

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 14 April 2010

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, 14 April 2010

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 14 April 2010

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**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 L A C Whipper

**IN ATTENDANCE:** General Manager Mr Jason Gordon  
Director Corporate Services Mr Barry Paull  
Director Environment & Planning Mr Scott Lee  
Acting Director Infrastructure Services Mr Mark Roebuck  
Manager Administration & Library Services Mr Peter Nelson  
Administration Officer Ms Liz Johnson

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### OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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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."*

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### PRAYER

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100/1

The meeting was led in prayer led by Reverend Ian Salmond of Fresh Hope Church of Christ.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**APOLOGY**

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***M/N 96/10***

PERS

***MOTION moved by Clr G McLaughlin and seconded by Clr D Stranger:***

***THAT the apology of Clr Paul Tuddenham be accepted and leave of absence granted.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
24 MARCH 2010

100/1

**MN 97/10**

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

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 24 March 2010 MN 72/10 to MN 95/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting with the correction to Item o-EP4 – Request to Extend the Period During Which the Development at Sutton Forest Inn May be Commenced from 2 Years to 3 Years (LUA07/1118) - in that Clr D Stranger declared a non-pecuniary interest in the matter and advised that he would remain in the Chamber, take no part in the debate and “not vote” on the matter.***

**PASSED**

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### BUSINESS ARISING

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There was no business arising from the Minutes of the Meeting held on Wednesday, 24 March 2010.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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on Wednesday, 14 April 2010

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**SUSPENSION OF STANDING ORDERS**

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1. BOWRAL INDOOR AQUATIC FACILITY 6701/5

The Mayor Clr T D Gair requested that standing orders be suspended to allow Item o-IS1 Bowral Indoor Aquatic Facility to be considered after the Notice of Rescission of Resolution and Notices of Motion.

**MN 98/10**

**MOTION** moved by *Clr T D Gair* and seconded by *Clr G McLaughlin* **RECOMMENDED:**

***THAT standing orders be suspended to allow Item o-IS1 Bowral Indoor Aquatic Facility to be considered after the Notice of Rescission of Resolution and Notices of Motion.***

**PASSED**

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**DECLARATIONS OF INTEREST**

101/3

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*There were no declarations of interest at this meeting.*

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**OPEN COUNCIL**

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**MN 99/10**

107/10

**MOTION** moved by *Clr D Stranger* and seconded by *Clr L A C Whipper:*

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

**PASSED**

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

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

REF: MDBS 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 16 March 2010 and 6 April 2010.

**OC 66/10**

The Committee on a **MOTION** moved by Clr L A C Whipper and seconded by Clr D Stranger  
**RECOMMENDED:**

**THAT the information relating to Development Consent Nos 1 – 8 (Approved) and Consent Nos 1 – 2 (Refused) under Delegated Authority be received and noted.**

**PASSED**

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**o-EP2 List of Land Use Applications Received By Council**

REF: MDBS 5302

Submitting list of development applications which have been received between 16 March 2010 and 6 April 2010, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 67/10**

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

***THAT the information regarding the List of Land Use Applications Nos 1 - 5 received by Council be noted, with the exception of Item No 4 – Child Care Centre and Restaurant and Conference Room, The Manning, 18 Kangaloon Road, Bowral (LUA10/0249).***

**PASSED**

**Matters Arising from Land Use Applications Received by Council**

1. ITEM NO 4 – CHILD CARE CENTRE AND RESTAURANT AND CONFERENCE ROOM, THE MANNING, 18 KANGALOO ROAD, BOWRAL LUA10/0249

**OC 68/10**

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

***THAT Item No 4 – Child Care Centre and Restaurant and Conference Room, The Manning, 18 Kangaloon Road, Bowral (LUA10/0249), be referred to an Ordinary Meeting of Council for determination.***

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



<b>o-EP3    Land Use Applications Determined</b>
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REF:        MDBS	5302
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Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of March 2010.

**OC 69/10**

The Committee on a **MOTION** moved by Clr D Stranger and seconded by Clr L A C Whipper  
**RECOMMENDED:**

***THAT the information regarding the List of Land Use Applications Received by Council for the month of March 2010, be received and noted.***

**PASSED**

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**o-EP4 Staged Concept Development Application for the Robertson Community Swimming Centre at Lot 1 DP 256442 and Lots 7 – 10 Sec 13 DP 758882, Yarranga Street, Robertson**

REF: MDBS

LUA10/0038

This report is about Development Application LUA2010/0038, which seeks a staged concept development consent for an indoor four lane 25 metre pool to be operated by a Swimming Pool Trust at Robertson.

The Manager Development & Building Services addressed Council on this matter.

**OC 70/10**

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

1. ***THAT*** LUA 09/0200 which seeks staged concept development consent for an indoor four lane 25 metre pool to be operated by a Swimming Pool Trust established by the Robertson and District Swimming Pool Association in association with the Robertson Bowling Club to administer day to day management of the pool at Lot 1 DP 256442 and Lots 7 – 10 Sec 13 DP 758882, Yarranga Street, Robertson be approved subject to the conditions contained in attachment 3 to this report which include conditions addressing bicycle parking, external materials, and information relating to the financial sustainability of the project.
2. ***THAT*** the requested fee relieve be in accordance with the existing Council policy of 50% discount on the assessment component of the fees paid resulting in a refund to the applicant of \$510.

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



**o-EP5 Section 82A Review of Conditions Relating to Berrima Scout Camp**

REF: MDBS

LUA09/0243

This report is about an application lodged on behalf of Scouts Australia, for a section 82A review of conditions 2(i) and 2(ii) of the development consent which allows use of the Scout Camp grounds by non-scouting groups.

The General Manager addressed Council on this matter.

**OC 71/10**

The Committee on a **MOTION** moved by Clr D Stranger and seconded by Clr J Mauger  
**RECOMMENDED:**

**THAT the Section 82A Review of Conditions Relating to Berrima Scout Camp be deferred to the next Ordinary meeting of the Council to be held on Wednesday, 28 April 2010 AND THAT it be treated as a Visitor Item at that Meeting.**

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	

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**o-EP6 Proposed Staged Development for a Rural Dwelling, Lots 1-4 Section 10 and Lots 1-7 Section 11 DP758098, 21-41 Sutton Street, Berrima**

REF: MDBS

LUA09/1021

This report is about a staged Development Application for a rural dwelling, which is accompanied by a SEPP 1 objection to the 40 hectare development standard.

The Manager Development & Building Services addressed Council on this matter.

**OC 72/10**

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

***THAT the development application for a staged development consent for the erection of a dwelling-house on Lots 1-4 Section 10 and Lots 1-7 Section 11 DP758098, 21-41 Sutton Street, Berrima be refused for the following reasons:***

- (i) The land does not satisfy the requirements of clause 13(3) of Wingecarribee Local Environmental Plan 1989 (WLEP 1989) and proposed Draft Wingecarribee Local Environmental Plan 2009 Clause 4.2A(c) and therefore Council may not approve a dwelling-house.***
- (ii) The SEPP1 objection has not demonstrated that the 40 hectare development standard in clause 13(3)(a) of WLEP 1989 for the erection of a dwelling-house is unreasonable or unnecessary.***
- (iii) Approval of a dwelling on the land would have a cumulative impact, and create a precedent for the lodgement and approval of dwelling-houses on fragmented "existing parcels" in the locality and throughout the Shire which would undermine the planning objectives of limiting the density of development in rural areas to 1 dwelling per 40 hectares or as otherwise permitted by clause 13 of WLEP1989.***

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



**o-EP7 Dwelling Additions former Berrima Bridge Nursery Site, Lots 1 and 2,  
Section 6, DP758098 and Lot 1 DP1039811, No 38 Jellore Street, Berrima**

REF: MDBS

LUA09/1023

This report is about a development application for proposed first floor additions to the existing residence at No 38 Jellore Street, Berrima. The applicant is Highland Technical Services on behalf of the estate of Isobel Crowe

The Manager Development & Building Services addressed Council on this matter.

**OC 73/10**

The Committee on a **MOTION** moved by Clr D Stranger and seconded by Clr L A C Whipper  
**RECOMMENDED:**

**THAT Development Application LUA2009/1023 for the additions to the existing dwelling on Lots 1 and 2, Section 6, DP758098 and Lot 1 DP1039811, at No 38 Jellore Street, Berrima be refused for the following reasons:**

- A. The proposed additions do not achieve an acceptable outcome in respect of flood compatible development as required in Development Control Plan No 34;**
- B. It is likely that the proposed development would result is an unacceptable potential risk to the property and its occupants; and**
- C. The proposal, due to its bulk, scale and location, is not compatible with the objectives for developments and streetscape character, as outlined in Precinct 1 of Development Control Plan No 14.**

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



**o-EP8 Proposed Staged Development for a Rural Dwelling-house Lots 71 and 72, DP13350, Old Jamberoo Road, Robertson**

REF: MDBS

LUA09/0653

This report is about an application, pursuant to section 82A of the Environmental Planning and Assessment Act, 1979 (EP and A Act), for a review of Council's determination to refuse a staged development application for a dwelling-house on Lots 71 and 72, DP13350, Old Jamberoo Road, Robertson.

The Manager Development & Building Services addressed Council on this matter. He noted an amendment to the report on page 74 in the 7<sup>th</sup> paragraph line 4 and advised that the words "or whether they" should be deleted.

**OC 74/10**

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

1. ***THAT Council confirm its decision of 28 October 2009 to refuse the Development Application LUA2009/0653 for staged development consent for the erection of a dwelling-house on Lots 71 and 72, DP13350, Old Jamberoo Road, Robertson.***
2. ***THAT following the gazettal of draft Wingecarribee Local Environmental Plan 2009, Lots 71 and 72, DP13350, Old Jamberoo Road, Robertson be assessed to determine whether a single dwelling entitlement should be granted on the consolidated area of the 2 lots and a planning proposal be put forward to allow an additional permitted use in Schedule 1 of the LEP.***

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



**o-EP9 Interim Operation of Animal Shelter Between Tendered Contracts**

REF: EHM

5501/8.4

This report is a request to enter into an interim short-term contract with The Lost Dog's Home to continue operations at the Wingecarribee Animal Shelter to bridge the time between the end of the current contract and when the tender process for the new long term contract can be completed.

**OC 75/10**

The Committee on a **MOTION** moved by Cllr K Halstead and seconded by Cllr J G Arkwright  
**RECOMMENDED:**

**THAT Council enter into an interim three (3) month contract with The Lost Dog's Home, under the conditions of the current contract, with the revised terms that allow for all monies collected from the sale of cats and dogs to be retained by The Lost Dog's Home.**

**PASSED**

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**o-EP10 Draft Robertson Development Control Plan**

REF: SPM

5700/72

The purpose of this report is to advise the outcome of the exhibition of the Draft Robertson Development Control Plan (DCP).

**OC 76/10**

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

1. ***THAT Council adopt the Draft Robertson Village Development Control Plan as attached incorporating changes as shown in the attached document.***
2. ***THAT Council implement the Robertson Development Control Plan in accordance with the provisions of the Environmental Planning & Assessment Regulation 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.***
5. ***THAT the Robertson Chamber of Commerce, and other interested parties, be invited to discuss their concerns relating to the Wingecarribee Local Environmental Plan 2009 with Council staff.***

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



**o-EP11 Draft Development Control Plan for Sutton Forest**

REF: SPM

5700/71

The purpose of this report is to present to Council a Draft Development Control Plan (DCP) for Sutton Forest and recommend that it be placed on public exhibition for comment.

**OC 77/10**

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

***THAT the draft Development Control Plan for Sutton Forest, circulated separately to this report, be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken in accordance with the Environmental Planning & Assessment Regulation 2000.***

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



**o-EP12 Draft Mittagong Development Control Plan**

REF: SPM

5700/69

The purpose of this report is to advise the outcome of the exhibition of the Draft Mittagong Development Control Plan (DCP).

The General Manager addressed Council on this matter.

**OC 78/10**

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

1. **THAT Council adopt the Draft Mittagong Township Development Control Plan as attached incorporating changes as shown in the attached document.**
2. **THAT Council implement the Mittagong Township Development Control Plan in accordance with the provisions of the Environmental Planning & Assessment Regulation 2000 and in conjunction with gazettal of the Wingecarribee Local Environmental Plan 2009.**
3. **THAT Council inform those persons 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 DCP be referred to Council for consideration.**
5. **THAT the Mittagong Chamber of Commerce, and other interested parties, be invited to discuss their concerns relating to the Wingecarribee Local Environmental Plan 2009 with Council staff.**

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	

**o-EP13 Draft Roads and Traffic Contributions Plan – Version 5**

REF: SPM 5701/6

This report presents to Council a Draft Roads and Traffic Management Facilities Section 94 Plan – Version 5 as an Interim Plan, following its Public Notification period.

**OC 79/10**

The Committee on a **MOTION** moved by Clr D Stranger and seconded by Clr L A C Whipper  
**RECOMMENDED:**

1. **THAT the Draft Roads and Traffic Management Facilities Developer Contributions Plan – Version 5 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 Plan 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 Plan to the Director General within 28-days of its adoption in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000.**

**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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
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	A	
Clr L A C Whipper	x	



**CORPORATE SERVICES DIVISION**

**o-CS1 2009/10 Loan Borrowing Program**

REF: FSM

2130/2009

Submitting a report on Council's requirement to borrow external loan funds for the acquisition of land as part of the Robertson Sewerage Scheme.

The General Manager and Director Corporate Services addressed Council on this matter.

**OC 80/10**

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

1. **THAT Council endorse the borrowing of \$4,000,000 to fund the acquisition of land for the operation of a reclaimed water irrigation scheme as part of the Robertson Sewerage Scheme.**
2. **THAT the General Manager be given delegated authority to negotiate the best rate on behalf of Council.**
3. **THAT the Mayor and General Manager be authorised to sign the necessary documentation under the Common Seal of Council.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS2      Licence Agreement – Part Bowral Memorial Hall, Bendooley Street, Bowral</b>
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REF:      PO
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PN1707738
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Reporting on a request by the Young Women's Christian Association (YWCA) for the renewal of an expired Licence Agreement for the use of offices on the ground floor of Bowral Memorial Hall, Bendooley Street, Bowral and for endorsement of sharing of office space within the YWCA office by St Vincent de Paul for a Conference Room.

#### **OC 81/10**

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

1. **THAT Council offer a Licence Agreement to the YWCA Bowral for the continued occupation of office space within Bowral Memorial Hall, which is part of the Bendooley Court precinct, being part of Lot 1 Deposited Plan 1003910.**
2. **THAT Council offer a Licence Agreement to St Vincent de Paul Society for the occupation of one (1) office space within the YWCA offices in Bowral Memorial Hall.**
3. **THAT the Licence Agreements referred to in 1 and 2 above, be for a two (2) year term, with an option to renew for a further two (2) year term at the expiration of that period.**
4. **THAT the annual Licence Fee payable is \$1.00, if demanded.**
5. **THAT the General Manager be delegated authority to execute the Licence Agreement referred to in 1 above.**

**PASSED**

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<b>o-CS3</b>	<b>Committee Appointments and Resignations</b>
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REF: MALS
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7226/4
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Reporting on Management Committee Appointments and Resignations.

**OC 82/10**

The Committee on a **MOTION** moved by Clr J R Clark and seconded by Clr D Stranger  
**RECOMMENDED:**

1. **THAT** Ms Deidre Knowlson be appointed to the Mittagong Memorial Hall Management Committee **AND THAT** Ms Knowlson be notified of Council's determination.
2. **THAT** the Mittagong Memorial Hall Management Committee be notified of Council's determination.

**PASSED**

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**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1</b>	<b>Bowral Indoor Aquatic Facility</b>
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REF:	PPM	6701/5
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Reporting on the Draft Project Plan and formation of a Sunset Committee for the Bowral Indoor Aquatic Facility.

This matter was deferred (MN 98/10) and was dealt with later in the meeting (MN 110/10).

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**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 2010 National General Assembly – Canberra – 14 to 17 June 2010**

REF: GM, MALS 203/1.1

Reporting on the 2010 National General Assembly to be held from 14 to 17 June 2010 in Canberra.

**OC 83/10**

The Committee on a **MOTION** moved by Cllr K Halstead and seconded by Cllr L A C Whipper  
**RECOMMENDED:**

**THAT Council confirm its attendance at the 2010 Local Government National General Assembly to be held from 14 to 17 June 2010 in Canberra as follows:**

*Mayor Duncan Gair  
Councillor Graham McLaughlin  
General Manager or nominee*

**PASSED**

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**c-GM2 Update on Wingecarribee Shire Council Friendship City Agreement with Kaifeng City in China**

REF: TM, EDO, RMC, MALS

600/26, 107/24.3

Reporting on the status of Council's 'Friendship City Agreement' cultural and business relations with Kaifeng City in the Province of Henan, China.

**OC 84/10**

The Committee on a **MOTION** moved by Clr T D Gair and seconded by Clr D Stranger  
**RECOMMENDED:**

1. **THAT Council endorses the continued Friendship City relationship between Wingecarribee Shire Council and Kaifeng City in accordance with Council's policy AND THAT item six (6) of the Policy be amended to delete "Economic Development Officer" and substitute "General Manager or his/her nominee".**
2. **THAT Council endorse the Mayor of the Day, the General Manager (or delegate) and a delegation of business representatives (maximum number in the delegation to be six) travel to Kaifeng, Henan Province, China in September/October 2010 AND THAT all business representatives/delegates pay their own expenses associated with the trip to Kaifeng City.**
3. **THAT a sub-committee be formed to determine the focus of the delegation and invite those people to be part of the delegation, whether it be for business opportunities, student teacher exchange, sports exchange, cultural exchange or tourism.**
4. **THAT the Mayor, General Manager and a one representative of the business chambers determine the attendees at the friendship visit to Kaifeng City.**
5. **THAT a report come back to Council which includes costing of the proposed visit to Kaifeng City.**

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.02 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### NOTICE OF MOTION

#### OTHER MATTERS

#### NOTICE OF MOTION

#### c-NRM1 02/2010 – Notice of Rescission of Resolution - Strategy for Aquatic Facilities

REF: MALS

100/5, 6701/5

“We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on Wednesday, 24 March 2010 be **rescinded**. (Reference MN79/10)

1. THAT Council develops in-house an Aquatic Facilities Management Plan for the Shire.
2. THAT Council confirm Bowral Pool site as the location for a covered swimming facility for the Shire.
3. THAT Council resolves to cover the 25 metre pool as the first priority of the Aquatic Facilities Management Plan.
4. THAT three (3) comparative costings be sought based on Item b of the Report (approximate cost \$6.6 m) ie, cover new 25 metre Bowral Pool, as per the investigated options in the report provided by S Johansson.
5. THAT a Sunset Committee be formed with three (3) Councillors and three (3) community representatives to assess the options.
6. THAT Council staff identify funding sources and options for the construction of the 25 metre heated indoor swimming facility at Bowral Pool.
7. THAT a final report on the 25 metre covered Bowral Pool, including funding options and/or funding strategies come back to Council at the Meeting of Wednesday, 9 June 2010 for Council's determination.

Dated 7 April 2010  
Signed Clr Graham McLaughlin  
Clr David Stranger  
Clr Paul Tuddenham  
Clr Juliet Arkwright

.....Cont'd



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

**NOTICE OF MOTION**

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.....Cont'd

**MN 100/10**

**MOTION** moved by *Clr Graham McLaughlin* and seconded by *Clr D Stranger*:

**THAT** the *Notice of Rescission of Resolution – Strategy for Aquatic Facilities* - be adopted.

*On being put to the meeting voting was tied at four (4) all whereupon the Mayor exercised his casting vote in favour of the Motion.*

**PASSED**

**VOTING ON THE MOTION:**

**Voting for the Motion:** *Clr T D Gair, Clr J G Arkwright, Clr G McLaughlin and Clr D Stranger*

**Voting against the Motion:** *Clr J R Clark, Clr K Halstead, Clr J Mauger and Clr L A C Whipper*

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### NOTICE OF MOTION

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<b>o-NM1</b>	<b>06/2010 – Notice of Motion – Strategy for Aquatic Facilities</b>
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REF: MALS
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100/4, 6701/5
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Councillors Graham McLaughlin, David Stranger, Paul Tuddenham and Juliet Arkwright have given notice that it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 14 April 2010:

1. THAT Council note the development of an indoor facility is a long term option but is not financially achievable at this time.
2. THAT Council prepare an Asset Management Plan for swimming facilities using in-house resources that maintains the existing four swimming centres.
3. THAT the Asset Management Plan include a long term option of an indoor facility.
4. THAT a long term funding strategy be developed.
5. THAT the Asset Management Plan, funding strategy and a draft timeline for the development of an indoor facility be submitted to Council by October 2010.

#### **MN 101/10**

**MOTION** moved by Clr G McLaughlin and seconded by Clr D Stranger:

1. **THAT Council note the development of an indoor facility is a long term option but is not financially achievable at this time.**
2. **THAT Council prepare an Asset Management Plan for swimming facilities using in-house resources that maintains the existing four swimming centres.**
3. **THAT the Asset Management Plan include a long term option of an indoor facility.**
4. **THAT a long term funding strategy be developed.**
5. **THAT the Asset Management Plan, funding strategy and a draft timeline for the development of an indoor facility be submitted to Council at its Meeting to be held on Wednesday, 13 October 2010.**

#### **PASSED**

**Dissenting vote:** Clr J R Clark, Clr J Mauger and Clr L A C Whipper requested that their dissenting vote be recorded in respect of this motion.

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**QUESTIONS FROM THE PUBLIC**

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1. CORBETT GARDENS LANDSCAPE FENCE PROJECT

6527/6

Mr Ted Springett referred to Corbett Gardens in Bowral and the proposed fencing thereof, and advised that many people had contacted him in relation this matter. Mr Springett asked the following:

- (i) Why he could not address Council on this matter?

The Mayor Clr T D Gair advised Mr Springett that he could not address Council in the Public Forum format due to the fact that it was a conflict of Council's policy. The Mayor advised that Council's Public Forum Guidelines state, inter alia, that "Members of the public may only address Council on items listed in the agenda with the exception of tenders, legal matters and visitor items." The Mayor advised that he had discussed the matter with his fellow Councillors and it was the decision of Council that Mr Springett could not address Council in Public Forum as it would be a conflict between Mr Springett addressing Council and the tender process, but it had been agreed that he be allowed to address Council in the Questions from the Public format.

- (ii) Why was he forbidden to address Council because the cost of the fence was being discussed in Closed Council?

The Mayor advised that it is part of the Public Forum Request Form and the Guidelines which have been set by Council, and is a policy document of Council, and the only way to change the format would be to suspend standing orders to give Mr Springett the right to address Council, but it was the decision of Council that that would create too much debate.

The Mayor advised that Council's Parks & Property Manager, Mr Peter Bowmer, would address the reason for the proposed fence and the height thereof.

- (iii) Why the fence that is now to be erected is different to the proposal from three (3) years ago and why the amendment to the plans had not been disclosed to the public?

The Parks & Property Manager displayed in the Council Chambers the fence that is proposed to be erected. He advised that two (2) years ago Council had started looking at the long-term asset management of the fence around Corbett Gardens. He advised that the current wooden fence has severe rot, it requires painting and also the metal posts are rotting off. He advised that long-term, particularly over the next twenty five (25) years, it would be preferable to put a metal fence around the Gardens which would address the vandalism issues. He advised that the proposal was discussed with the Bowral Chamber of Commerce, the Tulip Time Committee and the Bowral Master Plan Committee. He advised that the final design, is of a heavier gauge pipe with a larger diameter which is more fitting with the heritage style, and it would have an overall height of 1.8 m and 2.1 to the top of the spears, and the reduction in height is much more in keeping with the area.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### QUESTIONS FROM THE PUBLIC

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#### 2. JOINT REGIONAL PLANNING PANELS

5300, 5605

Mr Barry Anstee asked if Council will direct Council officers to deal with applications which are to be referred to the Joint Regional Planning Panel (JRPP) to be treated with expedition and urgency due to the income to Council and the community generally that projects that meet the JRPP requirements will produce.

The General Manager advised that the process period should be as fast as it can be, but he would speak direct with Mr Anstee on any issues he has in relation to this matter.

The Mayor Clr T D Gair asked Mr Anstee to make contact with the General Manager's Personal Assistant to arrange an appointment to see the General Manager to discuss the particular issue.

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#### 3. CORBETT GARDENS LANDSCAPE FENCE PROJECT

6527/6

Mr Ian Scandrett asked:

- (i) If Council would suspend standing orders to allow Mr Springett to speak on the matter of the fencing of the Corbett Gardens.

The Mayor Clr T D Gair advised that a decision had been made and that Mr Springett had addressed Council as a Question from the Public and his questions responded to.

- (ii) Has Council looked at other alternative systems for dealing with the issue in terms of modern camera surveillance systems?

The Parks & Property Manager advised that other options have been investigated and have been modelled into some of the asset management strategies for the park, but they will be quite expensive long-term. He advised that the use of cameras would have an ongoing cost and their effectiveness would be subject to the monitoring, location, privacy and security of the cameras.

- (iii) If Council was aware of modern security systems that do not need to be monitored retrospectively after there has been an issue.

The General Manager advised that the type of camera that Mr Scandrett was alluding to would be the type of camera that Council would be looking at, and had been looked at for other options not specific to Corbett Gardens, but those options still have a maintenance cost but that is not the current proposal of the fence around Corbett Gardens.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### QUESTIONS FROM THE PUBLIC

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5. CHELSEA GARDENS AND COOMUNGIE REZONING 5800/18

Mr Alan Hunt, the Media Officer for “Stop Moss Vale Sprawl”, asked in the light of the discussions at the last Council Meeting in relation to the fees that have not been paid in regard to the Sutherland Park rezoning proposal, could Council advise what fees have been paid by the applicants for the Chelsea Gardens and Coomungie rezoning.

The Mayor Clr T D Gair advised that this information would be made available to Mr Hunt in the next twenty four (24) hours.

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6. 2007 FUTURE RESIDENTIAL GROWTH SURVEY 5800/18

Mr Alan Hunt asked if Council could provide a breakdown of the community polling from the 2007 Future Residential Growth Survey on a community by community basis.

The General Manager advised he would take this on notice and a formal answer would be provided.

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7. SECONDARY DWELLINGS/GRANNY FLATS 5608/1

Mr Alan Hunt referred to the legislation passed in September 2009 by the State Government in relation to secondary dwellings, commonly known as “granny flats”. He asked if Council could advise what steps it has taken to promote and advise the community at large what is permitted under this new legislation and how it could assist in the provision of affordable rental housing spread throughout the Shire.

The Director Environment & Planning advised that Council has not promoted and provided any direct information about that legislation but the provisions for secondary dwellings are contained in the draft LEP.

Mr Hunt asked if they are contained in the same basis as per the legislation which is any property over 450 m<sup>2</sup> is allowed a granny flat up to 60 m<sup>2</sup>.

The Director Environment & Planning advised that he would meet with Mr Hunt and go through the draft LEP and explain those provisions.

Mr Hunt suggested that as it is legislation it is up to Council to promote it within the community and asked if this has not been done.

The Mayor Clr T D Gair advised that until the LEP is gazetted it is hard to promote anything that is not approved.

The General Manager advised that the Director Environment & Planning would sit down with Mr Hunt and show him where it is in the draft LEP to see how it fits in from a legislative point of view, but Council does not, as a matter of routine, advertise changes in legislation unless an issue arises but if Council wished to advertise then there is no issue in that from a staff point of view.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### QUESTIONS FROM THE PUBLIC

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8. DRAFT LEP

5900

Mr Barry Anstee asked if Council's website could provide a copy of the draft LEP 2009 as adopted by Council and submitted to the Department of Planning. He advised that the website currently provides copies of the Draft LEP 2007 and Draft LEP 2009 as exhibited, and requested that these remain but the final adopted and submitted Draft LEP 2009 be also available on Council's website so that the public can analyse the changes that have occurred in the process at a Council level.

The General Manager advised that the website should reflect exactly what has been adopted by Council or what is on draft exhibition at the moment, and this matter will be investigated.

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9. COVERING THE BOWRAL SWIMMING POOL

6701/5

Mr Terry Oakes-Ash asked if a survey had been carried out with the Bowral Swimming Pool Committee as to how many people per month will use the heated pool during winter. He asked if these figures are available can a copy be provided to him

The Mayor Clr T D Gair advised that this matter would be taken on notice.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### QUESTIONS FROM THE PUBLIC

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#### NOTICE OF MOTION (CONT)

<b>o-NM2</b>	<b>05/2010 – Notice of Motion – Hire Fee for Bowral Memorial Hall</b>
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REF:	MALS
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100/4, 7225/2
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Clr Jim Mauger has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 14 April 2010:

1. THAT Council consider providing a donation equivalent to the hire fees in the sum of \$114.00 for the hire of Bowral Memorial Hall for 'The Green Between' public meeting to be held on Tuesday 20 April 2010 and that all Councillors and senior staff be invited to attend the meeting.

Clr J Mauger advised that the Notice of Motion incorrectly described the meeting to be held on Tuesday, 20 April 2010 as "The Green Between" public meeting but is in fact a public meeting.

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**MOTION** moved by Clr J Mauger and seconded by Clr J R Clark:

THAT Council consider providing a donation equivalent to the hire fees in the sum of \$114.00 for the hire of Bowral Memorial Hall for a public meeting to be held on Tuesday, 20 April 2010 AND THAT all Councillors and senior staff be invited to attend the meeting.

**LOST**

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**COMMITTEE REPORTS TABLED**

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF: MALS	107/1
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Submitting minutes of three (3) Committee meetings that will be tabled for information.

***MN 102/10***

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

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

1. ***East Bowral Community Centre Management Committee held Tuesday 23 March 2010.***
2. ***Mittagong Community Centre Management held Thursday 11 March 2010.***
3. ***Moss Vale Senior Citizens & Community Centre Management Committee held Monday 29 March 2010.***

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Minutes of the Wingecarribee Youth Council Committee and Making a Difference (MAD) Youth Meeting</b>
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REF: SPM	107/12
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Submitting minutes of the Wingecarribee Youth Council Committee and Making a Difference (MAD) Youth Meeting held on Thursday, 25 February 2010.

**MN 103/10**

**MOTION** moved by Clr L A C Whipper and seconded by Clr D Stranger:

**THAT** the recommendations as detailed in the minutes of the Wingecarribee Youth Council Committee and Making a Difference (MAD) Youth Meeting held on Thursday, 25 February 2010 be adopted.

**PASSED**

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<b>c-CR3</b>	<b>Minutes of the Water &amp; Sewerage Advisory Committee</b>
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REF: WSM	7799/1
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Submitting minutes of the Water & Sewerage Advisory Committee held on Friday, 26 February 2010.

**MN 104/10**

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

**THAT** the recommendations as detailed in the minutes of the Water & Sewerage Advisory Committee held on Friday, 26 February 2010 be adopted.

**PASSED**

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**c-CR3 Minutes of the Community Services Consultative Advisory Committee**

REF: SPM 1800/17

Submitting minutes of the Community Services Consultative Advisory Committee held on Tuesday, 16 March 2010.

***MN 105/10***

***MOTION*** moved by Clr J R Clark and seconded by Clr G McLaughlin:

***THAT*** the recommendations as detailed in the minutes of the Community Services Consultative Advisory Committee held on Tuesday, 16 March 2010 be adopted.

***PASSED***

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**c-CR4 Minutes of the Resource Recovery Centre Strategic Advisory Board**

REF: MRRC 7503/34

Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held on Monday, 29 March 2010.

Clr J Mauger left the Chamber after seconding the motion and during the debate on this matter.

***MN 106/10***

***MOTION*** moved by Clr D Stranger and seconded by Clr J Mauger:

***THAT*** the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board held on Monday, 29 March 2010 be adopted.

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### GENERAL BUSINESS

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#### GENERAL BUSINESS

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1. "RECYCLED" ROAD PAVEMENT MATERIAL 7811, 7810/4

Clr K Halstead asked if a report could be brought forward with regard to the present state of the material sold as a "recycled" road pavement material, namely is it safe to use.

The Mayor Clr T D Gair advised that a reply will be provided in the Weekly Circular.

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2. ROUNDBOUT AT THE CORNER OF MOSS VALE AND KANGALOOON ROADS,  
BOWRAL RD8260 1520, RD3652, 7451

Clr J G Arkwright referred to this matter which she had raised previously and asked when the repairs to this roundabout would be carried out.

The Acting Director Infrastructure Services advised that works are to commence next week and that a Media Release is to be prepared advising of the works

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Clr J Mauger returned to the Chamber at this juncture.

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3. GENERAL BUSINESS QUESTIONS 100/1

Clr J G Arkwright asked if, in the light of her prior questions, it was possible for the General Business Questions to be reproduced with a built-in carbonised copy that Councillors can refer to in order to confirm requests made by themselves at prior meetings.

The General Manager advised that the questions can be carbonised. He advised that the issue of dealing with the resolutions of Council is currently under review.

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4. BOTTLE FREE WATER POLICY FOR COUNCIL 5450/23

Clr J R Clark referred to a motion he put forward at the Council Meeting on Wednesday, 1 November 2009 requesting that a policy be developed to make Council free of commercially available still bottled water and provide other options for Council run events. Clr Clark asked when a report will be presented to Council on this matter.

The General Manager advised that Clr Clark's request will be taken on notice and investigated.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

### GENERAL BUSINESS

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5. PROPOSED TELSTRA TOWER IN BUNDANOON LUA09/0697

Clr J R Clark advised that a resident of Bundanoon had referred to a proposed Telstra tower for Bundanoon and asked if Council had received a DA in relation to this tower and will it be dealt with by full Council.

The Director Environment & Planning advised he was not aware of a DA being received but if and when it is it will be put before Council for consideration.

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6. MENS SHED PROPOSAL FOR BUNDANOON 7106, PN279500

Clr J R Clark asked about the current status of the DA for the use of the old Council Depot at Bundanoon for the Mens Shed proposal, which was not approved, and asked when this matter would be finalised.

The Director Environment & Planning advised that a response would be provided in the Weekly Circular.

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7. TOILET BLOCK AT OXLEY MALL CARPARK, BOWRAL 7145/1, 7126

Clr L A C Whipper referred to a request that he raised several months ago, and advised that the same graffiti is still on the walls of the toilet block. He asked if this matter could be followed up.

The General Manager advised that he would instruct staff to investigate this matter.

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8. ILLEGAL REAL ESTATE SIGNS AT BELMORE FALLS ROAD, ROBERTSON  
7415, RD3651, 5210/1

Clr L A C Whipper referred to "illegal" real estate signs in the Shire, noting that he had raised the issue some months ago about real estate signs on Belmore Falls Road. Clr Whipper advised that the real estate signs on Belmore Falls Road are still there and asked if this matter could be followed up.

The General Manager advised that he would instruct staff to investigate this matter.

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9. FOUR CYLINDER CAR POLICY 841/5, 7980/3

Clr L A C Whipper asked when the information session in relation to this matter will be held.

The General Manager advised that there is a backlog of matters to be dealt with in information sessions at the moment, but it will be scheduled as soon as time permits.

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<b>CLOSED COUNCIL</b>
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**GENERAL MANAGER**

<b>c-CS1</b>	<b>Closed Council</b>	<b>107/9</b>
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To consider moving into Closed Council.

At this juncture, the time being 6.57 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 107/10**

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

**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 CORBETT GARDENS LANDSCAPE FENCE PROJECT 6527/6**

**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**

***Purpose of the report is for Council to consider quotation submissions for the provision of a new landscape fence for Corbett Gardens.***

**Public Interest**

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

.....Cont'd



.....Cont'd

**c-GM2 ROBERTSON SEWERAGE SCHEME – ACQUISITION OF IRRIGATION  
AREA 7616, 7650**

**Relevant Legal Provision**

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

**Brief Description**

*Purpose of the report is for Council to consider acquisition of irrigation area for the Robertson Sewerage Scheme.*

**Public Interest**

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

**c-GM3 NEW LEGAL ISSUES REPORT**

**107/22**

**Relevant Legal Provisions**

*This report is referred to Closed Committee under Clause 10A(g) of the Local Government Act 1993 as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

**Brief Description**

*Reporting on new legal issues arising from the month of March 2010.*

**Public Interest**

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

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

**CLOSED COUNCIL**

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**CLOSED COUNCIL**

<b>c-GM1</b>	<b>Corbett Gardens Landscape Fence Project</b>
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REF:	PPM
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6527/6
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The Parks & Property Manager addressed Council on this matter.

*The Committee on a **MOTION** moved by Cllr G McLaughlin and seconded by Cllr T D Gair*  
***RECOMMENDED:***

1. THAT the quotation for the demolition/paving, concrete works and masonry components of the Corbett Gardens Fence Project be awarded to RK Evans Landscaping for a sum of \$104,745 (excluding GST).
2. THAT the quotation for the steel fabrication component of the Corbett Gardens Fence Project be awarded to Supreme Steel for a sum of \$112,113 (excluding GST).
3. THAT the shortfall in funds for the project be funded from savings in the 2009/10 IRS.

**LOST**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

**CLOSED COUNCIL**

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**c-GM2     Robertson Sewerage Scheme – Acquisition Of Irrigation Area**

REF:     SPC

7616, 7650

The General Manager addressed Council on this matter.

The Committee on a **MOTION** moved by Clr K Halstead and seconded by Clr J Mauger  
**RECOMMENDED:**

1.     **THAT** in relation to the Robertson Sewerage Scheme – Acquisition of Irrigation Area - Council approaches the land owner as soon as the plan of acquisition is registered and offers to settle the full agreed purchase price within fourteen (14) days of the execution of a contract for sale by both parties.
  
2.     **THAT** acquisition by compulsory process (without agreement) commence if a contract is not executed within fourteen (14) days of the date of the above offer.

**PASSED**

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**EXTENSION OF TIME**

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**MN 108/10**

**MOTION** moved by Clr G McLaughlin and seconded by Clr J R Clark:

**THAT** in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 7.45 pm.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

**CLOSED COUNCIL**

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**c-GM3 New Legal Issues Report**

REF: MDBS

107/22

The Director Environment & Planning addressed Council on this matter.

The Committee on a **MOTION** moved by Clr K Halstead and seconded by Clr G McLaughlin  
**RECOMMENDED:**

1. **THAT Council's solicitor be instructed to defend the matter in relation to the service of an order for the reinstatement of a balcony at 77 Main Street, Mittagong.**
2. **THAT the Compliance Register information be received and noted.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

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### OPEN COUNCIL

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107/10

**MN 109/10**

**MOTION** moved by Clr L A C Whipper and seconded by Clr D Stranger:

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

**PASSED**

No members of the public were present in the Chamber.

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#### OPEN COUNCIL (CONT)

#### INFRASTRUCTURE SERVICES DIVISION (CONT)

#### **o-IS1 Bowral Indoor Aquatic Facility**

REF: PPM

6701/5

Reporting on the Draft Project Plan and formation of a Sunset Committee for the Bowral Indoor Aquatic Facility.

**MN 110/10**

**MOTION** moved by Clr G McLaughlin and seconded by Clr D Stranger:

**THAT** the information in relation to the Bowral Indoor Aquatic Facility be received and noted.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

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### ADOPTION OF CLOSED COUNCIL

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**MN 111/10**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 14 April 2010 (Items c-GM1 to c-GM3) be adopted.

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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**MN 112/10**

107/10

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

**THAT** the recommendations of the Open Council held on Wednesday, 14 April 2010 being OC 66/10 to OC 84/10, be adopted.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 14 April 2010

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.33 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 14 April 2010 numbered M/N 96/10 to M/N 112/10, were signed by me hereunder at the Council Meeting held on Wednesday, 28 April 2010.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 28 APRIL 2010

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CHAIRMAN

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PUBLIC OFFICER