

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/09



held on Wednesday, 9 December 2009

The meeting commenced at 3.30 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

CONTENTS

MAYORAL MINUTE	3
c-MM1 Local Government Association of New South Wales Awards.....	3
CONFIRMATION OF MINUTES	5
VISITOR ITEM	7
CORPORATE SERVICES DIVISION	7
v-CS1 Presentation of 2008/09 Auditor’s Report	7
ENVIRONMENT & PLANNING DIVISION	8
v-EP2 Request to Amend Planning Controls over Lot A, DP 162073, Argyle Street Moss Vale.....	8
v-EP3 Equestrian Events – “Wallaby Hill Farm”, Wallaby Hill Road, Robertson	11
QUESTIONS FROM THE PUBLIC	13
OPEN COUNCIL	14
ENVIRONMENT & PLANNING DIVISION	14
o-EP1 Development Consents Determined by way of Approval under Delegated Authority.....	14
o-EP2 List Of Land Use Applications Received By Council.....	16
o-EP3 Land Use Applications Determined.....	18
o-EP4 Equine Agistment Facility Lot 100 DP1089935, Headlam Road, Moss Vale.....	19
o-EP5 Modification to Development Consent for a 2 Lot Subdivision Lot 5 DP 356938, 7 – 9 Station Street, Mittagong	20
o-EP6 Chelsea Gardens / Coomungie Urban Release Area Draft LEP 131	21
o-EP7 Draft DCP for Robertson Village	22
o-EP8 Stormwater Management Plan and Developer Servicing Plan Additional Funding	23
o-EP9 Bowral and Moss Vale Sesquicentenary Celebrations 2013	24
o-EP10 Draft Burrawang Village Development Control Plan	25
o-EP11 Draft Penrose and Wingello Development Control Plan	26
o-EP12 Bowral Town Centre Micro Simulation Computer Model for Traffic and Transport Options – Match Grand Funding.....	27
o-EP13 Adjustments to Quarry Road Royalty Payment Scheme	28
o-EP14 New Legal Issues Report	29
CORPORATE SERVICES DIVISION	30
o-CS1 Water Determination Policy.....	30
o-CS2 Tulip Time 2009 Festival Outcome.....	31
INFRASTRUCTURE SERVICES DIVISION	32
o-IS1 Wingecarribee Our Future Environment Levy	32
o-IS2 Draft DCP for Managing our Flood Risks	33
o-IS3 Draft Resource Recovery Management Levy Policy.....	34
o-IS4 Easement for Water Supply, Bowral Country Club, Bowral	35
COMMITTEE REPORTS	36
COMMITTEE REPORTS TABLED	36
c-CR1 Management and Advisory Committee Reports	36
COMMITTEE REPORTS ATTACHED	37
c-CR2 Internal Audit Committee	37
c-CR3 Minutes of the Rural Fire Service District Liaison Committee	37
c-CR4 Minutes of the Environment and Sustainability Committee.....	38
c-CR5 Minutes of the Traffic Committee	39
GENERAL BUSINESS	40



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

CLOSED COUNCIL	42
CORPORATE SERVICES DIVISION	42
c-CS1 Closed Council	42
c-GM1 Supply & Delivery of Bulk Water Treatment Chemicals – Tender T80910SCG	44
c-GM2 Robertson Sewerage Scheme – Acquisition of Irrigation Area	45



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

COMMENCING AT: 3.30 pm

PRESENT: Clr T D Gair (Mayor) in the Chair
Clr G McLaughlin (Deputy Mayor)
Clr J G Arkwright
Clr J R Clark
Clr K Halstead
Clr J Mauger
Clr D Stranger
Clr P B Tuddenham
Clr L A C Whipper

IN ATTENDANCE:

General Manager	Mr Jason Gordon
Director Corporate Services	Mr Barry Paul
Director Environment & Planning	Mr Scott Lee
Director Infrastructure Services	Mr Michael Brearley
Manager Administration & Library Services	Mr Peter Nelson
Administration Officer	Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Mayor Clr T D Gair opened the meeting and acknowledged country:

"We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today."

PRAYER

100/1

Captain David Day, of the Salvation Army Bowral led the Meeting in Prayer.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

WELCOME TO NEW GENERAL MANAGER

WELCOME TO THE NEW GENERAL MANAGER, MR JASON GORDON

On behalf of the Wingecarribee Shire Council, the Mayor Clr T D Gair welcomed the new General Manager, Mr Jason Gordon and wished him well in his position with Council.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 Local Government Association of New South Wales Awards

REF: Mayor (MM) 203/4, 801

Recognising three former Wingecarribee Councillors who have received certificates for service to the people through Local Government from the Local Government Association of New South Wales – Gordon Lewis, Phil Yeo and Dr Sara Murray.

Former Councillors Gordon Lewis and Phil Yeo were in attendance at the Meeting for presentation of the Local Government Association Service Awards.

The Mayor Clr T D Gair acknowledged the former Councillors and Mayors of the Wingecarribee Shire Council Gordon Lewis and Phil Yeo and the many years of service they had collectively given to the Council and the community within the Shire.

The Councillors acknowledged the contribution to the Council made by Gordon Lewis and Phil Yeo, and Sara Murray in her absence.

MN 499/09

MOTION moved by Clr T D Gair and seconded by Clr P B Tuddenham:

THAT Council congratulates former Councillors Gordon Lewis, Phil Yeo and Dr Sara Murray on being recognised by the Local Government Association with Service Awards, but also for their outstanding contribution to the Wingecarribee Shire community.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

ACKNOWLEDGEMENT – ARTHUR BEASLEY OAM

The Mayor Clr T D Gair noted the passing of the well known Highlands identity Arthur Beasley who died peacefully on Monday night after having suffered a stroke. The Mayor stated that last December Arthur and his wife Hilda celebrated 70 years of marriage, and that in June 1998 Arthur was awarded the Medal of the Order of Australia for service to the residents of the Southern Highlands, particularly through community and service organisations.

The Mayor stated that the late Arthur Beasley:

- Was a former high school headmaster and a teacher during his working life.
- Formed the local branch of the National Parks Association and was a legendary bushwalker, traversing huge chunks of bush over many years.
- Was the Principal of Toombong School in Mittagong.
- Was involved in the local community for many years as a cricket coach, a staunch supporter of the Gibbergunyah Reserve and involved in raising money for the construction for the Bowral Pool.
- Was also instrumental in the formation of Tulip Time in Bowral.
- Opened the viewing platform on Mount Gibraltar with the then Mayor Phil Yeo back in September 2001, having been part of the Mount Gibraltar Management Committee and great supporter.

The Mayor also stated that at the ripe old age of 96 Arthur was up in the Gibbergunyah Reserve in April this year to pay his respects to the original custodians of the land, and was the man who originally thought up the idea of holding the very first ceremony on Gibbergunyah in 2002.

The Mayor stated that Arthur was hoping that he would be here in 2013 to quietly celebrate his century, a milestone he said last year he was going to bring up with five slow singles rather than a flashy boundary and an edge for one, but sadly he didn't get those last couple of singles.

A minutes silence was held to acknowledge the late Arthur Beasley, OAM.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

APOLOGY

There were no apologies at this meeting.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
25 NOVEMBER 2009

100/1

MN 500/09

MOTION moved by Clr L A C Whipper and seconded by Clr J G Arkwright:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 25 November 2009 MN 483/09 to MN 498/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

DECLARATIONS OF INTEREST

101/3

Clr P B Tuddenham declared a pecuniary interest in Item o-EP5 – Modification to Development Consent for a 2 Lot Subdivision Lot 5 DP 356938, 7-9 Station Street, Mittagong – as he is a director of the company that owns the building. 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 D Stranger declared a pecuniary interest in Item o-EP6 – Chelsea Gardens/Coomungie Urban Release Area Draft LEP 131 – as his business manages the homes on “Coomungie” and adjoining “Parkleigh”. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.



VISITOR ITEM

CORPORATE SERVICES DIVISION

v-CS1 Presentation of 2008/09 Auditor's Report

REF: DCS

107/34

Council's external Auditor, Mr Philip Webster was in attendance at the Meeting to provide comments on Council's end of year 2008/09 Audit Report.

Clr J G Arkwright welcomed Mr Philip Webster to present the 2008/09 Audit Report to Council.

MN 501/09

MOTION moved by Clr J G Arkwright and seconded by Clr L A C Whipper:

THAT Mr Webster be thanked and the information be noted.

PASSED



ENVIRONMENT & PLANNING DIVISION

Environmental Sustainability

v-EP2 Request to Amend Planning Controls over Lot A, DP 162073, Argyle Street Moss Vale
--

REF: SPM

PN67000

The purpose of this report is to provide Council with details of a request to proceed with the preparation of a Planning Proposal to alter the planning controls on Lot A, DP 162073, Argyle Street, Moss Vale to allow the site to be developed with an adjoining two properties for a McDonalds Restaurant.

Mr Trevor Forster, Development Manager – Real Estate from McDonalds Australia Limited, made a presentation to Council.

Council's Director Environment & Planning, Mr Scott Lee addressed Council on the matter.

--

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

1. THAT Council resolve not to support the request by JBA Urban Planning Consultants on behalf of McDonalds Australia Ltd to amend the current and proposed planning controls over Lot A DP 162073, 180 Argyle Street, Moss Vale to permit 'restaurants' on the site.
2. THAT the applicant be notified of Council's decision.
3. THAT Council liaise and work with the applicant to ascertain another location/site in Moss Vale for the proposed development.

Clr P B Tuddenham Foreshadowed a further Motion.

LOST

.....Cont'd



.....Cont'd

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin		x
Clr J G Arkwright		x
Clr J R Clark	x	
Clr K Halstead		x
Clr J Mauger		x
Clr D Stranger		x
Clr P B Tuddenham		x
Clr L A C Whipper	x	

THE FORESHADOWED MOTION BECAME THE MOTION

MN 502/09

MOTION moved by Clr P B Tuddenham and seconded Clr D Stranger.

1. **THAT Council resolve to support the request by JBA Urban Planning Consultants on behalf of McDonalds Australia Ltd to amend the current and proposed planning controls over Lot A DP 162073, 180 Argyle Street, Moss Vale to permit 'restaurants' on the site by amending Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009.**
2. **THAT Council work with the applicant during the DA process to work through the layout, traffic, landscaping and signage.**
3. **THAT the DA be determined by Council and any report to Council include draft conditions of consent.**
4. **THAT Council support the amendment of Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009 covering Lot A DP 162073, 180 Argyle Street, Moss Vale to facilitate a more satisfactory development of the adjoining Lots C and D in terms of traffic access to and from the site and deem this as an appropriate site for a McDonald's restaurant AND THAT in consideration of Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009, traffic concerns raised can be satisfactorily addressed.**

PASSED

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....*Cont'd*

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark		x
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper		x



v-EP3 Equestrian Events – “Wallaby Hill Farm”, Wallaby Hill Road, Robertson

REF: DBSM

LUA09/0903

Reporting on the proposed limited use of “Wallaby Hill Farm” for equestrian events.

Mr Darren Hogan from Bureaucracy Busters, addressed Council on behalf of the applicant.

Council’s Manager Administration & Library Services, Mr Peter Nelson, joined the meeting at 5.35 pm.

MN 503/09

MOTION moved by Clr L A C Whipper and seconded by Clr K Halstead:

THAT development application LUA2009/0903 for the use of “Wallaby Hill Farm” Lot 4 DP590435, Wallaby Hill Road, Robertson, for equestrian events on four (4) occasions in a calendar year be approved subject to deferred commencement and special conditions as described in Attachment 2 to the report, which was circulated under separate cover **AND THAT** the special conditions requiring a 2 coat bitumen seal to Wallaby Hill Road include confirmation that such sealing is for a length of approximately 1.5 kms from the intersection with Belmore Falls Road to the entry gate of “Wallaby Hill Farm”, up to a cost of \$60,000”.

AMENDMENT moved by Clr D Stranger and seconded by Clr J Mauger:

THAT development application LUA2009/0903 for the use of “Wallaby Hill Farm” Lot 4 DP590435, Wallaby Hill Road, Robertson, for equestrian events on four (4) occasions in a calendar year, be deferred to the next full Meeting of Council to be held on Wednesday, 16 December 2009.

LOST

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor’s vote in relation to this matter.

Councillor	For	Against
Clr T D Gair		x
Clr G McLaughlin		x
Clr J G Arkwright	x	
Clr J R Clark		x
Clr K Halstead		x
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper		x

MOTION PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright		x
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger		x
Clr D Stranger		x
Clr P B Tuddenham		x
Clr L A C Whipper	x	

Clr D Stranger retired from the Meeting at 6.15 pm.

QUESTIONS FROM THE PUBLIC

1. BOWRAL TOWN CENTRE MICRO SIMULATION COMPUTER MODEL FOR TRAFFIC AND TRANSPORT OPTIONS – MATCH GRANT FUNDING 7300/8

- (i) Mr Peter Smyth referred to an item earlier in the year where Council voted unanimously that there would be no paid parking in Bowral, and he asked the Mayor if that was still his belief.

The Mayor Clr T D Gair advised that as far as he is aware it is still Council's belief, but it may change at a later date if there was a new parking station built - perhaps in 5 or 7 years time - but at this stage Council has no recommendation in place to alter that position.

- (ii) Mr Peter Smyth referred to the RTA Southern Region Request for Funding Forms wherein it says that the study also includes "scenario testing at least 2 variations" and in brackets "to be confirmed". Mr Smyth asked for a promise that that will not be a parking metre trial exercise and that it is still not on the agenda and asked if he can be re-assured that the car parking fund is the correct fund for Council to use on that particular study as it also includes a traffic survey. Mr Smyth stated he was under the impression that the car parking fund had to be used only on car parking.

The Mayor Clr T D Gair advised that as far as he is aware, Council is following the correct procedure but he would ask the Director Environment & Planning for confirmation.

Council's Director Environment & Planning, Mr Scott Lee, advised that it is Council's belief that the money which has been collected for car parking is being appropriately spent, and the study that Mr Smyth refers to goes to the issue of car parking.

- (iii) Mr Peter Smyth referred to the statement in the RTA Southern Region Request for Funding form that "Council officers believe that any improvements should include improved town centre management and not solely rely upon additional, often very costly, additional infrastructure." Mr Smyth asked what costly infrastructure for relief on parking in Bowral has the Council funded and can we expect any infrastructure spending by Council on parking in the near future.

The Mayor Clr T D Gair advised that an Information Session was held recently on this matter and Council is pursuing an option for the Coles Car Park area, which will be investigated further as a strategy for long term/multi-deck car parking in that area.



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Determined by way of Approval under Delegated Authority

REF: DBSM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 17 November 2009 and 1 December 2009.

MN 504/09

MOTION moved by Clr L A C Whipper and seconded by Clr G McLaughlin:

THAT the information relating to Development Consent Nos 1 to 7 (Approved) and Consent No 1 (Refused) under Delegated Authority be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Matters Arising from Development Consents Determined by Way of Approval Under Delegated Authority

Table One by way of Approval

1. MACHINERY SHED AND TOURIST ACCOMMODATION, HENLEIGH PARK,
15 GIBRALTAR ROAD, MITTAGONG LUA09/0710

Clr G McLaughlin noted that Councillors had conducted a site inspection of this facility and asked for information on the limitations on the tourist aspect of the development, as concerns have been expressed by residents of this area.

Council's Development & Building Services Manager, Mr Les Pawlak, advised that information will be provided in the Weekly Circular.

2. ITEM 5 – 6 LOT SUBDIVISION, SUNNYSIDE, SALLYS CORNER ROAD, EXETER
LUA09/0462

Clr L A C Whipper asked for further information in relation to the 6 Lot Subdivision at Sunnyside, Sallys Corner Road, Exeter.

Council's Development & Building Services Manager, Mr Les Pawlak, advised that further information will be provided in the Weekly Circular.

Table Two by way of Refusal

1. ITEM 1 – OPERATION OF MENS SHED AND COMMUNITY STORAGE FACILITY,
7-11 BURGESS STREET, BUNDANOON LUA09/0592

Clr J R Clark asked about the refusal of the Mens Shed and Community Storage Facility, and asked for a comment in relation to this matter, noting that there were a couple of applications to come forward from the Mens Shed group. Clr Clark asked if this was one of those two applications that has been refused.

Council's Development & Building Services Manager, Mr Les Pawlak, advised that the development application referred to was refused, after a number of requests for additional information had been requested but not provided by the applicant. He stated that in this particular case, additional information came in within a couple of days of the application being refused, but they do have the opportunity to apply for a review.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP2 List Of Land Use Applications Received By Council

REF:	DBSM	5302
------	------	------

Submitting list of development applications which have been received between 17 November 2009 and 1 December 2009, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

Council's Director Environment & Planning, Mr Scott Lee, advised that Item 6 is incorrectly listed in the Agenda, due to a technical error, and that this is the same proposal listed at on the Agenda for the Council Meeting held on Wednesday, 25 November 2009.

MN 505/09

MOTION moved by Cllr J R Clark and seconded by Cllr G McLaughlin:

THAT the information regarding the List of Land Use Applications Nos 1-7 received by Council be received and noted, with the exception of Item 6 – Housing NSW Affordable Housing – 5 x 2 Storey Dwellings, 6 x 1 bedroom/14 x 2 bedroom, 114-116 Argyle Street, Moss Vale (LUA09/1059), which should be deleted as it was listed on the Council Agenda on Wednesday, 25 November 2009.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Matters Arising from List of Land Use Applications Received by Council

1. ITEM 3 – INTERNAL PARTITIONS FIRST OCCUPATION AND ASSOCIATED SIGNAGE “EB GAMES” MITTAGONG HOME MAKES, 205 OLD HUME HIGHWAY, MITTAGONG LUA09/1107

Clr J R Clark asked if this is a separate development to the bowling alley or is it associated with it, and asked for some further information in the Weekly Circular.

Council’s Development & Building Services Manager, Mr Les Pawlak, advised that this is a separate development within the same complex. He advised that he will provide information in the Weekly Circular.

2. ITEM 5 – 21 DETACHED FREESTANDING STABLES AND SHED, ROSTHWAITE, YARRAWA ROAD, MOSS VALE LUA09/1095

Clr P B Tuddenham asked if this was the same development that Council has previously dealt with when a subdivision was done in that area.

Council’s Development & Building Services Manager, Mr Les Pawlak, advised that this not the same development. He advised that it is about half way along Yarrowa Road on the southern side towards Meryla Road and that it is for 16 individual single horse shelters, and is not a stable complex as such. He advised that each shelter has a floor area of about 16 m² (4 x 4 m).

3. ITEM 7 – SEVERING BASEMENT CARPARKING SPACES AND CREATING UTILITY LOTS – STRATA SUBDIVISION OPPOSITE BOWRAL GOLF CLUB (BETWEEN BENDOOLEY STREET AND AITKEN BOWRAL), 20/44 KANGALOO ROAD, BOWRAL LUA09/1091

Clr K Halstead asked if this proposal is “The Manning” or around the corner from there.

Council’s Development & Building Services Manager, Mr Les Pawlak, advised that he will provide information in the Weekly Circular.



o-EP3 Land Use Applications Determined
--

REF: DBSM	5302
------------------	------

Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of November 2009.

MN 506/09

MOTION moved by Clr L A C Whipper and seconded by Clr K Halstead:

THAT the information regarding the List of Land Use Applications Received by Council for the month of November 2009, be received and noted.

PASSED



o-EP4 Equine Agistment Facility Lot 100 DP1089935, Headlam Road, Moss Vale

REF: DBSM

LUA09/0924

Reporting on an Equine Agistment Facility for Bong Bong Farm at Lot 100 DP 1089935 Headlam Road, Moss Vale

MN 507/09

MOTION moved by Clr G McLaughlin and seconded by Clr L A C Whipper:

THAT subject to the receipt of concurrences from the Sydney Catchment Authority and the Department of Water and Energy, development application LUA2009/9924 for an Equine Agistment Facility at Bong Bong Farm, Lot 100 DP1089953, Headlam Road, Moss Vale be approved as a deferred commencement development consent which includes the following special conditions:

- (i) Detailed and dimensioned building plans (including details of materials and colour schemes) and siting plans must be submitted to demonstrate that the development will be consistent with the conceptual information submitted with the development application.***
- (ii) A detailed landscaping plan must be submitted to demonstrate that the development will achieve the objectives of the conceptual Landscape Masterplan, and in particular demonstrate how the areas identified as Endangered Ecological Communities will be retained, rehabilitated and managed in the long term.***

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor’s vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP5 Modification to Development Consent for a 2 Lot Subdivision Lot 5 DP 356938, 7 – 9 Station Street, Mittagong

REF: DBSM

LUA2006/0927

Reporting on an application lodged by TBS Holdings Pty Ltd for a modification to development consent for subdivision.

The application seeks the deletion of conditions relating to the provision of on-site parking.

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as he is a director of the company that owns the building. He left the chamber, took no part in the debate and refrained from voting thereon.

MN 508/09

MOTION moved by Clr L A C Whipper and seconded by Clr G McLaughlin:

THAT the application made pursuant to section 96 of the Environmental Planning and Assessment Act, 1979, for a modification to development consent LUA2006/0927 for a two (2) lot subdivision of Lot 5 DP356938, Station Street, Mittagong be approved **AND** **THAT** condition 11(a)(i), requiring to the provision of on-site car parking, and condition 11(a)(ii), requiring the payment of a contribution in lieu of the provision of car parking, be deleted.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	A	
Clr L A C Whipper	x	



o-EP6 Chelsea Gardens / Coomungie Urban Release Area Draft LEP 131

REF: SPM 5800/18

The purpose of this report is to recommend Council re-exhibit the Chelsea Gardens/Coomungie Draft LEP 131.

Clr P B Tuddenham returned to the Chamber at this juncture.

MN 509/09

MOTION moved by *Clr L A C Whipper* and seconded by *Clr G McLaughlin*:

1. **THAT** Council re-exhibit the revised Draft Local Environmental Plan 1989 (Amendment 131) for Chelsea Gardens/Coomungie in accordance with the Environmental Planning & Assessment Regulation 2000 for a period of twenty eight (28) days noting that exhibition will not commence until 1 February 2010.
2. **THAT** notification of the exhibition be placed in local papers advising the general public of the exhibition period.
3. **THAT** Council advise the proponents of its decision to place the material received on exhibition.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor’s vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP7 Draft DCP for Robertson Village

REF: SPM

5700/72

The purpose of this report is to present to Council a Draft Development Control Plan (DCP) for the Robertson Village for endorsement to be placed on public exhibition for comment.

MN 510/09

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

1. **THAT** the draft Wingecarribee Development Control Plan for Robertson Village be endorsed for the purpose of public exhibition from Wednesday, 13 January 2010 until Friday, 19 March 2010 **AND THAT** the required public exhibition be undertaken in accordance with the Environmental Planning & Assessment Regulations 2000.
2. **THAT** all key community groups in Robertson be notified of the public exhibition period as detailed in 1 above.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP8	Stormwater Management Plan and Developer Servicing Plan Additional Funding
--------------	---

REF:	SPM	5702/5
------	-----	--------

This report seeks Council permission to utilise Section 94 Stormwater Drainage funds to make up for the shortfall in funding consultants for the preparation of Council's revised Draft Stormwater Management Plan and Draft Section 64 Stormwater Development Servicing Plan.

MN 511/09

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

THAT \$29,000 of Section 94 Stormwater and Drainage funds be allocated, upon the repeal of the S94 Plan, to cover STORM Consulting fees for the Stormwater Management Plan and NSW Public Works auditing fees.

PASSED



o-EP9	Bowral and Moss Vale Sesquicentenary Celebrations 2013
--------------	---

REF: SPM	1671/4.1, 1671/4.2
----------	--------------------

To set up two Sunset Committees to mark the Sesquicentenary (150 years) celebrations in 2013 for Bowral and Moss Vale which were officially established in 1863.

MN 512/09

MOTION moved by Clr J G Arkwright and seconded by Clr G McLaughlin:

1. **THAT Council resolve to establish the Bowral Sesquicentenary Sunset Committee and the Moss Vale Sesquicentenary Sunset Committee.**
2. **THAT Council advertise through the local media for nominations from the public to be members of each of the Committees.**
3. **THAT the Councillor Chair of each Committee and General Manager be appointed as the selection panel for the community representatives to each of the Sunset Committees.**
4. **THAT Council defer the appointment of the Chair and Committee members to the full Meeting of Council to be held on Wednesday, 10 February 2010.**

PASSED



o-EP10 Draft Burrawang Village Development Control Plan

REF: SPM

5700/64

The purpose of this report is to re-submit the Draft Burrawang Village Development Control Plan (DCP) to Council following the public exhibition and to recommend adoption of the draft DCP with commencement to coincide with the making of the Wingecarribee Local Environmental Plan 2009.

MN 513/09

MOTION moved by Clr J G Arkwright and seconded by Clr L A C Whipper:

1. **THAT** the Draft Burrawang Village Development Control Plan as detailed in Attachment 2 circulated under separate cover be adopted.
2. **THAT** Council implement the Burrawang Village Development Control Plan in accordance with the provisions of the Environmental Planning & Assessment Regulations, 2000 and in conjunction with gazettal of the Wingecarribee Local Environmental Plan 2009.
3. **THAT** Council inform those persons and organisations who made submissions of its decision.
4. **THAT** any identified possible changes that arise in the first twelve (12) months of the implementation of the Development Control Plan be referred to Council for consideration.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP11 Draft Penrose and Wingello Development Control Plan

REF: SPM

5700/65

The purpose of this report is to advise the outcome of the exhibition of the Draft Penrose and Wingello Development Control Plan (DCP) and recommend adoption of the draft DCP with commencement to coincide with the making of the Wingecarribee Local Environmental Plan 2009.

MN 514/09

MOTION moved by Clr J R Clark and seconded by Clr P B Tuddenham:

1. ***THAT Council adopt the Draft Penrose and Wingello Development Control Plan, as circulated under separate cover, incorporating changes as recommended within the report.***
2. ***THAT Council implement the Penrose and Wingello Development Control Plan in accordance with the provisions of the Environmental Planning & Assessment Regulations, 2000 and in conjunction with gazettal of the Wingecarribee Local Environmental Plan 2009.***
3. ***THAT Council informs those who made a submission to the exhibition period of its decision.***
4. ***THAT any identified possible changes that arise in the first twelve (12) months of the implementation of the Development Control Plan be referred to Council for consideration.***

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP12 Bowral Town Centre Micro Simulation Computer Model for Traffic and Transport Options – Match Grand Funding

REF: SPM

7300/8

This report discusses matching Grant Funding from the Roads & Traffic Authority (RTA) to carry out Micro Simulation Computer Modelling for traffic and transportation within the Bowral town centre.

MN 515/09

MOTION moved by Clr K Halstead and seconded by Clr G McLaughlin:

THAT approximately \$35,000 from the Bowral Car Parking Contributions account be allocated toward the micro simulation computer modelling discussed in the body of this report.

PASSED



o-EP13 Adjustments to Quarry Road Royalty Payment Scheme

REF: DBSM PN316300, PN892900 1704281, PN65900 722800

Reporting on the proposed increase of the road royalty payments for relevant quarries operating within the Wingecarribee Shire.

MN 516/09

MOTION moved by Clr K Halstead and seconded by Clr L A C Whipper:

1. **THAT Council adjust the road royalties levied pursuant to development consent conditions on relevant extractive industries (quarries) development consents.**
2. **THAT the increase be applied in two (2) stages with the first stage being a 50% increase between the development consent base rate and the calculated December 2008 All Groups Consumer Price Index rate and the second stage being a further adjustment to the December 2010 All Groups Consumer Price Index rate.**
3. **THAT the first rate increase be applied from 1 January 2010 and the second rate increase apply from 1 January 2011.**
4. **THAT within the next twelve (12) months Council review the road royalties rate and how that rate is formulated.**

PASSED



o-EP14 New Legal Issues Report

REF: DBSM, FSM

107/22

Reporting on legal issues arising in the past month.

Council's Director Environment & Planning, Mr Scott Lee, addressed Council on this matter.

Clr P B Tuddenham asked for further information in relation to item 12 in the Compliance Register to be placed in the Weekly Circular.

MN 517/09

MOTION moved by Clr P B Tuddenham and seconded by Clr J R Clark:

1. **THAT** Council's solicitor be instructed to defend the two (2) appeals and the Director Environment and Planning be delegated to authorise additional Legal Counsel to the appeal if it is requested.
2. **THAT** Council adheres to the Water determination policy in relation to the request from the owners of Lot 7, DP 860109, Oxley's Hill Road, Bowral and provide no further adjustment to the water account on this property.

PASSED



CORPORATE SERVICES DIVISION

o-CS1 Water Determination Policy

REF: FSM, RMC 2210/4

Submitting a report on a review of Council's *Water Determination Policy* for consideration by Council.

Council's Director Corporate Services, Mr Barry Paull, addressed Council on this matter.

MN 518/09

MOTION moved by Clr G McLaughlin and seconded by Clr L A C Whipper:

THAT the *Water Determination Policy* as shown on Attachment 1 to the report be adopted.

PASSED



o-CS2 Tulip Time 2009 Festival Outcome

REF: TM

1671/8

The purpose of this report is to report on Tulip Time 2009.

MN 519/09

MOTION moved by Clr G McLaughlin and seconded by Clr K Halstead:

1. **THAT** a presentation be conducted of the donation to the Centre for Kidney Research, Children's Hospital at Westmead of \$5,269.10 and BDCU Children's Foundation of \$2,172.50 from funds raised at the Tulip Time Gala Dinner by Mittagong RSL and also donations collected during the street parade.
2. **THAT** Council rollover surplus monies into general reserve to be available for use in 2010 Tulip Time Golden Anniversary Celebrations.
3. **THAT** Council endorse the 'Golden Years of Tulip Time 2010 Festival' and a gold/yellow colour theme, supporting charities in the local community through the Southern Highlands Foundation.
4. **THAT** Wingecarribee Shire Council Parks and Property staff have been advised of the "gold" theme and will design the garden beds accordingly, including additional tulips planted in barrels for Robertson, Berrima, Bundanoon and Exeter.
5. **THAT** a media release be prepared by the Executive Tourism Manager detailing event success.

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Wingecarribee Our Future Environment Levy

REF: PPM 5465/29.1, 107/25

The purpose of the report is to advise on community feedback on the proposal to extend the Wingecarribee Our Future Environment (WOFE) program.

Council's Director Corporate Services, Mr Barry Paull, addressed Council on this matter.

--

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

THAT Council notes the community responses to the consultation period and confirms that a formal submission be made to the Department of Local Government for an "in perpetuity" Environmental Rate for the purpose of environmental works and projects within the Shire.

LOST

VOTING ON THE MOTION

Councillor	For	Against
Clr T D Gair		x
Clr G McLaughlin	x	
Clr J G Arkwright		x
Clr J R Clark	x	
Clr K Halstead		x
Clr J Mauger		x
Clr D Stranger	A	
Clr P B Tuddenham		x
Clr L A C Whipper	x	

Dissenting Vote - Clrs G McLaughlin, J R Clark and L A C Whipper requested that their dissenting vote be recorded in respect of this motion.



o-IS2	Draft DCP for Managing our Flood Risks
--------------	---

REF: DPM

5700/34

The purpose of this report is to present to Council a revised Draft Development Control Plan (DCP 34) for Managing our Flood Risks for endorsement to be placed on public exhibition for comment.

Council's Director Infrastructure Services, Mr Michael Brearley, addressed Council on this matter.

MN 520/09

MOTION moved by Clr K Halstead and seconded by Clr J Mauger:

THAT the draft Wingecarribee Development Control Plan for Managing our Flood Risks be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken to during February and March 2010 in accordance with the Environmental Planning and Assessment Regulations, 2000.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

o-IS3	Draft Resource Recovery Management Levy Policy
--------------	---

REF:	RRM, RMC	7501/2
------	----------	--------

Submitting a report seeking Council's adoption of the Draft Resource Recovery Management Levy Policy.

MN 521/09

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

THAT the draft Resource Recovery Management Levy Policy be referred to the next meeting of the Resource Recovery Centre Advisory Committee to be held on Monday, 22 February 2010 for further consideration.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

o-IS4 Easement for Water Supply, Bowral Country Club, Bowral

REF: WSM PN215900, 7790, 7790/2

The purpose of this report is to seek Council's endorsement to create an easement for water supply through Lot 3 DP 238798, Bowral Country Club.

MN 522/09

MOTION moved by Clr G McLaughlin and seconded by Clr J G Arkwright:

1. ***THAT Council endorse the creation of an easement for water supply over Lot 3 DP 238798 Bowral.***
2. ***THAT the General Manager and Mayor be delegated authority to execute the requisite plan and Real Property Dealing necessary to create the easement for water supply over Lot 3 DP 238798 under the Common Seal of the Council.***

PASSED

Dissenting Vote - Clr J Mauger requested that his dissenting vote be recorded in respect of this motion.



COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF: DCS 107/1

Submitting minutes of one (2) Committee meeting that will be tabled for information.

MN 523/09

MOTION moved by Cllr J R Clark and seconded by Cllr P B Tuddenham:

THAT the information contained in the following Committee Reports be noted:

- 1. Access Working Group held on Monday, 12 October 2009.***
- 2. Sustainability Sub-Committee held on Monday, 19 October 2009.***

PASSED



COMMITTEE REPORTS ATTACHED

c-CR2 Internal Audit Committee

REF: DCS 6433/5

Submitting minutes of the Internal Audit Committee held on Monday 23 November 2009.

MN 524/09

MOTION moved by Clr J G Arkwright and seconded by Clr G McLaughlin:

THAT the recommendations IAC 03/09 – IAC 05/09 as detailed in the minutes of the Internal Audit Committee meeting held on Monday 23 November 2009 be adopted.

PASSED

c-CR3 Minutes of the Rural Fire Service District Liaison Committee

REF: GM 6433/5

Submitting minutes of the Rural Fire Service District Liaison Committee held Monday, 16 November 2009.

MN 525/09

MOTION moved by Clr J Mauger and seconded by Clr P B Tuddenham:

THAT the recommendations SLA 02/09 – SLA 03/09 as detailed in the minutes of the Rural Fire Service District Liaison Committee held Monday, 16 November 2009 be adopted AND THAT all Community Safe Places be identified as soon as possible.

PASSED



c-CR4	Minutes of the Environment and Sustainability Committee
--------------	--

REF: NRC	5465/29.01
----------	------------

Submitting minutes of the Environment and Sustainability Committee held Wednesday, 18 November 2009.

MN 526/09

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

THAT the recommendations Numbers 1 - 8 as detailed in the minutes of the Environment and Sustainability Committee held Wednesday, 18 November 2009 be adopted.

PASSED

EXTENSION OF TIME

MN 527/09

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

THAT in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 7.50 pm.

PASSED



c-CR5 Minutes of the Traffic Committee

REF: TE 107/6

Submitting minutes of the Traffic Committee held Monday, 30 November 2009.

MN 528/09

MOTION moved by *Clr P B Tuddenham* and seconded by *Clr J Mauger*:

THAT the recommendations TC122/09 – TC146/09 as detailed in the minutes of the Traffic Committee held Monday, 30 November 2009 be adopted with the exception of TC 123/09 – Road Safety Officer Program Report.

PASSED

1. ROAD SAFETY OFFICER PROGRAM REPORT 7410/5

Clr P B Tuddenham referred to this program which is being funded by the State Government, and noted that Council has still not heard regarding funding of the position, to the point now where Council is worried about retaining staff, and he asked if Council could look at this matter.

Clr K Halstead advised that he has information to say that the Road Safety Officer (RSO) Program is going to be extended and he suggested that the General Manager should contact the IPWEA about the funding of RSO's.

The General Manager, Mr Jason Gordon, agreed that he would contact the relevant authorities about the matter.

MN 529/09

MOTION moved by *Clr P B Tuddenham* and seconded by *Clr K Halstead*:

1. ***THAT should the Roads and Traffic Authority fail to advise Council about the future of the RSO Program by February 2010, then consideration be given in the March 2010 Budget review to fund the shortfall.***
2. ***THAT a report be submitted to Council on 16 December 2009 outlining all projects that are undertaken by the Road Safety Officer AND THAT the report include a list of those projects and programs that would cease should the RTA cease funding the position.***

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

GENERAL BUSINESS

GENERAL BUSINESS

1. ADJUSTMENTS TO QUARRY ROYALTY PAYMENT SCHEME

PN316300, PN892900 1704281, PN65900 72800

Clr G McLaughlin referred to this item on today's Agenda, and asked if Council officers can write to the relevant quarry operators within the Shire advising them how the CPI rate is applied and the formula used to determine the new rate and the increase.

Council's Director Environment & Planning, Mr Scott Lee, advised that this will be done.

2. TREE REMOVAL FROM THE ROADSIDE, BLUE GUM ROAD, BUNDANOON

5210/1, 7813/1

Clr J R Clark advised that some residents of Blue Gum Road have complained about the removal of trees from the road reserves on Blue Gum Road (on the upper part), and he asked if Council can investigate these complaints.

Council's Director Environment & Planning, Mr Scott Lee, advised that he had received an email about the alleged events, however, any action that Council may be able to take will be reliant on information that is provided by those who witnessed the events, but without that information there will be no way to proceed.

Clr Clark stated that there has been an ongoing problem with people removing trees from the roadside and asked if Council would consider placing signage to indicate that removal of trees from the roadside is prohibited. Clr Clark noted that people have been cutting trees down for firewood.

Mr Lee advised that he would discuss the matter with the Director Infrastructure Services to see how the matter may be approached.

3. BERRIMA CAMPING GROUND

6526/15.1

Clr L A C Whipper referred to the item in the Weekly Circular Issue 48/09, and asked why the area cannot be opened up for camping to satisfy the requests of the community, noting that the camping ground is not to be opened until February 2010. He asked if a letter could be written to the Berrima Residents Association advising them of the position.

Council's Director Infrastructure Services, Mr Michael Brearley, advised that there are processes to be followed in relation to the Plan of Management, one of which is calling for expressions of interest for someone to manage the camping facility, and that the process is currently being undertaken. He advised that February is the target date for completion.

The Mayor Clr T D Gair advised that a letter will be written to the Berrima Residents Association.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

GENERAL BUSINESS

4. BOUNDARY ADJUSTMENT OLD SOUTH ROAD AND DIAMOND FIELDS ROAD,
MITTAGONG – “TARLINGTON” OLD SOUTH ROAD, MITTAGONG LUA09/1043

Clr P B Tuddenham advised that he had asked a question at the last Council Meeting and received a reply in the Weekly Circular Issue 48/09. He asked if a report can be brought before Council for consideration, as he has concerns in relation to the subdivision and the fact that a house could be built right beside the air field.

Council's Director Environment & Planning, Mr Scott Lee, advised that he would investigate the matter further and respond in the Weekly Circular.

The Mayor Clr T D Gair suggested that Clr Tuddenham should put in a Question with Notice for the next Meeting of Council on Wednesday, 16 December 2009, and the matter will be dealt with formally by Council.

5. SWIM SCHOOLS IN THE SHIRE 5200/8

Clr J G Arkwright stated that there are quite a number of privately operated swim school in the Shire, which she noted provide an excellent service. Clr Arkwright noted that school holidays commence shortly, and asked if these swim schools meet all the necessary requirements regarding issues of safety and licensing.

Council's Director Environment & Planning, Mr Scott Lee, advised that he imagined that all the swim schools would be licensed and would have gone through the development process, but the matter will be reviewed.

6. WINGECARRIBEE OUR FUTURE ENVIRONMENT LEVY 5465/29.1, 107/25

Clr J Mauger referred to Clr Whipper's statement in discussions on this matter today that we have “stuffed-up” the country, and asked for specific examples.

Clr L A C Whipper advised he will take this question on notice.



CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 6.45 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.

.....Cont'd



.....Cont'd

MN 530/09

MOTION moved by and seconded by

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 report:

**c-GM1 SUPPLY AND DELIVERY OF BULK WATER TREATMENT CHEMICALS
- TENDER T80910SCG 7799**

Relevant Legal Provisions

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the 'Regional Procurement Initiative' tender for the supply and delivery of water treatment chemicals to participating Southern Councils Group Member Councils.

Public Interest

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

**c-GM2 ROBERTSON SEWERAGE SCHEME – ACQUISITION OF IRRIGATION
AREA 7650**

Relevant Legal Provisions

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

Brief Description

Presenting details of the valuations obtained for acquisition of the proposed irrigation area.

Public Interest

It is not in 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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

REPORT OF DIRECTOR CORPORATE SERVICES

c-GM1 Supply & Delivery of Bulk Water Treatment Chemicals – Tender T80910SCG

REF: WSM

7799

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the 'Regional Procurement Initiative' tender for the supply and delivery of water treatment chemicals to participating Southern Councils Group Member Councils.

Public Interest

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

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

1. **THAT the schedule of rates tenders contained in Schedule 1 and Schedule 2 for the supply of chemicals for Water and Sewage treatment to Wingecarribee Shire Council for the period 1 December 2009 to 31 December 2011 be accepted.**
2. **THAT provision be allowed for 12 months extension of the above supply contracts subjected to satisfactory performance by the suppliers.**
3. **THAT Regional Procurement Initiative be advised of Councils acceptance of the recommended tenders.**

PASSED



c-GM2 Robertson Sewerage Scheme – Acquisition of Irrigation Area

REF: SPC

7650

Relevant Legal Provision

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

Brief Description

Presenting details of the valuations obtained for acquisition of the proposed irrigation area.

Public Interest

It is not in 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 K Halstead and seconded by Clr J G Arkwright
RECOMMENDED:

1. **THAT Council offer the registered proprietor of the land known as Lot 1 DP 103650, Lot 6 DP 241697 and Lot 3 DP 543445 an amount based on the information in the report AND THAT it be noted that the water rights are not part of the negotiations with the owner of the property.**
2. **THAT it be noted that the purpose of the acquisition is to establish a reclaimed water irrigation area as part of the Robertson Sewerage Scheme within the property.**
3. **THAT the acquisition of part Lot 1 DP 103650, part Lot 6 DP 241697 and part Lot 3 DP 543445 be funded from the Robertson Sewerage Scheme budget.**
4. **THAT the Mayor and General Manager be delegated authority to negotiate with the registered proprietors, McLachlan Morris Pty Ltd (Lot 1 DP 103650 and Lot 6 DP 241697) and McLachlan Group Pty Ltd (Lot 3 DP 543445) for the purpose of the acquisition.**
5. **THAT any Deed of Agreement, Plan of Acquisition or Transfer document be executed by the General Manager and Mayor under the Common Seal of the Council.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

ADOPTION OF CLOSED COUNCIL

107/9

MN 531/09

MOTION moved by Cllr L A C Whipper and seconded by Cllr G McLaughlin:

THAT the recommendations of the Closed Council held on Wednesday, 9 December 2009 (Items c-GM1 and c-GM2) be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 December 2009

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.55 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 16 December 2009 numbered M/N 499/09 to M/N 531/09, were signed by me hereunder at the Council Meeting held on Wednesday, 16 December 2009.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 16 DECEMBER 2009

CHAIRMAN

PUBLIC OFFICER