

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 9 July 2008

The meeting commenced at 3.32pm.

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held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 9 July 2008

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COMMENCING AT: 3.32PM

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

IN ATTENDANCE: General Manager, Director Corporate Services, Director
Environment & Planning, Director Technical Services, Manager
Administration Services and Corporate Services Secretary.

PRAYER

100/1

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

APOLOGY

PERS

MN 263/08

MOTION moved by Cllr P Yeo and seconded by Cllr L A C Whipper:

THAT the apology of Cllr G Lewis and Cllr S H Murray be accepted and leave of absence granted.

PASSED

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 25
JUNE 2008

100/1

MN 264/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 25 June 2008 MN 238/08 to MN 262/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. SECTION 94 CONTRIBUTIONS PLAN – ROADS & TRAFFIC
MANAGEMENT 5701/6

Clr M King referred to page 15 (EP-6) and asked for clarification that the wording meant any future Section 94 will apply for any future development application and is not retrospective.

The Director Environment & Planning confirmed that the Draft Roads and Traffic Management Facilities Developer Contribution Plan applies to future applications.

The General Manager stated that the fees and charges are applied at the time of approval of the DA.

-
- 2 NAIDOC WEEK 1671/22

Clr L A C Whipper acknowledged that it is NAIDOC Week and paid his respects to the traditional owners of the land, the Tharawol and Gundungurra people.

-
- 3 SHIRE WIDE SECTION 94 CONTRIBUTIONS 5701

Clr L A C Whipper stated that there has been some suggestion that his plan had expired before it was looked at last and there has been some requests for Section 94 contributions to be returned.

The Director Environment & Planning stated he couldn't comment on any particular requests but there is a time gap between council's endorsement and the exploration of the plan.

Clr L A C Whipper asked that information be given to councillors whether or not there has been any requests for return of Section 94 contributions.

4 POPE RENEWAL – ROYAL HOTEL, BONG BONG STREET BOWRAL
LUA08/0089

Interest: Cllr Murray stated that this particular property is owned by this children's grandparents and declared a pecuniary interest in this matter. He left the chamber and took no part in the discussion.

Cllr L A C Whipper referred to the weekly circular item relating to the use of the designated area as parking being used as a beer garden and dining area. The Weekly Circular states that no approval has been given for the parking area and replace with a beer garden. Cllr Whipper asked what action will be taken as this is an obvious illegal use.

The Director Environment & Planning advised that as the weekly circular indicates correspondence has been sent to the owner requesting information on when, how, and why the designated parking area was changed. No response has yet been received before deciding on what action is to be taken. Mr Lee stated that Councillors will be kept informed.

DECLARATIONS OF INTEREST

101/3

Clr M Murray declared a non pecuniary interest in Item c-CS3 which related to an Outstanding Debt to Council. These matters concern a company in which the Manager of his team's election campaign at the last local government election had been a Director. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Clr M King declared a non pecuniary interest in Item c-CS3 which related to an Outstanding Debt to Council. These matters concern a company in which the Manager of her team's election campaign at the last local government election had been a Director. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

Clr P Yeo declared a pecuniary interest in Item v-TS1 which related to the Draft Plan of Management for Mittagong Creek Reserve, Bowral. This matter concerns property he owns which adjoins the Mittagong Creek Reserve. He stated that he would leave the chamber, take no part in the debate and refrain from voting thereon.

Clr P Yeo declared a pecuniary interest in Item c-CS1 which relates to the Moss Vale CBD Car Park – Potential Future Development. These matters concern a personal relationship with the proponents through a professional community organisation. He stated that he would leave the chamber, take no part in the debate and refrain from voting thereon.

Clr P B Tuddenham declared a pecuniary interest in Item c-CS3 which relates to an Outstanding Debt to Council. These matters concern the applicant who is known to his business. He stated that he would leave the chamber, take no part in the debate and refrain from voting thereon.

Clr N N Campbell-Jones declared a non pecuniary interest in Item c-CS3 which related to an Outstanding Debt to Council. These matters concern a company in which the Manager of her team's election campaign at the last local government election had been a Director. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

MAYORAL MINUTE

c-MM1 Vandalism Reward Scheme

REF. MM 1440/2 (cc 102/5)

Reporting on the suggestion to provide a reward for information leading to conviction of people responsible for vandalism on or to Council property.

MN 265/08

MOTION moved Clr P Tuddenham and seconded Clr M Murray
RECOMMENDED:

1. **THAT** a policy and process be drawn up by Council's solicitor based on protocols available through the Attorney General's Department for administering a reward scheme leading to the conviction of any person or persons committing wilful damage (including graffiti) to, or theft of, Council property, equipment, shrubs, trees and plants in parks and gardens, public recreation areas, streets and other public places in the Wingecarribee Shire.
2. **THAT** this draft policy and process be submitted with a report back to council, which includes information on trends, issues, costs and any other relevant information relating to vandalism on council property in Wingecarribee Shire.
3. **THAT** a communication strategy for a vandalism reward program be prepared and incorporated in this report.

PASSED

OPEN COUNCIL

MN 266/08

107/10

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr P Yeo in the Chair.

PASSED

VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

v-EP1 Paintball operations at Penrose

REF: DCM

LUA03/1303

Reporting on the 2 year review of Paintball operations at the property lot 4 DP 1097100 Penrose Road Penrose. The applicant and a representative of the objectors has been invited to address Council.

Ms Judith Elber (on behalf of the objectors) and Mr Matthew Hescot (the owner of the land) addressed Council on this matter

OC 134/08

The Committee on a MOTION moved Clr L A C Whipper and seconded Clr T D Gair
RECOMMENDED:

1. **THAT Council writes to the applicant giving 30 days to make good the delineation of game areas that is unacceptable and the use of game areas where uncovered metal objects are still in use and where paintball pellets have been sighted on adjoining properties AND THAT a report be brought back to the first Ordinary meeting in August.**
2. **THAT Council chooses a consultant to undertake a new acoustic report at the cost of the applicant and council nominates when the tests are to take place AND THAT the new report be prepared after the recommendations of the March 2007 acoustic report have been fully complied with AND FURTHER THAT the use of all paintball areas be allowed for the purpose of preparing the acoustic report.**
3. **THAT the applicant and objectors be advised that the review specified in condition 38 of the consent is not yet complete and consideration to amend, add or remove conditions of development consent LUA03/1303 will occur following receipt of the new acoustic report.**
4. **THAT Council investigate the increase of the buffer zone to a distance of 50 metres AND THAT an appropriately qualified experts advice be sought in relation to an appropriate barrier to the buffer zone.**
5. **THAT a copy of the acoustic report, any recommendation regarding the barriers, and council officers recommendations as to whether the buffer is the way to fix the problem of the pellets or if there is another solution and the delineation of the game areas and the metal objects.**

PASSED

TECHNICAL SERVICES DIVISION

v-TS1	Draft Plan of Management for Mittagong Creek Reserve, Bowral
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REF:	PPM	6500/23, 6527/14.2, 6527/14.1
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Submitting the draft Plan of Management for Mittagong Creek Reserve, Bowral for adoption by Council.

Clr P B Tuddenham requested that Item v-TS1 Draft Plan of Management for Mittagong Creek Reserve, Bowral be deferred until later in the proceedings.

Interest: Clr P Yeo declared a Pecuniary Interest in this matter, left the chambers, took no part in the debate and refrained from voting thereon.

This matter was dealt with at 7pm and was introduced by Mr Peter Bowmer, Parks & Property Manager.

OC 135/08

The Committee on a MOTION moved Clr M Mauger and seconded Clr J Clark
RECOMMENDED:

1. **THAT the draft Plan of Management for Mittagong Creek Reserve, Bowral be adopted AND THAT this document be known as the Plan of Management for Mittagong Creek Reserve, Bowral;**
2. **THAT a Riparian Management and Works Plan be undertaken and a review of bank stabilisation measures be completed prior to the relocation of the recreational path and cherry trees south of the Victoria Street bridge;**
3. **THAT subject to approval of the 2008/09 IRS funding, the recreational path and cherry trees between Rose Street and Jasmine Street be relocated as identified on the draft Plan of Management.**
4. **THAT the local Bowral Vietnam Veterans Association be notified when the trees are to be moved and a rededication ceremony be conducted when the trees have been relocated.**

PASSED

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Under Delegated Authority

REF: DCM

5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 17/6/08 and 1/7/08.

OC 136/08

The Committee on a MOTION moved Cllr TD Gair and seconded Cllr M Murray
RECOMMENDED:

THAT the information relating to Development Consent Nos 1-10 under Delegated Authority be received and noted.

PASSED

Matters arising from Development Consents under Delegated Authority

1. PART LOTS 110 & 201 DP 751286 'DIRRANBANDI' CANYONLEIGH ROAD,
CANYONLEIGH LUA07/014

Cllr J Clark understood that it was to come back to the Environment Committee for discussion. Is the property part of the quarry site?

The Director Environment & Planning stated that he will provide the information in the weekly circular.

o-EP2 List of Development Applications Received By Council

REF: DCM

5302

Submitting a list of development applications which have been received between 17/6/08 and 1/7/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 137/08

The Committee on a MOTION moved *Clr TD Gair* and seconded *Clr P Tuddenham*
RECOMMENDED:

THAT the information regarding the List of Land Use Applications Nos 1-8 received by Council be received and noted.

PASSED

Matters arising from Development Applications Received by Council

1. LOT 1 DP 1055825 KAREELA ROAD, PENROSE , 'SYLVAN GLEN'
LUA08/0631

Clr J Clark asked for clarification on what is meant by 'a fully enclosed guests outdoor casual living entertainment arena.

The Director Environment & Planning stated that he will provide the information in the weekly circular.

2. 'NEERIM' LOT 19 DP2079722 CENTENNIAL ROAD, BOWRAL LUA08/0616

Clr L A C Whipper asked could information on how the existing building will be used and a copy of plans be put in the weekly circular.

The Director Environment & Planning stated that he will provide the information in the weekly circular.

o-EP3 Land Use Applications Received

REF: DCM

5302

Submitting a list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of June 2008.

OC 138/08

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

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

PASSED

o-EP4 Additions to Medical Centre Including Car Parking- St Jude Street, Bowral

REF: DCM

LUA07/1306

Reporting on a proposal for building additions including car parking at St Jude Medical Centre, Lot 12 Section C DP 11838, 21 St Jude Street, Bowral.

Council at its meeting of 11 June and 25 June 2008 deferred consideration of this matter pending the receipt of legal advice on the question of permissibility. Legal advice has now been provided to Councillors.

Director Environment & Planning introduced this report.

The time being 4.45pm Clr George entered the chambers during discussions on this item

OC 139/08

The Committee on a MOTION moved Clr M King and seconded Clr P B Tuddenham
RECOMMENDED:

THAT Council defers its decision on the additions to the Medical Centre, St Jude Street, Bowral and that a report from Council officers be provided at the next Ordinary Meeting of Council on 23 July 2008, as to whether a rezoning of this property is suitable to enable approval of this development application.

(con't)

The Committee on an AMENDMENT moved Clr LAC Whipper and seconded by Clr J Clark
RECOMMENDED:

THAT Council refuses the development application for additions to St Jude Medical Centre including car parking on the grounds of it being outside of the definition of professional consulting rooms, being incompatible with the residential character of the locality and being detrimental to the proposed Bowral Heritage Conservation Area.

LOST

MOTION PASSED

o-EP5	Proposed two storey dwelling at Lot 1 DP 665725 Camerons Lane, Robertson
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REF:	DCM
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LUA08/0278

Reporting on 2 storey dwelling and separate garage at Lot 1 DP 665724 Camerons Lane, Robertson.

OC 140/08

The Committee on a MOTION moved Clr T D Gair and seconded Clr P B Tuddenham
RECOMMENDED:

THAT Council determines by way of approval the development application **LUA08/0278** for a two storey dwelling and separate garage on Lot 1 DP665725, Cameron's Lane, Robertson subject to standard conditions of consent.

PASSED

o-EP6 Moss Vale Enterprise Corridor Draft DCP

REF: SPM

5700/60; 5602/11

This report outlines responses made to the re-exhibition of the Draft Moss Vale Enterprise Corridor DCP and recommends changes as a result of the submissions.

It is recommended that, following the changes proposed in this report, Council adopt the MVEC DCP.

OC 141/08

The Committee on a MOTION moved Clr TD Gair and seconded Clr PB Tuddenham
RECOMMENDED:

1. **THAT Council endorses the changes to the draft DCP as generally set out in the body of this report and Attachment 2.**
2. **THAT Council adopts the Moss Vale Enterprise Corridor DCP as amended.**
3. **THAT Council writes to persons and organisations that made submissions to advise them of the outcome of this report.**

The Committee on an AMENDMENT moved Clr M Murray and seconded by Clr L A C Whipper **RECOMMENDED:**

THAT approval of the DCP be deferred until a further information session can be held on matters raised by the landowners and Councillors and answers provided by council officers and further information be brought back to the Council meeting of 23 July 2008.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

o-EP7 Section 94 Plan Reviews

REF: SPM

5701, 5701/23

This report provides the results of advertising the Draft Section 94 Contributions Plans – Central Library; Resource Recovery Centre and Animal Shelter, Administration; Open Space; Beaconsfield Road Moss Vale; and East Bowral. It is recommended that the Draft Plans be adopted and take effect immediately.

OC 142/08

The Committee on a MOTION moved Clr M Murray and seconded Clr PB Tuddenham
RECOMMENDED:

1. THAT the following Draft Developer Contributions Plans,

- (a) Central Library Developer Contributions Plan**
- (b) Resource Recovery Centre and Animal Shelter Developer Contributions Plan**
- (c) Development Contributions Administration Plan**
- (d) Open Space Developer Contributions Plan**
- (e) Beaconsfield Road Moss Vale Development Area Developer Contributions Plan**
- (f) East Bowral Developer Contributions Plan**

be adopted by Council to take effect upon the date of Notification given in a public newspaper in accordance with the Environmental Planning and Assessment Regulation 2000.

- 2. THAT notification of the adoption of the Plans be advertised in a public newspaper within 28-days of the date of the Council meeting in accordance with the Environmental Planning and Assessment Regulation 2000.**
- 3. THAT Council provides a copy of the Contributions Plans to the Director General within 28-days of their adoption in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000.**
- 4 THAT Council commences a comprehensive review of all current Section 94 Plans to ensure compliance with the new legislation within the timeframe of 30 June 2009.**
- 5 THAT a report on Section 94 plans for the relocation of the animal shelter, the Moss Vale Service Centre and a future Family Services Centre in Mittagong be prepared.**

PASSED

o-EP8 'Belle Cheval' Enclosure of Existing Horse Riding Arena at Robertson

REF: DCM

LUA08/0389

Reporting on LUA08/0389 for a proposed enclosure of a existing horse riding arena, and the construction of a storage and machinery shed at "Belle Cheval" Lot 6 DP 737470 Myra Vale Road, Robertson.

Mr Les Pawlak – Development Assessment Manager introduced and presented on this report.

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

THAT this matter be deferred and an onsite inspection be conducted AND THAT the neighbours and councillors be invited so that the owner can answer any questions including height poles and layout pegs be brought back to the next Ordinary meeting of Council on 23 July 2008.

The Committee on an AMENDMENT moved Clr LAC Whipper seconded by Clr J Clark **RECOMMENDED:**

1. **THAT LUA08/0389 for the proposed enclosure of a existing horse riding arena, and the construction of a storage and machinery shed at "Belle Cheval" Lot 6 DP 737470 Myra Vale Road, Robertson be refused for the following reasons:**
 - A. ***The proposed enclosure of the existing horse riding arena is considered to be excessive in bulk and scale and is not compatible with the objectives of the 7 (b) Environmental Protection (Landscape Conservation) Zone and Wingecarribee Development Control Plan No 53 - Siting, Design and Landscaping of Rural Developments.***
 - B. ***The proposed colours of the enclosure and the machinery and storage sheds are not considered to be sympathetic to the scenic rural landscape.***

Reasons for refusal imposed having regard to Section 79 (c) (a) (i), (a) (iii), (b), (d) and (e) of the Environmental Planning and Assessment Act 1979.

As voting on this motion was tied at 5 all, the matter was deferred until later in the proceedings when the Deputy Mayor (Chair) is in the Chair (Refer also MN 267/08)

QUESTIONS FROM THE PUBLIC

1 INVESTMENTS LEHMAN BROTHERS (GRANGE SECURITIES) 2104

Ms Mia Thompson asked whether the contract with Grange Securities was first considered by a Committee of Council or by the full Council. If it was considered by a Committee, which Committee considered the contract and who were the members of that Committee.

Ms Thompson also asked if legal advice was obtained before the contract was signed? who, on behalf of Council, signed the contract? What date was it signed and when was it approved by Council?

The General Manager responded that all matters to do with the legal case will be responded to within the constraints of legal advice.

Mr Peter Smythe referred to his previous question at Councils meeting held on 25 June 2008 and asked if Council had proceeded to seek another independent valuation on the Estimates of Grange Securities valuations.

The General Manager advised that Council has not sought valuations as the information Council has is that there is no market in that area except for Lehman Brothers.

2. MOWING AND CLEANING EQUIPMENT – HILL TOP WAR MEMORIAL HALL
7211

Mr Sid Jeffrey asked whether the Council would consider returning the ride-on mower, whipper snipper and safety equipment which was taken from the War Memorial Hall at Hill Top because of OH&S issues and thereby stopping the 355 Committee working bees from cleaning the area. Mr Jeffrey believed that the equipment was purchased by the Progress Association which used to manage the War Memorial Hall (WMH).

Mr Jeffrey also asked if the industrial floor polisher, which was donated to the WMH was still there, and if not where was it, and could it be returned.

Clr P Yeo responded that Council would take the question on notice

6 SEPP5 DEVELOPMENTS

5320/5

Ms Pam Cooper referred to a matter she raised at the Council meeting of 11 July 2008 regarding the number of SEPP 5 Development applications with the number of buildings in the pipeline being 735 and it now seems that another 153 Buildings at “Neerim” in Centennial Road added to the 735 adds up to over 900 in all. Ms Cooper asks if the Council could get “hyper-active” with the relevant State Government Department and stop this influx of SEPPs as Bowral Hospital could not possibly have the means or staff to cope with extra people and asks if the matter could get urgent attention.

The Director Environment & Planning advised that advice from Department of Planning some time ago that subject to Council successfully gazetting an LEP under the new template they would then be in a position to be exempted from the State Policy. Council is still yet to have its LEP gazetted

7 DRAFT ENTERPRISE ZONE

5700/60, 5602/11

Mrs Pam Cooper asked if the changes to the Draft Enterprise Zone stimulated more interest in this area.

Mr Carl Pemberton stated that the Draft DCP is not out yet. He also stated that there has been some interest shown by a number of developers and that the developers were waiting for gazettal of the LEP

8 LEISURE CENTRE

7181

Mrs Pam Cooper stated that the long overdue concise information on the proposed Leisure Centre is commendable, are the costs of the PR exercise and advertising included the 16.7 million quote or is it an added expense and are the costs really necessary.

The General Manager advised that the costs are a part of the project and is an obligation Council have.

9 EXETER QUARRY

5813/3

Mrs Pam Cooper asked whether the Quarry land in Exeter had been gazetted yet.

The Director of Environment and Planning replied that it had been gazetted.

(con't)

10 MOSS VALE ENTERPRISE CORRIDER 5700/60, 5602/11

Mr Peter Falk asked if Council can include the changes to “Biodiversity Conservation” and “Heritage Protection” as outlined in the attachments to include all received and future “DA” Applications.

Clr Phil Yeo advised that Council would take on board Mr Falks question and ensure that it is discussed at the information session which is going to take a further look at the DCP.

10 PROPOSED SENIORS LIVING DEVELOPMENT ON THE OLSH SITE 5320/5

Mr Graham McLaughlin asked why Council’s assessment in relation to the site compatibility certificate was not included in the Application placed on public exhibition.

He asked why did the Director Environment & Planning state at the public meeting held at Craigieburn on 16 June 2008 that the issue of the site compatibility certificate by the Department of Planning was of little importance as Council would fully assess the application on its merits, knowing that Council was required to carry out an assessment of the site before the Director General of the Department of Planning could issue the site compatibility certificate.

The Director Environment and Planning in response to the first question stated that there is no requirement to do so. He further stated that the Director General has no need to make any comment on the site certificate as the registration is quite specific in the difference. In response to the second question the Director General carries out the compatibility certificate. Council is not required to carry out the assessment before the issue of the certificate; they are two totally separate processes. Council’s responsibility is in assessing the Development Application not the site compatibility certificate.

11 MOSS VALE MOTOR GROUP LUA07/1339, 08/0318,0420,0448,0494,.0618

Ms Jan Hainke asked if there any requirement for the colour of the main buildings, such as “Heritage” colours. She stated that at the moment the colours looked horrendous.

Clr Phil Yeo advised that the question will be taken on notice.

(cont)

12 RE-CLASSIFICATION OF CHERRTREE CLOSE RESERVE FOR SALE 6527/14.2

Mr Jan Hainke stated that this reserve has been well used by children in spite of Council removing all play equipment some years ago. Since being a target for future sale, trees have been planted in the Reserve. This was a waste of council money. Who deemed this reserve to be “unused” or “surplus” and why? What is the Communities next step to preserve this Reserve?

Clr Phil Yeo advised that the question will be taken on notice.

o-EP9 Renwick Stage 1 Subdivision and Adoption of Voluntary Planning Agreement

REF: DCM

LUA07/0946

LUA 07/946 has been received, seeking approval for a 79 lot subdivision at “Renwick”, Mittagong.

OC 143/08

The Committee on a MOTION moved Clr TD Gair and seconded Clr M Murray

RECOMMENDED:

1. **THAT Council approves the development application LUA07/0946 for a 79 lot subdivision, subject to standard conditions of consent, including the requirements of the RFS and SCA.**
2. **THAT those people who made submissions be advised of Council’s decision.**
3. **THAT the exhibited Voluntary Planning Agreement be accepted and that Council enter into the agreement with Landcom.**
4. **THAT a further report be brought forward on the possibility of extending the protection of the woodland over the whole site as per the suggestion by DECC, a cross section detail of the road and comparisons with the main spine roads in Bowral.**

PASSED

**o-EP10 Section 96 Application to Modify Development Consent and Restriction as to User,
at Wattle Flats Road, Canyonleigh**

REF: DCM

DA32/28/0334/82, LUA08/0600

Reporting on a S.96 application to modify consent and restriction as to user at Lot 3 DP
263466 Wattle Flats Road, Canyonleigh

Mr Les Pawlak introduced this report and outlined the history of the anomaly.

OC 144/08

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

1. **THAT the application pursuant to Section 96 of the EP and A Act to modify development consent no. 32/2/0334/82 be approved AND THAT the restriction as to user, which restricts the purpose for which Lot 3 DP263466, Wattle Flats Road, Canyonleigh may be used to agriculture only, be removed.**
2. **THAT the same restriction contained in the 88B Instrument in respect of Lots 1 and 2 DP263466, Wattle Flats Road, Canyonleigh also be removed with the consent of the owners of those properties.**

PASSED

o-EP11 Proposed Signs for Moss Vale Motor Group - Lot 1, DP1115968, 543 – 549 Argyle Street, Moss Vale

REF: DCM LUA2007/1339, 2008/0318, 0420, 0448, 0494, 0618

Council has received development applications for 6 free standing signs at the Argyle Street frontage of the new Moss Vale Motor Group car dealership which is under construction at Moss Vale. There is one sign for each of the five separate franchises and one for the MVMG.

Mr Les Pawlak introduced this item and displayed the signs on the overhead screen

OC 145/08

The Committee on a MOTION moved Clr NN Campbell Jones and seconded Clr TD Gair
RECOMMENDED:

1. **THAT the signs as proposed in the Development applications for advertising structures at 543-549 Argyle Street, Moss Vale (Lot 1 DP 1115968) be approved subject to standard conditions of consent:**
 - a) **LUA2007/1339 for a Nissan pole sign AND THAT the sign be positioned immediately in front or behind the light pole on the applicants property.**
 - b) **LUA2008/0318 for a Suzuki blade sign; AND THAT the sign be positioned immediately in front or behind the light pole on the applicants property**
 - c) **LUA2008/0420 for a Holden pole sign;**
 - d) **LUA2008/0448 for a Mitsubishi pole sign; AND THAT the sign be positioned immediately in front or behind the light pole on the applicants property**
 - e) **LUA2008/0494 for a VW blade sign; and**
 - f) **LUA2008/0618 for a Moss Vale Motor Group pole sign on Lot 1 DP1115968 at Nos.543-549 Argyle Street, Moss Vale. AND THAT the sign be positioned immediately in front or behind the light pole on the applicants property.**
- 2 **THAT all light spillage remain on site**
- 3 **THAT lights other than security lights be extinguished after 10pm**

The Committee on an AMENDMENT moved by Clr LAC Whipper seconded by Clr J Clark
RECOMMENDED:

THAT council ensure that the height of all the signs are adjusted to meet the height restrictions in the DCP.

LOST

MOTION PASSED

CORPORATE SERVICES DIVISION

o-CS1	Proposed Road Closure and Purchase Part Unformed Jellore Street, Welby
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REF.	PO	PN 757400; RD 3812
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Reporting on application received for closure and purchase of part of Jellore Street, Welby.

OC 146/08

The Committee on a MOTION moved Cllr M Murray and seconded Cllr P B Tuddenham
RECOMMENDED:

1. **THAT Council raises no objection to the proposed closure and sale of the unformed section of road adjacent to Lot 10 Deposited Plan 575325 and sale to the owner**
2. **THAT the purchase price for the closure of the pathway be determined by valuation, carried out by a registered valuer.**
3. **THAT all costs relating to the closure and sale be met by the applicant.**
4. **THAT should the closure be successful the allotment created be consolidated with Lot 10 Deposited Plan 575325 as a condition of this sale.**
5. **THAT the Transfer form and Deed of Sale be executed under the Common Seal of the Council.**

PASSED

o-CS2	Proposed Acquisition of Lots 1 & 2 Deposited Plan 359035 Wombeyan Caves Road, Bullio
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REF. PO

PN1760020

Reporting on a request by the registered proprietor of Lots 1 & 2 Deposited Plan 359035 to transfer those Titles to Council.

OC 147/08

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

1. **THAT the Titles for Lots 1 and 2 Deposited Plan 359035 and Lot - 1 DP 875844 Wombeyan Caves Road, Bullio be transferred from the registered proprietors to Council.**
2. **THAT subject to 1 above, the consideration to be paid is "nil".**
3. **THAT Council waives the outstanding rates in respect of Lots 1 and 2 Deposited Plan 359035 and Lot - 1 DP 875844 Wombeyan Caves Road, Bullio.**
4. **THAT the Deed of Agreement and Transfer document be executed under the Common Seal of Council.**

PASSED

o-CS3	Code of Meeting Practice - Amendments
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REF.	MAS	100/3
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Reporting on amendments to the Code of Meeting Practice.

OC 148/08

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

1. **THAT Council amends its Code of Meeting Practice to take into account the following matters:-**
 - (a) **Amend item 2.1.3 Meeting times of Council to read as follows:-**
 - i) **3.30pm Open Council (Councillors take the Chair on a rotational basis)**
 - ii) **5.00pm Mayor resumes the Chair for Council.**
 - (b) **Delete the words “Works & Planning Committee” in item 10.13.2 under the heading of Public Forum. In this regard Council when reviewing its meeting structure has deleted the Works and Planning Committee.**
 - (c) **Delete the words “(Trial only to 22 September 2005)” under the heading of item 3 Public Forum of item 11.1 General Order of business – Ordinary Meeting of Council.**
 - (d) **Delete the words “and matters that have been dealt with by the Works & Planning Committee” detailed in the second Paragraph of item 12.3 Public Forum Request form.**
 - (e) **Delete the words “and matters that have been dealt with by the Works & Planning Committee” detailed in item 3 under the heading Guidelines for Public forum Requests of item 12.3 Public Forum Request Form.**
2. **THAT Council notes the changes to the various clauses of the Local Government (General) Regulation 2005 as detailed in the Code of Meeting Practice.**

PASSED

o-CS4 Moss Vale Tennis Club – Court Upgrades

REF. DCS 2130, 2155/1, 6618/9.1

Reporting on discussions with representatives of Moss Vale Tennis Club regarding a \$50,000 interest free loan.

OC 149/08

The Committee on a MOTION moved Clr M Murray and seconded Clr M King

RECOMMENDED:

1. **THAT Council provides a \$50,000 interest free loan to the Moss Vale Tennis Club to assist with the financing of court upgrades at Moss Vale Tennis Courts.**
2. **THAT the loan be repaid over a three (3) year period by quarterly instalments.**
3. **THAT the loan be unsecured and the requirement for personal guarantees for the loan be waived.**

PASSED

o-CS5	Revised Model Code of Conduct
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REF.	MAS	800/2
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Reporting on the revised Model code of conduct for Local Councils in NSW

OC 150/08

The Committee on a MOTION moved Cllr M Murray and seconded Cllr P B Tuddenham
RECOMMENDED:

1. **THAT the Draft Code of Conduct as revised by the Department of Local Government in its Circular to Council dated 20 June 2008 (Circular no 08-38) and distributed to Councillors under separate cover, be adopted**
2. **THAT in relation to one (1) above Council includes in the revised Model Code of Conduct the Listening Devices Act 1984 AND THAT reference be made in the Code to the General Manager's Practice Note No 5 "Processing of LUAs – Avoiding Potential for Conflicts of Interest" confirming the protocols in this document as the required standard under the Code of Conduct.**
3. **THAT the adopted Code of Conduct be distributed to Councillors, all staff, Council delegates and to members of Council Committees, including Advisory Committees.**
4. **THAT Council appoints three (3) members on the Wingecarribee Shire Council Conduct Committee for a two (2) year term.**
5. **THAT nominations be advertised in the local press calling for expressions of interest to serve on the Wingecarribee Shire Council Conduct Committee.**

PASSED

o-CS6	Postponed Rates Write-Off
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REF.	FSM	2200/6
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Submitting a report for the abandonment of postponed rates as required under Section 595(1) of the Local Government Act.

OC 151/08

The Committee on a MOTION moved Clr M Murray and seconded Clr P B Tuddenham

RECOMMENDED:

THAT Council, in accordance with Section 595 of the Local Government Act 1993, writes-off the postponed rates and associated extra charges as per Attachment 1 for the value of \$10,319.51.

PASSED

TECHNICAL SERVICES DIVISION

o-TS1 Bundanoon Sewerage Augmentation – Revised Estimate

REF: MBW

7614

Presenting a revised estimate for the Bundanoon Sewerage Augmentation, which has been compiled following receipt of tenders for the project's major contract.

Mr Mark Williams was in attendance to answer any questions on this item

OC 152/08

The Committee on a MOTION moved Clr TD Gair and seconded Clr M Murray

RECOMMENDED:

THAT the revised estimate of \$18.5 million be adopted for the Bundanoon Sewerage Augmentation.

PASSED

o-TS2 Bicycle Strategy for Mittagong, Bowral & Moss Vale

REF: RSO

7830/.2

Reporting on of the draft Bicycle Strategy for Mittagong, Bowral and Moss Vale (circulated separately) and seeking approval to place it on public exhibition.

OC 153/08

The Committee on a MOTION moved Clr M Murray and seconded Clr J Clark

RECOMMENDED:

1. **THAT Councillors endorse public exhibition of the draft Bicycle Strategy for Mittagong, Bowral and Moss Vale for a period of 28 days and invite community comment by written submission.**
2. **THAT an information session be held to show the plans of each town, how they link up and the priority order.**

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 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.

OC 154/08

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

RECOMMENDED:

THAT the information relating to Local Government Weekly Circulars Nos 24/08 - 25/08 and Council Weekly Circulars Nos 26/08 - 27/08 be noted.

PASSED

c-GM2 Draft Economic Development Strategic Plan

REF.	EDO	1600/19
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Reporting on the new draft Economic Development Strategic Plan 2008 - 2016 for Wingecarribee Shire.

OC 155/08

The Committee on a MOTION moved Clr M Murray and seconded Clr M King

RECOMMENDED:

1. **THAT Council formally adopts the Wingecarribee Shire Economic Development Strategic Plan 2008-2016.**
2. **THAT Council commend the Economic Development Officer and the staff on the quality of the report.**

PASSED

c-GM3 Leisure Centre Poll

REF. GM

7181, 7122

Reporting on the poll to be held in conjunction with the Council elections.

It was noted that the following changes be considered to the draft Wingecarribee Today newsletter for distribution to all residents and business in the Shire:

- (i) Page 89 – the words “after a survey of the community” in the 1st paragraph
- (ii) Page 89 – delete “future” and “of a” in the last dot point under the heading Leisure Centre inclusions.
- (iii) Page 93 – Include the word “Mittagong” in item 12

OC 156/08

The Committee on a MOTION moved Cllr M Murray and seconded Cllr NN Campbell-Jones
RECOMMENDED:

1. **THAT Council approves the Communication Strategy (annexed to this report) to let Wingecarribee residents know about the leisure centre poll, beginning in the first week of August with newspaper advertisements, followed by a mailing of an edition of Wingecarribee Today on Monday 11th August 2008 to all residents and businesses in the Shire.**
2. **THAT the newspaper advertisements and “Wingecarribee Today” mail-out be supplemented by detailed information on Council’s website, as well as in displays at the Civic Centre and the three shire libraries. This will include maps of each parcel of land proposed to be sold to fund the leisure centre.**
3. **THAT an inspection tour be offered to Wingecarribee residents who would like to see the parcels of land proposed to be sold to fund the leisure centre.**
4. **THAT on election day, information, including extra copies of the Wingecarribee Today newsletter, maps of the land proposed to be sold and other background material be made available at all polling booths.**
5. **THAT the Chambers of Commerce, Service Clubs and Management Committees be included in the distribution of Wingecarribee Today relating to the poll.**
6. **THAT the content of the “Wingecarribee Today” newsletter annexed to this report be approved by Council.**

PASSED

CHAIRPERSON

Clr P Yeo handed over the chair to the Deputy Mayor and in doing so thanked Councillors for their cooperation and stated that it was the last opportunity to Chair a meeting of this council and that he always regarded it as a privilege to do so.

His comments were greeted by acclamation in appreciation of his Chairmanship skills.

At 6.55pm, being the conclusion of Open Council the Deputy Mayor, Clr PB Tuddenham, resumed the chair to conduct the remainder of Council business.

o-EP8 'Belle Cheval' Enclosure of Existing Horse Riding Arena at Robertson

REF: DCM

LUA08/0389

Reporting on LUA08/0389 for a proposed enclosure of a existing horse riding arena, and the construction of a storage and machinery shed at "Belle Cheval" Lot 6 DP 737470 Myra Vale Road, Robertson.

This matter was considered in Open Council when voting on the Motion was tied at five (5) all and was therefore referred to full Council, in accordance with its Code of Meeting Practice (refer page 14)

MN 267/08

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

THAT the 'Belle Cheval' Enclosure of existing horse riding arena at Robertson be deferred and an onsite inspection be conducted **AND THAT** the neighbours and councillors be invited so that the owner can answer any questions including height poles and layout pegs be brought back to the next Ordinary meeting of Council on 23 July 2008.

AMENDMENT moved *Clr LAC Whipper seconded by Clr J Clark*

1. **THAT** LUA08/0389 for the proposed enclosure of a existing horse riding arena, and the construction of a storage and machinery shed at "Belle Cheval" Lot 6 DP 737470 Myra Vale Road, Robertson be refused for the following reasons:
 - A. ***The proposed enclosure of the existing horse riding arena is considered to be excessive in bulk and scale and is not compatible with the objectives of the 7 (b) Environmental Protection (Landscape Conservation) Zone and Wingecarribee Development Control Plan No 53 - Siting, Design and Landscaping of Rural Developments.***
 - B. ***The proposed colours of the enclosure and the machinery and storage sheds are not considered to be sympathetic to the scenic rural landscape.***

Reasons for refusal imposed having regard to Section 79 (c) (a) (i), (a) (iii), (b), (d) and (e) of the Environmental Planning and Assessment Act 1979.

Voting on the Amendment was tied five (5) all, whereupon the Chairman used his casting vote against the Amendment.

VOTING ON THE AMENDMENT

Voting for the Amendment: Clrs Mauger, Clark, Gair Whipper and Yeo

Voting against the Amendment: Clr King, M Murray, George, Campbell-Jones, Tuddenham

Voting on the Motion was tied five (5) all, whereupon the Chairman used his casting vote in favour of the Motion.

VOTING ON THE MOTION:

Voting for the Motion: Cllr King, M Murray, George, Campbell-Jones, Tuddenham

Voting against the Motion: Cllrs Mauger, Clark, Gair Whipper and Yeo

COMMITTEE REPORTS

OTHER MATTERS

c-NM1 26/2008 – Notice of Motion – Bong Bong Common

REF: MAS

100/4, 6530/1.3

Clr P Yeo has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 9 July 2008.

MN 268/08

MOTION moved Clr P Yeo and seconded Clr J Clark **RECOMMENDED:**

1. **THAT Council adopts the Bong Bong Common Conservation Management Plan.**
2. **THAT Council consolidates the titles of the portions of land known as the Bong Bong Common.**
3. **THAT Council registers with the NSW Geographical Names Board the name “Bong Bong Common”.**
4. **THAT Council pursues listing of the site in the NSW State Heritage Register.**
5. **THAT Council policy be to consider the purchase of the eastern portion of the original Bong Bong site if and when it comes on the market.**
6. **THAT Council funds a supplementary study to address the cultural and heritage value of the site for the Aboriginal people.**
7. **THAT Council advises the Southern Highlands Botanical Gardens Inc that the Bong Bong Common is not a suitable site for a botanical garden.**
8. **THAT Council works with Southern Highlands Botanical Gardens Inc to find a suitable site as a priority for a botanical garden.**
9. **THAT Council proceeds with the Bong Bong Common Management Plan on the basis of the existing uses.**

AMENDMENT moved Clr NN Campbell-Jones seconded by Clr M Murray

1. **THAT Council consolidates the titles of the portions of land known as the Bong Bong Common.**
2. **THAT Council registers with the NSW Geographical Names Board the name “Bong Bong Common”.**
3. **THAT Council pursues listing of the site in the NSW State Heritage Register.**

COMMITTEE REPORTS

4. ***THAT Council policy be to consider the purchase of the eastern portion of the original Bong Bong site if and when it comes on the market.***
5. ***THAT Council funds a supplementary study to address the cultural and heritage value of the site for the Aboriginal people.***
6. ***THAT Council works with Southern Highlands Botanical Gardens Inc to find a suitable site as a priority for a botanical garden.***

Voting on the Amendment was tied at five (5) all whereupon the Chairman used his casting vote in favour of the Amendment.

VOTING ON THE AMENDMENT

Voting for the Amendment: Ctrs King, M Murray, George, Campbell-Jones, Clr Tuddenham

Voting against the Amendment Ctrs Mauger, Whipper, Gair, Clark and Yeo

AMENDMENT BECAME THE MOTION

Voting on the Motion was tied five (5) all, where upon the Chairman used his casting vote in favour of the Motion.

VOTING ON THE MOTION

Voting for the Motion: Ctrs King, M Murray, George, Campbell-Jones, Clr Tuddenham

Voting against the Motion: Ctrs Mauger, Whipper, Gair, Clark and Yeo

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Traffic Committee
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REF	TE	107/6
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Submitting minutes of the Traffic Committee meeting held on Monday, 30 June 2008.

MN 269/08

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

THAT the Traffic Committee minutes held on Monday 30 June 2008 be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 July 2008.

PASSED



GENERAL BUSINESS

GENERAL BUSINESS

General Business questions from Councillors were tabled and will be distributed to the appropriate staff for action and be included in Council's Resolution Index.

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being pm, 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 270/08

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

RECOMMENDED:

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:**

c-GM1 TENDER FOR THE LEASE OF PUBLIC GOLF COURSE, CENTENNIAL ROAD, BOWRAL

6612/1.1, PN21590

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

Brief Description

Reporting on the outcome of the Tender process for the proposed lease of the golf course at Centennial Road, Bowral.

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.

c-TS1 BUNDANOON SEWERAGE AUGMENTATION: TENDER ASSESSMENT 7614

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 major contract associated with the Bundanoon Sewerage Augmentation.

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 – change to suit.

c-CS1 MOSS VALE CBD CAR PARK – POTENTIAL FUTURE DEVELOPMENT 7472

Relevant Legal Provision

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

Brief Description

Reporting on a proposal for an Integrated Primary Healthcare Centre in Moss Vale.

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.

c-CS2 ACQUISITION PART 5-15 LOFTUS STREET, BOWRAL PN859400; 7121

Relevant Legal Provision

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

Brief Description

Reporting on a proposal to acquire the portion zoned 9(b) Proposed Local Road Zone within the property known as 5-15 Loftus Street, Bowral for the purpose of a bypass road through the property.

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 – change

c-CS3 OUTSTANDING DEBT

2104

Relevant Legal Provision

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 and 10A2(b) of the Local Government Act, as it is concerning particular individuals, and the personal hardship of a resident or ratepayer

Brief Description

Submitting an amended report on an outstanding debt for Highlands Waste Services. (Reference 28 May 2008, o-CS3 MN 203/08)

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.

c-CS4 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 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

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 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

REPORT OF GENERAL MANAGER

c-GM1 Tender For The Lease Of Public Golf Course, Centennial Road Bowral

REF. PO

6612/1.1, PN 215900

The Director Corporate Services distributed additional information to Councillors at the meeting.

Relevant Legal Provision

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

Brief Description

Reporting on the outcome of the Tender process for the proposed lease of the golf course at Centennial Road, Bowral.

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 L A C Whipper
RECOMMENDED:

THAT the Tender for the Lease of Public Golf Course, Centennial Road, Bowral be deferred to first meeting of Council, whether it be an Extraordinary Meeting or the Ordinary meeting of Council on 23 July 2008, and an information session be held prior to the respective meeting to have time to examine the amendments and any new information.

PASSED

REPORT OF TECHNICAL SERVICES DIVISION

c-TS1 Bundanoon Sewerage Augmentation - Tender Assessment
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REF: MBW	7614
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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 proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Presenting details of tenders for the major contract associated with the Bundanoon Sewerage Augmentation.

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.

Additional information in relation to the Tender Assessment was distributed at the meeting.

The Committee on a MOTION moved by Cllr TD Gair seconded by Cllr P Yeo

RECOMMENDED:

1. **THAT contact number 0701100 be awarded to Haslin Constructions Pty Ltd at an adjusted lump sum cost of \$13,143,100.00 excluding GST;**
2. **THAT award of the contract be subject to the Department of Commerce obtaining a satisfactory financial assessment of the proposed contractor;**
3. **THAT the Mayor be authorized to sign the letter of acceptance on behalf of Council.**

PASSED

REPORT OF CORPORATE SERVICES DIVISION

c-CS1	Moss Vale CBD Car Park – Potential Future Development
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REF.	DCS	7472
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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 proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on a proposal for an Integrated Primary Healthcare Centre in Moss Vale.

Public Interest

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

Interest: Clr P Yeo declared a pecuniary interest in this matter, left the Chambers, took no part in the debate and refrained from voting thereon.

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

THAT the report in relation to the Moss Vale CBD Carpark – Potential Future Development be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 July 2008.

PASSED

c-CS2 Acquisition Part 5-15 Loftus Street, Bowral

REF. PO

PN859400; 7121

Relevant Legal Provision

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

Brief Description

Reporting on a proposal to acquire the portion zoned 9(b) Proposed Local Road Zone within the property known as 5-15 Loftus Street, Bowral for the purpose of a bypass road through the property.

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 – change

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

RECOMMENDED:

THAT the report on Acquisition Part 5-15 Loftus Street, Bowral be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 July 2008.

PASSED

c-CS3 Outstanding Debt

REF.	FSM	2162 2125/2
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Relevant Legal Provision

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 and 10A2(b) of the Local Government Act, as it is concerning particular individuals, and the personal hardship of a resident or ratepayer

Brief Description

Submitting an amended on an outstanding debt for Highlands Waste Services. (Reference 28 May 2008, o-CS3 MN 203/08 and 25 June 2008 MN 249/08)

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.

Clrs. M Murray, M King, N Campbell-Jones & George declared a non-pecuniary interest in this matter, they remained in the chamber, took part in the debate and voted thereon.

The Committee on a MOTION moved by Clr L A C Whipper seconded by Clr N N Campbell-Jones **RECOMMENDED:**

THAT the report on Outstanding Debt be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 July 2008 AND THAT the matter be considered in Open Council.

PASSED

c-CS4 Briefing on Current Status of Legal Matter WSC v Lehman Brothers Australia

REF. DCS

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.

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

RECOMMENDED:

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

PASSED

OPEN COUNCIL

MN 271/08

MOTION moved by Clr M Murray seconded Clr J Mauger

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 272/08

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

THAT the recommendations of the Closed Council held on Wednesday, 9 July 2008 being c-GM1, c-TS1, and c-CS1 to c-CS4, be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 273/08

MOTION moved by Clr M Murray seconded Clr T D Gair

THAT the recommendations of the Open Council held on Wednesday, 9 July 2008 being OC 134/08 to OC156 /08, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 9 July 2008



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.10pm

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 9 July 2008 numbered MN 263/08 to M/N 273/08, were signed by me hereunder at the Council Meeting held on Wednesday, 23 July 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 23 JULY 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 9 July 2008

