunications Facility Lot 1 DP725013, "Berrima Reservoir" 1d Hume Highway, Berrima**

REF: DCM

LUA08/0092

Daly International seeks approval for the construction of a new 23.89m high monopole supporting 3 flush mounted panel antennae and 3 Telecommunication Monopole Antenna's (TMAs) and associated infrastructure.

**MN 175/08**

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

1. **THAT** Council delegates authority to the Director Environment & Planning to approve the application subject to the imposition of appropriate conditions and particularly a requirement for the colour of the proposed security fence to be black.
2. **THAT** Council requests Telstra to give reasons as to why the telecommunications facility is not going ahead at Fitzroy Falls.

**PASSED**

**o-EP10 Proposed Plant Nursery and Refreshment Room, Lot 2-5 Section 3 DP1002, Lots 1-25, Section 5 DP1002 and Lot 100 DP1078294 "Tarella", Greenhills Road, Werai**

REF: DCM

LUA07/1457

This development application is for the establishments of a plant nursery and refreshment room on a large rural property off Greenhills Road, Werai. (See **Attachment 1a** – Aerial Photo Locality Map)

***MN 176/08***

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

***THAT delegated authority be granted to the Director Environment & Planning to determine the application AND THAT a consolidation take place of the area that is specific to the nursery.***

***PASSED***

Clr P Tuddenham joined the meeting at 5.45pm.

**o-EP11 Report on WSC submission on the Upper Nepean (Kangaloon) Borefield**

REF: EHM, MM

5458/7; 5464/1

A report to Council concerning the review of Environmental Impact Assessment documents prepared by the SCA relating to the Upper Nepean (Kangaloon) Borefield project.

**Interest** – Clr S Murray declared a non-pecuniary interest as she used to be a member of the Board of the Sydney Catchment Authority. She remained in the chamber, took no part in the debate and refrained from voting thereon.

**MN 177/08**

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

1. **THAT** Council makes representations to the Sydney Catchment Authority formally opposing the Upper Nepean (Kangaloon) Borefield Project in its current form.
2. **THAT** Council supports the issues detailed in the report to form part of Council's formal response to the Department of Planning.
3. **THAT** Council supports the submission being prepared by the Upper Nepean Community Reference Group on the Kangaloon Groundwater Extraction proposal and that the above issues of concern raised by the Committee be included in Council's own submission to the Sydney Catchment Authority on their environmental assessment.
4. **THAT** Council makes representations to the Minister for Planning, the Hon. Frank Sartor MP seeking a deputation to express Council's and the community's opposition to the Upper Nepean (Kangaloon) Borefield Project **AND THAT** such deputation consist of the Mayor, *Clr G Lewis*, Deputy Mayor, *Clr P Tuddenham* and *Clr L A C Whipper*.
5. **THAT** Council issues a press release to the community informing them what the issues are in relation to the Upper Nepean (Kangaloon) Borefield Project.

**PASSED**

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## CORPORATE SERVICES DIVISION

<b>o-CS1</b>	<b>Committee Appointments &amp; Resignations</b>
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REF.	MAS	107/1, 7216/1
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Reporting on Management Committee Appointments and Resignations.

**MN 178/08**

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

1. **THAT Council accepts with regret the resignation of Gloria Whalan from the Moss Vale Community Centre Management Committee AND THAT Ms Whalan be notified of Council's determination.**
2. **THAT the Moss Vale Community Centre Management Committee be notified of Council's determination.**

**PASSED**

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<b>o-CS2</b>	<b>Pensioner Rate Rebate Claim Number 137</b>
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REF:	FSM	2211/2007
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Submitting a report on the details of amounts written off and amounts to be claimed from the Department of Local Government for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 September 2007 to 31 December 2007.

**MN 179/08**

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

1. **THAT Council authorises the abandonment of \$178,274.91 for the Pensioner Rebate Claim Number 137.**
2. **THAT \$98,051.20 be claimed from the State Government.**

**PASSED**

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## SUPPLEMENTARY REPORT

o-CS3	Hancock V WSC
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REF.	DCS	PN1720080 1421/1
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Requesting Council Seal on two “Deeds of Release” in the case of Hancock v WSC.

### **MATTER OF URGENCY**

Clr M Murray requested that this be dealt with as a matter of urgency as it has now been resolved.

***MN 180/08***

***MOTION moved by Clr M Murray seconded Clr J Clark:***

***THAT Hancock V WSC case be treated as a matter of urgency.***

***PASSED***

The Mayor, Clr G Lewis, ruled the Hancock V WSC case be treated as a matter of urgency as it has now been resolved and documents require the Common Seal of the Council.

***MN 181/08***

***MOTION moved by Clr M Murray seconded Clr J Clark:***

***THAT approval be granted for the Mayor and General Manager to sign and attach the Common Seal of Council to the following documents:***

- (i) Deed of Release – between Bohdan Bilinsky and Wingecarribee Shire Council***
- (ii) Deed of Release – between David John Hancock and Susan Hancock AND Bohdan Bilinsky and Wingecarribee Shire Council***

***PASSED***

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**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 General Manager's Quarterly Report**

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 31 March 2008.

**MN 182/08**

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

**THAT the information in respect of the General Manager's Quarterly Report to 31 March 2008 be received and noted.**

**PASSED**

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**c-GM2 Weekly Circulars**

REF.	GM	100/8, 203/2008
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

**MN 183/08**

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

**THAT the information relating to Local Government Weekly Circulars Nos 15-17/08 and Council Weekly Circulars Nos 17-18/08 be noted.**

**PASSED**

**Matters Arising from Weekly Circulars**

1. CAR PARKING STATISTICS 5504

The Mayor referred to item 5 of Council Weekly Circular No. 17/08 and asked if the income from parking fines could appear in the reports together with the state of that income so far and in which general areas it ends up.

The Director Environment & Planning advised that although the provision of this information is not routine, it was possible to extract it.

## OTHER MATTERS

<b>c-NMR1</b>	<b>14/2008 – Notice of Motion of Rescission - Timber fence at Eridge Park &amp; Old South Roads, Bowral (Loneragan)</b>
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REF: DCM	100/5, PN1739850; LUA08/0137
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Reference: o-EP11 - OC 68/08

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 24 April 2008 **be rescinded**:

*"THAT the development application be refused".*

*Dated 1 May 2008  
Signed Clr TD Gair, Clr P George, Clr J R Clark"*

### **MN 184/08**

**MOTION** moved by Clr T D Gair seconded Clr P George:

**THAT the Notice of Motion of Rescission be adopted.**

**PASSED**

### **MN 185/08**

**FURTHER MOTION** moved by Clr T D Gair seconded by Clr P George:

**THAT the application be approved under delegated authority including the following conditions:**

#### **I. Compliance**

***Development is to take place in accordance with the approved plans and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.***

- a) **Privacy or visual screening**  
***A landscaping screen consisting of evergreen species shall be established and maintained to the satisfaction of Council on the Eridge Park Road boundary.***
- b) ***The fence be sprayed with a eucalyptus stain.***

**PASSED**

**c-NMR2 15/2008 – Notice of Motion of Rescission – Land Sales**

REF: MAS

100/5, 7122/2, 5900

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Extraordinary Meeting of Council held on 16 April 2008 **be rescinded**:

1. THAT following the democratic and extensive public consultation process undertaken by Council;
  - A) THAT all named parks that were identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP AND THAT the first option in each recommendation of o-EP1 be adopted with the exception of Apex Park in which the third option of Recommendation J be adopted.
    - a) Yeo Park - Moss Vale
    - b) Ritchie Park Suttor Road - Moss Vale
    - c) Thwaites Park, Twickenham Place - Moss Vale
    - d) Broughton Park, Broughton Street – Bundanoon
    - e) Acacia Park - Moss Vale
    - f) Rotary Park, Old Bowral Rd, Mittagong
    - g) Venables Park, Una Street – Bowral
    - h) Apex Park – Bowral
    - i) Westwood Park – Bowral
    - j) Henderson Park - Moss Vale
    - k) Waratah Park - Colo Vale
    - l) Waratah Park - Colo Vale (Jasmine Street)
  - B) THAT the following properties identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP AND THAT the first option in each recommendation of o-EP1 be adopted.
    - a) Soma Avenue – Bowral
    - b) Rytina Place - Moss Vale
    - c) Dyson Place - Moss Vale
    - d) Ben Nevis Circuit – Bundanoon
    - e) Meryla Street - Robertson
    - f) Tulip Close – Bowral
    - g) Oxley Drive – Bowral (adjacent to Reservoir)

C) THAT the following land remains in the reclassification list in the draft LEP AND THAT the second option in each recommendation of o-EP1 be adopted with the exception of Mineral Springs Reserve – Mittagong which is to become RE2 Private Recreation under the Draft LEP;

- a) Stanley Terrace - Moss Vale
- b) Woodbine Street – Bowral
- c) East Kangaloon - RFS Site
- d) Old Hume Highway – Berrima
- e) Anembo Street - Moss Vale
- f) Government Road- Braemar
- g) Lackey Road - Moss Vale
- h) Cherry Tree Close - Moss Vale
- i) Bevan Place – Bowral
- j) Oxley Hill Road – Bowral
- k) Bowral Pool – Bowral
- l) Mineral Springs - Mittagong

D. Council notes the properties listed below are already operational and those properties are to be sold (which are listed below)

- a) Queen Street - Moss Vale
- b) Argyle Street Moss Vale
- c) Woodville Rd - Moss Vale
- d) Mylora Street – Hilltop
- e) Mylora Street - Hilltop(2)
- f) Harold Street – Hilltop
- g) Davy Street –Mittagong
- h) Oxley Street – Berrima
- i) Mittagong - Roscoe Street (Old STP)

Dated: 7 May 2008

Signed Clr L A C Whipper, Clr J R Clark, Clr TD Gair”

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

THAT the Notice of Motion of Rescission be adopted.

**LOST**

VOTING ON THE MOTION:

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

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

**c-NMR3 16/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition**

REF: SPM

100/5, 5900

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Extraordinary Meeting of Council held on 30 April 2008 **be rescinded**: (MN 151/08 of 30 April 2008 Extraordinary Meeting).

1. THAT the recommendations on pages 265 to 291 of the Draft Wingecarribee Local Environmental Plan 2007, as well as any decisions made by Council at its Extraordinary Meeting held on Wednesday, 16 April 2008 (MN 127/08 to MN 128/08) and MN 131/08 of the Ordinary Meeting of Council held on Wednesday, 23 April 2008 in regard to the Land Reclassifications and the amendments to the Standard LEP Template introduced by the Department of Planning in December 2007 be adopted with the exception of the following:
  - a) Recommendation regarding Lots 10 and 11, Sec 4, DP 758415 Fitzroy Falls on page 284 of the business paper;
  - b) Item 38 on page 21 of the Group 1 Rezoning Requests (Sections 11, 16 and 17 DP 792 Willow Vale);
  - c) Item 53 on page 286 of the business paper ("Lynwood" Lot 11, DP 1067256 Old South Road, Mittagong) and any items pertaining to Range Road, Mittagong;
  - d) Item 62 on page 286 of the business paper (Lot 2, DP 157625 Mary Street, Mittagong);
  - e) Item 116 on page 288 (Mittagong Railway Site fronting Regent Street);
  - f) Item 123 on page 269 (Regent Lane, Mittagong (Lot 30 Sec 4 DP 1289 & Lot 7 Sec 4 DP1289));
  - g) Item 84 on page 267 of Group 1 Rezoning Requests (Cnr of Park Road and Purcell Street Bowral);
  - h) Items in the vicinity of 39 Oxley Drive, Mittagong;
  - i) Any clauses pertaining to corner allotments;
  - j) Item 39 on page 21 of the Group 1 Rezoning Requests (31 Cliff Street, Bowral being Lot 5 DP 740677);
  - k) Item 94 on page 268 of the business paper (cnr Illawarra Highway & East Street, Robertson - Lots 5 & 6 DP 805522);
  - l) Table 13 - Exeter Related Issues on page 147 of the business paper (Subdivision in Devon Road, Exeter – rezoning to 5 acre lots);
  - m) The extension of the business zoning in Wingello in the LEP;
  - n) Any items in the LEP which fall within a 1 kilometre radius of Berrima Lane, Welby.

AND THAT the amended plan be renamed Draft Wingecarribee Local Environmental Plan 2008.

*Dated: 7 May 2008*  
*Signed: Clr L A C Whipper, Clr J R Clark, Clr TD Gair"*

**Having regard to the decision by Council at c-NMR2 the matter was withdrawn.**

**c-NMR4 17/2008 – Notice of Motion – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition**

REF: SPM

100/5, 5900

Reference – Extraordinary meeting of Council 16 April 2008 MN 127/08.

Clr L A C Whipper has given notice that should the above Notice of Motion of Rescission be passed it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 14 May 2008.

- 1) THAT all named parks that were identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP AND THAT the first option in each recommendation of o-EP1 be adopted.
  - a) Yeo Park - Moss Vale
  - b) Ritchie Park Suttor Road - Moss Vale
  - c) Thwaites Park, Twickenham Place - Moss Vale
  - d) Broughton Park, Broughton Street – Bundanoon
  - e) Acacia Park - Moss Vale
  - f) Rotary Park, Old Bowral Rd, Mittagong
  - g) Venables Park, Una Street – Bowral
  - h) Apex Park – Bowral
  - i) Westwood Park – Bowral
  - j) Henderson Park - Moss Vale
  - k) Waratah Park - Colo Vale
  - l) Waratah Park - Colo Vale (Jasmine Street)
  
- 2) THAT the following properties identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP AND THAT the first option in each recommendation of o-EP1 be adopted.
  - a) Soma Avenue – Bowral
  - b) Rytina Place - Moss Vale
  - c) Dyson Place - Moss Vale
  - d) Ben Nevis Circuit – Bundanoon
  - e) Meryla Street - Robertson
  - f) Tulip Close – Bowral
  - g) Oxley Drive – Bowral (adjacent to Reservoir)
  
- 3) THAT Council takes no action on the reclassification and /or sale of any of the lands listed below, until after the results of the poll at the September 13 2008 Local Government Election are known;
  - a) Stanley Terrace - Moss Vale
  - b) Woodbine Street – Bowral
  - c) East Kangaloon - RFS Site
  - d) Old Hume Highway – Berrima
  - e) Anembo Street - Moss Vale

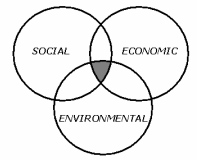
- f) *Government Road- Braemar*
- g) *Lackey Road - Moss Vale*
- h) *Cherry Tree Close - Moss Vale*
- i) *Bevan Place – Bowral*
- j) *Oxley Hill Road – Bowral*
- k) *Bowral Pool – Bowral*
- l) *Mineral Springs – Mittagong*
- m) *(Apex Park) - Bowral*

3. THAT Council notes the properties listed below are already operational

- a) *Queen Street - Moss Vale*
- b) *Argyle Street Moss Vale*
- c) *Woodville Rd - Moss Vale*
- d) *Mylora Street – Hilltop*
- e) *Mylora Street - Hilltop(2)*
- f) *Harold Street – Hilltop*
- g) *Davy Street –Mittagong*
- h) *Oxley Street – Berrima*
- i) *Mittagong - Roscoe Street (Old STP)*

2. THAT the recommendations on pages 265 to 291 of the Draft Wingecarribee Local Environmental Plan 2007, and the amendments to the Standard LEP Template introduced by the Department of Planning in December 2007 be adopted with the exception of the following:

- a) *Recommendation regarding Lots 10 and 11, Sec 4, DP 758415 Fitzroy Falls on page 284 of the business paper;*
- b) *Item 38 on page 21 of the Group 1 Rezoning Requests (Sections 11, 16 and 17 DP 792 Willow Vale);*
- c) *Item 53 on page 286 of the business paper (“Lynwood” Lot 11, DP 1067256 Old South Road, Mittagong) and any items pertaining to Range Road, Mittagong;*
- d) *Item 62 on page 286 of the business paper (Lot 2, DP 157625 Mary Street, Mittagong);*
- e) *Item 116 on page 288 (Mittagong Railway Site fronting Regent Street);*
- f) *Item 123 on page 269 (Regent Lane, Mittagong (Lot 30 Sec 4 DP 1289 & Lot 7 Sec 4 DP1289);*
- g) *Item 84 on page 267 of Group 1 Rezoning Requests (Cnr of Park Road and Purcell Street Bowral);*
- h) *Items in the vicinity of 39 Oxley Drive, Mittagong;*
- i) *Any clauses pertaining to corner allotments;*
- j) *Item 39 on page 21 of the Group 1 Rezoning Requests (31 Cliff Street, Bowral being Lot 5 DP 740677);*
- k) *Item 94 on page 268 of the business paper (cnr Illawarra Highway & East Street, Robertson - Lots 5 & 6 DP 805522);*
- l) *Table 13 - Exeter Related Issues on page 147 of the business paper (Subdivision in Devon Road, Exeter – rezoning to 5 acre lots);*

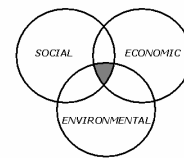


- 
- m) *The extension of the business zoning in Wingello in the LEP;*
  - n) *Any items in the LEP which fall within a 1 kilometre radius of Berrima Lane, Welby.*

AND THAT *the amended plan be renamed Draft Wingecarribee Local Environmental Plan 2008.*

**Having regard to the decision by Council at c-NMR2 the matter was withdrawn.**

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<b>c-NMR5</b>	<b>18/2008 – Notice of Motion of Rescission – Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition</b>
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REF:	SPM
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100/5,5900
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"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Extraordinary Meeting of Council held on 30 April 2008 **be rescinded**: (MN 167/08)

*"THAT the current Moss Vale Holden site and adjoining land in Argyle Street, Moss Vale, proposed to be zoned B4 Mixed Use, be rezoned to B7 Business Park".*

*Dated: 7 May 2008*

*Signed: T D Gair, L A C Whipper, P B Tuddenham*

***MN 186/08***

***MOTION moved by Clr T D Gair seconded Clr L A C Whipper:***

***THAT the Notice of Motion of Rescission be adopted.***

***PASSED***

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## COMMITTEE REPORTS TABLED

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF.	DCS	107/1
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Submitting minutes of four (4) Committee meetings that will be tabled for information.

***MN 187/08***

***MOTION moved by Clr M Murray seconded Clr L A C Whipper:***

***THAT the information contained in the four (4) Committee Reports be noted.***

***PASSED***

Clr P George retired from the meeting at 7.10pm.

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## COMMITTEE REPORTS ATTACHED

<b>c-CR2</b>	<b>Wingecarribee Youth Council Advisory Committee</b>
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REF	SPM	107/12
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Submitting minutes of the Wingecarribee Youth Council Advisory Committee meeting held on Tuesday, 22 April 2008.

***MN 188/08***

***MOTION moved by Clr M Murray seconded Clr J Clark:***

***THAT Recommendation Nos 1 to 7 as detailed in the minutes of the Wingecarribee Youth Council Advisory Committee meeting held Tuesday, 22 April 2008 be adopted.***

***PASSED***

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<b>c-CR3</b>	<b>Environment &amp; Sustainability Committee</b>
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REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment & Sustainability Committee meeting held on Wednesday, 2 April 2008.

***MN 189/08***

***MOTION moved by Cllr M Murray seconded Cllr J Clark:***

***THAT Recommendation Nos 1 to 3 as detailed in the minutes of the Environment & Sustainability Committee meeting held Wednesday, 2 April 2008 be adopted.***

***PASSED***

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<b>c-CR4</b>	<b>Environment &amp; Sustainability Committee Extraordinary Meeting</b>
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REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment & Sustainability Committee Extraordinary meeting held on Wednesday, 16 April 2008.

***MN 190/08***

***MOTION moved by Cllr M Murray seconded Cllr J Clark:***

***THAT Recommendation Nos 1 and 2 as detailed in the minutes of the Environment & Sustainability Committee Extraordinary meeting held on Wednesday, 16 April 2008 be adopted.***

***PASSED***

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## GENERAL BUSINESS

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1. RESOURCE SHARING – SHELLHARBOUR COUNCIL 203/13

Clr J Clark asked if Councillors could be provided with information on the success or otherwise of the arrangement with Shellharbour Council whereby pay for Wingecarribee employees is co-ordinated remotely from Shellharbour. He asked that should this arrangement not continue into the future what cost and other implications there would be for Council to re-establish in-house payroll facilities.

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

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2. LIGHTS AT BUNNINGS, BRAEMAR LUA06/0843

Clr L A C Whipper referred to the lighting on the new Bunnings complex at Braemar which was proving to be a nuisance at night with traffic leaving the expressway. He asked if this could be corrected.

The Director Environment & Planning stated that he would investigate this matter.

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## CORPORATE SERVICES DIVISION

<b>c-CS1</b>	<b>Closed Council</b>	
REF.	DCS	107/9

To consider moving into Closed Council.

At this juncture, the time being 7.11pm, 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.

Clr T D Gair asked why Item c-TS1 Construction of Roundabout & Intersection Upgrading Works at Range Road & Old South Road, Mittagong should be considered in Closed Council.

The Mayor responded that it needed to be considered in Closed Council because it contained commercial in confidence information.

No objections were received from the members of the public.

**MN 191/08**

**MOTION** moved by Clr M Murray seconded Clr J Clark:

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:**

.....Cont'd

Cont'd.....

**CS-1 TENDER FOR PROVISION OF WIDE AREA NETWORKING SERVICES**

**1300/18 6330/08.4**

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 tenders submitted for the provision of Wide Area Networking Services to Council.*

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.*

**CS-2 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA**

**107/9, 2104**

Relevant Legal Provisions

*This report is placed in Closed Committee under clause 10A(2)(g) of the Local Government Act 1993 as it contains advice concerning litigation.*

Brief Description

*Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.*

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.*

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**c-TS1 CONSTRUCTION OF ROUNDABOUT & INTERSECTION UPGRADING**  
**WORKS AT RANGE ROAD & OLD SOUTH ROAD, MITTAGONG** **7451,**  
**RD 1587, RD 3189**

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 proposing to conduct) business under Clause 10A(2)(c) of the Local Government Act 1993.

Brief Description

Reporting on tenders received for the construction of a roundabout at the intersection of Range Road and Old South Road, Mittagong.

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.

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**c-TS2 ROAD RECONSTRUCTION OF QUARRY ROAD, BUNDANOON** **6330/08.3**

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 proposing to conduct) business under Clause 10A(2)(c) of the Local Government Act 1993.

Brief Description

Reporting on tenders received for the reconstruction of Quarry Road, Bundanoon from the intersection of Ferndale Road to the vehicular entrance to the sewer treatment plant.

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.

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

**PASSED**

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**CORPORATE SERVICES DIVISION**

**c-CS1 Tender for Provision of Wide Area Networking Services**

REF. DCS 1300/18 6330/08.4

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 tenders submitted for the provision of Wide Area Networking Services to Council.

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 J Clark seconded by Clr M Murray **RECOMMENDED:**

1. **THAT the proposal by ATI Australia Pty Ltd be accepted and the Civic Centre, Moss Vale Depot, Resource Recovery Centre, Bowral Library, Visitor Information Centre and Mittagong Depot be interconnected by a high speed Radio Network at a cost of \$209,738.02, with an annual maintenance cost of \$57,983.52 subject to verification of the advertising period being twenty one (21) days.**

2. **THAT the capital cost of the installation be funded as follows:**

<b>Computer Reserve</b>	<b>\$63,000</b>
<b>Information Services Network Acquisition Fund</b>	<b>\$47,000</b>
<b>Library Resources vote</b>	<b>\$25,000</b>
<b>Roads and Traffic Operational Budget</b>	<b>\$25,000</b>
<b>Resource Recovery Operational Budget</b>	<b>\$25,000</b>
<b>Mittagong Water and Sewer budget</b>	<b>\$25,000</b>
<b>Total</b>	<b>\$210,000</b>

3. **THAT the maintenance cost be funded through the existing Telecommunications budget.**

**PASSED**

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## TECHNICAL SERVICES DIVISION

<b>c-TS1</b>	<b>Construction of Roundabout &amp; Intersection Upgrading Works at Range Road &amp; Old South Road, Mittagong</b>
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REF:	RTM	7451, RD 1587, RD 3189
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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 proposing to conduct) business under Clause 10A(2)(c) of the Local Government Act 1993.*

Brief Description

*Reporting on tenders received for the construction of a roundabout at the intersection of Range Road and Old South Road, Mittagong.*

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 Murray seconded by Clr T D Gair  
**RECOMMENDED:**

- THAT Council NOT accept any tenders and that Council carry out the project using a combination of day labour and sub-contractors;**
- THAT the project be scheduled such that the Roads & Traffic Authority grant funds are expended by 30 June 2008 and that the balance of the project be completed in the 2008/2009 financial year using the \$100,000 funding allocation in the 2008/2009 traffic facilities IRS budget.**

**PASSED**

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<b>c-TS2 Road Reconstruction of Quarry Road Bundanoon</b>
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REF: RTM
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6330/08.3
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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 proposing to conduct) business under Clause 10A(2)(c) of the Local Government Act 1993.*

Brief Description

*Reporting on tenders received for the reconstruction of Quarry Road, Bundanoon from the intersection of Ferndale Road to the vehicular entrance to the sewer treatment plant.*

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 T D Gair seconded by Clr M Murray  
**RECOMMENDED:**

1. **THAT Council accepts the Tender of CATO Constructions dated 29 April 2008 for the reconstruction of Quarry Road Bundanoon for the lump-sum price of \$236,466, exclusive of GST.**
2. **THAT the budget for the upgrade of Bundanoon Sewerage Treatment Plant be adjusted to reflect the total project costs of upgrading Quarry Road.**

**PASSED**

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## CORPORATE SERVICES DIVISION

<b>c-CS2</b>	<b>Briefing on Current Status of Legal Matter WSC v Lehman Brothers Australia</b>
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REF.	DCS	107/9, 2104
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Relevant Legal Provisions

*This report is placed in Closed Committee under clause 10A(2)(g) of the Local Government Act 1993 as it contains advice concerning litigation.*

Brief Description

*Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.*

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 Cllr G Lewis seconded by Cllr P B Tuddenham  
**RECOMMENDED:**

**THAT the information provided during the meeting in relation to Wingecarribee Shire Council v Lehman Brothers Australia be received and noted.**

**PASSED**

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**OPEN COUNCIL**

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**MN 192/08**

107/10

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

**THAT** Council moves back into Open Council.

**PASSED**

No members of the public were present in the Chamber.

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**ADOPTION OF CLOSED COUNCIL**

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**MN 193/08**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 14 May 2008  
CS-1, CS-2, TS-1 and TS-2 be adopted.

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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**MN 194/08**

107/10

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

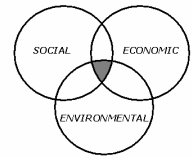
**THAT** the recommendations of the Open Council held on Wednesday, 14 May 2008  
being OC 77/08 to OC 85/08, be adopted.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 14 May 2008



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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, 14 May 2008 numbered MN 168/08 to MN 194/08, were signed by me hereunder at the Council Meeting held on Wednesday, 28 May 2008.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 28 MAY 2008

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CHAIRMAN

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PUBLIC OFFICER



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 14 May 2008

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