

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 27 October 2010

The meeting commenced at 3.31 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

CONTENTS

CONFIRMATION OF MINUTES	3
SUPPLEMENTARY REPORT	5
MAYORAL MINUTE	5
c-MM1 China Delegation October 2010	5
c-MM2 Local Government Association Conference 2010 – Albury 24-27 October 2010...	6
VISITOR ITEM	9
v-EP1 Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral	9
OPEN COUNCIL	11
ENVIRONMENT & PLANNING DIVISION	11
o-EP1 Development Consents Determined by Way of Approval under Delegated Authority	11
o-EP2 List of Land Use Applications Received By Council	12
o-EP3 Consideration of a Bottled Water Free Policy	13
o-EP4 Roads and Traffic Section 94 Development Contributions Plan	14
o-EP5 Staff Delegations in Environment and Planning Division Associated With the Re- structure	14
VISITOR ITEM (CONT)	17
v-EP1 Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral	18
QUESTIONS FROM THE PUBLIC	20
OPEN COUNCIL (CONT)	23
ENVIRONMENT & PLANNING DIVISION (CONT)	23
o-EP6 Proposed Mixed Use Commercial and Residential development – Lot 3 DP 1104038 (1 Victoria St), Lot 4 DP 1104043 (1A Victoria St), Lot 5 DP 1104045 (1B Victoria St), Lot 6 DP 1104052 (3 Victoria St), Lot 2 DP 1104027 (184 Mittagong Rd), and Lot 2 DP 1097653 (186-188 Mittagong Rd), Bowral	23
SUPPLEMENTARY REPORT	24
o-EP7 Assessment of Amended Construction Certificate Details for Norlex Holdings Pty Ltd	24
CORPORATE SERVICES DIVISION	25
o-CS1 Investments as at 30 September 2010	25
o-CS2 Alexandra Square	26
o-CS3 Council Meeting Dates for November 2010, December 2010 and January 2011	27
INFRASTRUCTURE SERVICES DIVISION	28
o-IS1 Highlands Source Project Working Group – Environmental Consultative Committee	28
o-IS2 East Bowral Precinct – Grounds Maintenance Tender	29
o-IS3 Tender for the Supply & Delivery of the Sprayed Bituminous Surfacing and Associated Services for the 2010/12 Contract	30



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

COUNCIL MATTERS	31
COMMITTEE REPORTS ATTACHED	31
c-CR1 Minutes of the Finance Sub Committee (Council's Investments)	31
c-CR2 Minutes of the Community Services Consultative Advisory Committee	31
c-CR3 Minutes of the Wingecarribee Youth Advisory Council ("YAC")	32
c-CR4 Minutes of the Traffic Committee.....	33
GENERAL BUSINESS	34
CLOSED COUNCIL	37
GENERAL MANAGER	37
cc-GM1 Closed Council.....	37
CLOSED COUNCIL	40
c-GM1 East Bowral Precinct – Grounds Maintenance Tender	40
c-GM2 Tender for the Supply and Delivery of Sprayed Bituminous Surfacing and Associated Services for the 2010-12 Contract.....	40
SUPPLEMENTARY REPORT	41
c-GM3 Assessment of Amended Construction Certificate Details for Norlex Holdings Pty Ltd	41



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

COMMENCING AT: 3.31 pm

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

IN ATTENDANCE:

General Manager	Mr Jason Gordon
Director Corporate Services	Mr Barry Paull
Director Environment & Planning	Mr Scott Lee
Director Infrastructure Services	Mr Michael Brearley
Manager Governance	Mr Peter Nelson
Mayor's Assistant	Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Mayor Clr K Halstead opened the meeting and requested Clr J Mauger to undertake Acknowledgement of Country:

Clr J Mauger 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

The meeting was led in prayer by Clr P B Tuddenham.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

APOLOGY

M/N 425/10

PERS

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

THAT *the apology of Clr L A C Whipper be accepted and leave of absence granted.*

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
13 OCTOBER 2010

100/1

MN 426/10

MOTION moved by *Clr D Stranger* and seconded by *Clr J R Clark*:

THAT *the minutes of the Ordinary Meeting of Council held on Wednesday, 13 October 2010 MN 410/10 to MN 424/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

PASSED

BUSINESS ARISING

There was no business arising from the meeting held on Wednesday, 13 October 2010.

PRESENTATION TO COUNCIL

Clr G McLaughlin made a presentation to Council of a book written by Rodney Cavalier entitled "Power Crisis – The self-destruction of a state Labor Party". Clr McLaughlin requested that the book, which had been signed by Rodney Cavalier, be donated to Council's libraries.

The Mayor Clr K Halstead thanked Clr McLaughlin for the presentation of the book.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

DECLARATIONS OF INTEREST

101/3

Clr D Stranger declared a non-pecuniary interest in o-EP6 – Proposed Mixed Use Commercial & Residential Development – Lot 3 DP 1104038 (1 Victoria St), Lot 4 DP 1104043 (1A Victoria St), Lot 5 DP 1104045 (1B Victoria St), Lot 6 DP 1104052 (3 Victoria St), Lot 2 DP 1104027 (184 Mittagong Rd) and Lot 2 DP 1097653 (186-188 Mittagong Rd), Bowral as he is a member of the Joint Regional Planning Panel. He stated that he would leave the Chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

SUPPLEMENTARY REPORT

MAYORAL MINUTE

c-MM1 China Delegation October 2010

REF: MAYOR

600/26, (CC 102/5)

Preliminary report on Council's delegation to Kaifeng City, Henan Province, China, 16 to 20 October 2010.

The Mayor Clr K Halstead referred to his Supplementary Report in relation to this matter and requested that it be treated as a matter of urgency.

MN 427/10

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

THAT the Supplementary Report – Mayoral Minute in relation to the China Delegation October 2010 be considered as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

Clr T D Gair addressed Council in relation to this matter.

MN 428/10

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

- THAT the preliminary report on the delegation visit to Kaifeng City from Sunday 17 October 2010 to Wednesday 20 October 2010 be noted.***
- THAT in accordance with the Sister City agreement between Wingecarribee Shire and Kaifeng City of the People's Republic of China an official invitation be forwarded to the Mayor if Kaifeng City Mr Zhou Yizhong to visit Wingecarribee Shire in 2011 together with a letter of thanks for the generous hospitality shown to the Wingecarribee delegation.***

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

PUBLIC FORUM

c-MM2	Local Government Association Conference 2010 – Albury 24-27 October 2010
--------------	---

REF: MAYOR	204/2010
------------	----------

Reporting on the Local Government Association Conference 2010 – Albury 24-27 October 2010.

The Mayor Clr K Halstead referred to his Supplementary Report in relation to this matter and requested that it be treated as a matter of urgency.

MN 429/10

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

THAT the Supplementary Report – Mayoral Minute in relation to the Local Government Association Conference 2010 – Albury 24-27 October 2010 be considered as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

Clr J G Arkwright and Clr J Mauger addressed Council on this matter.

MN 430/10

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

- THAT Wingecarribee Shire Council should be represented at future Local Government Association Conferences.***
- THAT the number of delegates be restricted to three (3) Councillors which equals the number of votes available to Council, noting that this is Council's current policy.***
- THAT the Local Government Association be informed that this Council is not impressed with a conference that does not have available to it a quorum at all times.***

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

PUBLIC FORUM

PUBLIC FORUM

100/1, LUA10/0863

Interest: Clr D Stranger declared a non-pecuniary interest in this matter as he is a member of the Joint Regional Planning Panel. He left the chamber, took no part in the debate and refrained from voting thereon.

Interest: Mr L Pawlak, Manager Environmental Assessment declared a non-pecuniary interest in this matter as he is part of the assessment team. He left the Chamber and had no involvement in discussions on the matter.

Mr Nicolas Daoud requested and was granted approval to speak on the following matter in the agenda:

o-EP6 – Proposed Mixed Use Commercial & Residential Development – Lot 3 DP 1104038 (1 Victoria St), Lot 4 DP 1104043 (1A Victoria St), Lot 5 DP 1104045 (1B Victoria St), Lot 6 DP 1104052 (3 Victoria St), Lot 2 DP 1104027 (184 Mittagong Rd) and Lot 2 DP 1097653 (186-188 Mittagong Rd), Bowral

The Mayor Clr K Halstead thanked Mr Daoud for his comments.

Clr D Stranger and Mr L Pawlak rejoined the meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

OPEN COUNCIL

OPEN COUNCIL

MN 431/10

107/10

MOTION moved by Clr J G Arkwright and seconded by Clr P B Tuddenham:

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

PASSED



VISITOR ITEM

v-EP1 Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral

REF: MEA

LUA10/0744

This report is about a development application for the erection of a Church for the Bowral Gospel Trust, which is a non-profit trust representing a small Brethren Christian Community in the local area.

Council's Manager Environmental Assessment addressed Council on this matter.

Mrs Rosemary Cameron addressed Council on this matter on behalf of the objectors.

Mr James Chesterfield, the applicant, addressed Council.

--

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

THAT development application LUA2010/0744, for a brick veneer Church on Lot 5 DP 1007086 at No 13 Boardman Road, Bowral, be refused for the following reasons:

- (a) The design of the Church and measures to ameliorate its impact on adjoining properties results in a development that is out of context with adjoining residential properties.
- (b) The design and location of the church does not adequately address objectives and Development controls of Section 14 Places of Public Worship – Bowral Town Plan Development Control Plan.
- (c) The proposed church will adversely affect the amenity of surrounding properties due to noise impacts of vehicles entering and leaving the site.
- (d) The building appearance from the public street is not compatible with surrounding development or the identified urban character of the area. The proposed building does not address the street by having a front door and/or living room windows facing the street, the frontage of the building and entry are not readily apparent from the street. It is considered to be good design practice for the front entrance of a building in a residential area to be prominently sited, with the building facing the street rather than away from it.
- (e) The proposed building and acoustic fence substantially removes solar access, opportunities for cross-ventilation of cooling breezes and the application of energy conservation principles to habitable rooms in the neighbouring dwelling.

.....Cont'd

.....Cont'd

- (f) The proposed vehicle turning bay to the north creates unreasonable traffic noise exposure to habitable rooms of the neighbouring dwelling. The removal of the retaining wall in order to construct the turning bay conflicts with the recommendation of the submitted acoustic report.

--

The Committee on an **AMENDMENT** moved by Clr K Halstead and seconded by Clr J Mauger **RECOMMENDED:**

THAT this matter be deferred for further consideration to the Council meeting to be held on Wednesday, 10 November 2010, with the clarification of the attendance numbers and ownership of land AND THAT the applicant be invited to meet with the Mayor and senior town planning officers to discuss the matter.

On being put to the meeting voting on the Amendment was tied at four (4) votes all and therefore the matter was deferred to the full Council Meeting with the Mayor in the Chair (refer M/N 432/10).

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



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

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

REF: MEA

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 7 October 2010 to 18 October 2010.

OC 226/10

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

THAT the information relating to Development Consent Determined Nos 1-6 under Delegated Authority and Development Consents Refused – No 1 be received and noted.

PASSED

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

1. ITEM 1 – COMMUNITY FESTIVAL – LOTS 4-5 DP 6103 AND LOT 33 DP 736050 AND LOT 1 DP 738800 MOSS VALE SHOWGROUND, THE ILLAWARRA HIGHWAY, MOSS VALE LUA10/0894

Clr G McLaughlin noted that helicopter rides had been advertised as part of the Community Festival and asked if these rides had been withdrawn because of possible noise complaints.

The Manager Environmental Assessment advised that he would provide information in the Weekly Circular.



o-EP2 List of Land Use Applications Received By Council

REF: MEA 5302

Submitting list of development applications which have been received between 7 October 2010 to 18 October 2010, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

The Director Environment & Planning advised that Item No 5 is for modest real estate signs within the Renwick site directing people to the sales office and it will be dealt with by Council staff.

OC 227/10

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

THAT the information regarding the List of Land Use Applications Nos 1-11 received by Council be received and noted.

PASSED

Matters Arising from Land Use Applications Received by Council

1. ITEM 8 – EQUESTRIAN FACILITY, AMBERVALE, 122 WALLABY HILL ROAD, ROBERTSON LUA10/0982

Clr G McLaughlin referred to this application and asked for clarification of a payment that was due to Council for roadworks and asked what the outcome was.

The Manager Environmental Assessment advised that there was a modification to the development consent deleting the requirement for that payment as Council did not have the ability to impose that condition, and that was a deferred commencement application whereby before the consent took effect Council would be provided with particular information which has not been forthcoming. He advised that this application is for the same property but for a different purpose and that he will provide further information in the Weekly Circular.

2. ITEM 11 – NEW BARN/SHED AND STABLES, 83 TOURIST ROAD, GLENQUARRY LUA10/0972

Clr J G Arkwright requested further information on this application.

The Manager Environmental Assessment advised that he will provide further information in the Weekly Circular.

o-EP3	Consideration of a Bottled Water Free Policy
--------------	---

REF: MES	5450/23
----------	---------

This report proposes the adoption of a Bottled Water Free Policy that would control the use of bottled water within Council operations.

OC 228/10

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

1. **THAT the Draft Bottled Water Free Policy as attached to the report in the Business Paper be adopted for Council operations.**
2. **THAT Council acknowledge resources are required to successfully implement the policy, and a commitment from Council for responsible resource allocation will be necessary.**
3. **THAT a policy implementation funding plan be submitted to Council at a further date for its consideration.**
4. **THAT Council aim to purchase one Portable Drinking Water Filling Station and one Banner for trial at Australia Day 2011, with a funding proposal for the provision of this station to be submitted to the next Environment & Sustainability Committee Meeting.**
5. **THAT in formulating the Bottled Water Free Policy Guidelines, Council confer with members of the "Bundy on Tap" Committee.**

PASSED



o-EP4 Roads and Traffic Section 94 Development Contributions Plan

REF: SPM

5701/6

This report presents to Council a Draft Roads and Traffic Management Facilities Section 94 Plan – Version 6 as an Interim Plan, until the preparation of a new Plan for Roads and Traffic Facilities is finalised in the coming months.

The Director Environment & Planning addressed Council on this matter.

OC 229/10

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

1. **THAT the Draft Section 94 Development Contributions Plans for Roads and Traffic Facilities – Version 6 included at Attachment 1 as circulated separately be placed on public exhibition in accordance with Sections 26, 28 and 29 of the Environmental Planning and Assessment Regulation 2000.**
2. **THAT the Draft Section 94 Development Contributions Plans for Roads and Traffic Facilities – Version 6 be brought back to Council following closure of the required exhibition period.**

PASSED

o-EP5 Staff Delegations in Environment and Planning Division Associated With the Re-structure

REF: MEA

800/10

This report is about proposed changes to staff delegations as a result of changes to Council's staffing structure.

Council's Manager Environmental Assessment addressed Council on this matter.

OC 230/10

The Committee on a **MOTION** moved by Clr P B Tuddenham and seconded by Clr K Halstead **RECOMMENDED**:

1. **THAT** the Manager Environment and Health's position title be changed to Manager Environment and Sustainability and all currently held delegations be transferred to this title.
2. **THAT** the Manager Environment and Sustainability be granted ST044 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.
3. **THAT** the Manager Development and Building Services' position title be changed to Manager Environmental Assessment and all currently held delegations be transferred to this title.
4. **THAT** the Manager Environmental Assessment be granted ST001, ST002, ST012, ST029, ST030, ST031, ST040, ST043, ST045, ST046, ST047, ST050, ST059, ST061 and ST065 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.
5. **THAT** the Senior Ranger's position title be changed to Rangers Team Coordinator and that all currently held delegations be transferred to this title.
6. **THAT** the Senior Environment and Health Officer's position title be changed to Environment and Health Systems Coordinator and that all currently held delegations be transferred to this title.
7. **THAT** the Natural Resource Coordinator's position title be changed to Natural Resource Project Coordinator and that all currently held delegations be transferred to this title.
8. **THAT** the Natural Resource Project Coordinator be granted ST042 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.
9. **THAT** the Development and Building Services Team Leader's position title be changed to Development Team Leader and all currently held delegations be transferred to this title.

.....Cont'd

.....Cont'd

10. **THAT** the Development Team Leader be granted ST002, ST043, ST047, ST050, ST059 and ST065 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.

11. ***THAT the Senior Building Surveyor positions be granted ST006, ST010, ST017, ST018, ST024, ST033, ST047, ST054, ST055 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.***
12. ***THAT the Building Surveyor positions be granted ST006, ST009, ST025, ST032, ST053, ST057 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.***
13. ***THAT the Town Planner positions be granted ST006, ST010, ST015, ST024, ST041 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.***
14. ***THAT the Development Engineer positions be granted ST025 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.***
15. ***THAT the Regulatory Services Team Coordinator be granted ST001, ST002, T010, ST015, ST016, ST017, ST022, ST024, ST029, ST030, ST031, ST034, ST041, ST042, ST047, ST057, ST058, ST059 (as shown in Attachment 1) to reflect new responsibilities gained under the restructure.***
16. ***THAT the Development Team Leader, Senior Building Surveyor, Building Surveyor, Development Engineer and Town Planner be granted delegation to refuse Land Use Applications under the following circumstances:***
 - (a) ***The application contains insufficient information and the applicant has not provided the required information; or***
 - (b) ***The proposal does not comply with LEP development standards or DCP requirements.***
17. ***THAT the following process for dealing with minor s96 modifications to developments consents, which have been determined by Council, be trialled for a period of six (6) months:***
 - i. ***The s96 application is to be notified to Council via a Weekly Circular, which will include details of the proposed modification(s) as well as a summary of the issues considered by Council and how these relate to the modified proposal.***
 - ii. ***Councillors will have the opportunity over a two (2) week period from the date of the Weekly Circular to decide whether the matter should be reported to Council.***

.....Cont'd

.....Cont'd

- iii. ***Councillors will notify the General Manager, Director Environment and Planning or Manager Development and Building Services (Manager***



Environmental Assessment) within that two (2) week period that the s96 application is to be determined by Council.

18. ***THAT*** a review of all delegations to Council staff be undertaken over the next six (6) months with a further report to Council upon completion of that review.

PASSED

CHAIRPERSON

At this juncture, the time being 5.27 pm, the Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.

VISITOR ITEM (CONT)



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

v-EP1	Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral
--------------	--

REF:	MEA
------	-----

LUA2010/0744

The matter is again resubmitted for further consideration by Council.

--

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

THAT development application LUA2010/0744, for a brick veneer Church on Lot 5 DP 1007086 at No 13 Boardman Road, Bowral, be refused for the following reasons:

- (a) The design of the Church and measures to ameliorate its impact on adjoining properties results in a development that is out of context with adjoining residential properties.
- (b) The design and location of the church does not adequately address objectives and Development controls of Section 14 Places of Public Worship – Bowral Town Plan Development Control Plan.
- (c) The proposed church will adversely affect the amenity of surrounding properties due to noise impacts of vehicles entering and leaving the site.
- (d) The building appearance from the public street is not compatible with surrounding development or the identified urban character of the area. The proposed building does not address the street by having a front door and/or living room windows facing the street, the frontage of the building and entry are not readily apparent from the street. It is considered to be good design practice for the front entrance of a building in a residential area to be prominently sited, with the building facing the street rather than away from it.
- (e) The proposed building and acoustic fence substantially removes solar access, opportunities for cross-ventilation of cooling breezes and the application of energy conservation principles to habitable rooms in the neighbouring dwelling.
- (f) The proposed vehicle turning bay to the north creates unreasonable traffic noise exposure to habitable rooms of the neighbouring dwelling. The removal of the retaining wall in order to construct the turning bay conflicts with the recommendation of the submitted acoustic report.

.....Cont'd

.....Cont'd

MN 432/10

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

THAT this matter be deferred for further consideration to the Ordinary Council Meeting to be held on Wednesday, 10 November 2010, with the clarification of the attendance numbers and ownership of land **AND THAT** the applicant be invited to meet with the Mayor and senior town planning officers to discuss the matter.

On being put to the meeting voting was tied at four (4) votes all and the Mayor exercised his casting voting in favour of the Amendment.

In accordance with the Local Government Act (section 375A – Recording of voting on 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 J G Arkwright	x	
Clr J R Clark		x
Clr T D Gair	x	
Clr K Halstead	x	
Clr G McLaughlin		x
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	A	

AMENDMENT BECAME THE MOTION

PASSED

QUESTIONS FROM THE PUBLIC

1. ITEMS v-EP1 AND v-EP2 ON THE COUNCIL AGENDA 5302

Mr Alan Hunt commended Council for including the normal English street addresses in the listing of DA's received (o-EP2), and asked if the same English addresses can be included in DA's approved and refused (o-EP1).

General Manager advised that staff will follow up this matter.

2. THE MELBOURNE CUP 1900

Mr Barry Anstee referred to his previous question at the last Council Meeting, noting that he was attempting to highlight the opportunities for tourism/horse breeding that the horse "So You Think" will bring to the Shire, as he is now a double Cox Plate Winner and is favourite for the 2010 Melbourne Cup. He noted that "So You Think" is from the same stud in the Shire as the winner of the 2008 Melbourne Cup "Viewed".

The Mayor Clr K Halstead requested that Mr Anstee make an appointment to see himself and the General Manager to discuss this matter.

3. SHIRE SIGNIFICANT DEVELOPMENT PROTOCOL 5606, 5300, 5605

Mr Barry Anstee asked if the Shire Significant Development Protocol is still current as he downloaded a copy from Council's website today. He asked if Council can advise why in relation to the two current applications which are to be determined by the JRPP, Council had not adhered to the protocol, ie:

- (a) advertising within 5 working days of receipt, and
- (b) why no timetable is in place for the report on Victoria Street to the JRPP, as listed on today's Agenda.

The Director Environment & Planning advised that the two processes are different, and that the Shire Significant Protocols were developed at a time prior to the JRPP but the timing of the JRPP is determined by the Panel Chair not by Council. He advised that in relation to the Victoria Street development, his understanding that it was advertised in an appropriate timeframe and the report to the Council is on the Agenda today, again in an appropriate timeframe to go forward for inclusion in the assessment report. He advised that a lot of the applications which were intended to be covered by Council's Shire Significant Protocols are now going through the JRPP process.

The General Manager advised that staff will investigate whether Council has complied with the JRPP protocol but confirmed that that protocol overrides any other protocol of Council.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

4. PROPOSED BRICK VENEER CHURCH, LOT 5 DP 1007086, NO 13 BOARDMAN ROAD, BOWRAL LUA2010/0744

Mr Peter Smyth asked whether Clr McLaughlin had been canvassed by residents in relation to this matter.

The Mayor Clr K Halstead advised that it was up to Clr McLaughlin whether he responded to this question.

Clr G McLaughlin advised that he was not on Council's inspection tour as he was away at the time, but he had inspected the site himself. He advised that he had concerns for the residents and that is why he wanted the matter resolved today.

5. NEW AWARD 822

Mr Peter Smyth asked if wages of staff increase by 10% or so and Council's \$200,000 budget surplus is not sufficient, would services be cut to meet wage rises or fees and charges increased or staff reduced.

The General Manager advised that most of the budget impact for staff increases are considered in the upcoming budget, and there is an allowance in the current budget for that so there is expected to be minimal impact under the current budget, but with the next budget process it will be different and it will be considered on its merits then. The General Manager advised that it depends on the percentage that comes out as part of this increase whether that is what Council has budgeted for and until that time it is difficult to give a definite answer. He advised that most of the salaries for staff are covered through existing Budgets that are already in place.

The Mayor Clr K Halstead advised that Council would be very concerned about the impact of any wage rise on the community's capacity to pay and that it would be looked at very carefully in terms of what Council's overall budgeting situation is.

6. TREE PLANTING ON THE NORTHERN GATEWAY AT MITTAGONG 7813/2

Mr Tim McCartney noted that the tree planting on the northern gateway has stopped and he asked if there is a problem.

The Director Infrastructure Services advised that he will provide a reply to Mr McCartney.

The Mayor Clr K Halstead advised that Council is very concerned that this matter is moved on as quickly as possible.

Clr T D Gair advised that the biggest problem was the area that had to be planted and that most of the plants will be natives, with some exotic species, and it will be dense plantings to achieve the best possible outlook for the area.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

7. OLD VIDEO EZY STORE IN MITTAGONG

7813/2

Mr Tim McCartney asked if Councillors are aware of the wonderful job that the owners of the old Video Ezy store have been doing in updating the and making it a showpiece in the middle of Mittagong, with the Playhouse opposite and the carpark in the middle of it. He asked if Council would consider planting a couple of trees within the carpark to enhance this vicinity.

The General Manager advised that staff will investigate this request.

8. ITEM o-EP6 – PROPOSED MIXED USE COMMERCIAL & RESIDENTIAL DEVELOPMENT – LOT 3 DP 1104038 (1 VICTORIA ST), LOT 4 DP 1104043 (1A VICTORIA ST), LOT 5 DP 1104045 (1B VICTORIA ST), LOT 6 DP 1104052 (3 VICTORIA ST), LOT 2 DP 1104027 (184 MITTAGONG RD) AND LOT 2 DP 1097653 (186-188 MITTAGONG RD), BOWRAL LUA10/0863

Mr Russell Lewis asked if Victoria Street residents will have the opportunity of making representations to Council or the JRPP.

The Director Environment & Planning advised that it is his understanding that people who make submissions to the JRPP directly can be afforded the opportunity of making a presentation to the Panel but that is a decision of the Chair of the Panel and not Council. He advised that there is also provision for a predetermination meeting to be held in a public forum, and part of the recommendation today is that Council makes that request of the Panel.

OPEN COUNCIL (CONT)

ENVIRONMENT & PLANNING DIVISION (CONT)

o-EP6 Proposed Mixed Use Commercial and Residential Development – Lot 3 DP 1104038 (1 Victoria St), Lot 4 DP 1104043 (1A Victoria St), Lot 5 DP 1104045 (1B Victoria St), Lot 6 DP 1104052 (3 Victoria St), Lot 2 DP 1104027 (184 Mittagong Rd), and Lot 2 DP 1097653 (186-188 Mittagong Rd), Bowral

REF: DEP

LUA10/0863

LUA10/0863 has been lodged and will be determined by the Southern Joint Regional Planning Panel (JRPP). While Council is not the determining authority, it can make a submission in response to the public exhibition of the Development Application.

Interest: Clr D Stranger declared a non-pecuniary interest on this matter as he is a member of the Joint Regional Planning Panel. He left the Chamber, took no part in the debate and refrained from voting thereon.

Mr L Pawlak left the Chamber.

The Director Environment & Planning addressed Council on this matter.

MN 433/10

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

1. **THAT** the Preliminary Statement of Council's Position in relation to LUA10/0863, be endorsed and submitted for inclusion into the planning assessment report being prepared for consideration by the Southern Joint Regional Planning Panel.
2. **THAT** due to community interest in this application, Council request that the Panel hold a pre-determination meeting in a public forum prior to considering the application, as described in the Joint Regional Planning Panels' Operational Procedures manual.

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

SUPPLEMENTARY REPORT

o-EP7	Assessment of Amended Construction Certificate Details for Norlex Holdings Pty Ltd
--------------	---

REF:	DEP	LUA06/1081, 502/54
------	-----	--------------------

Reporting on amended details received 22 October 2010 for the previously refused Construction Certificate application for Norlex Holdings Pty Ltd, at Lot 1 DP 307664 Governors Street, Bundanoon.

The General Manager referred to the Supplementary Report in relation to this matter and requested that it be treated as a matter of urgency.

MN 434/10

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

THAT the Supplementary Report in relation to the Assessment of Amended Construction Certificate Details for Norlex Holdings Pty Ltd be considered as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

MN 435/10

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

THAT Council finalise its position in relation to the amended application after full consideration of the legal advice in Closed Committee ***AND THAT*** the information in this report be noted (also refer c-GM3).

PASSED



CORPORATE SERVICES DIVISION

o-CS1	Investments as at 30 September 2010
--------------	--

REF: FSM

2104

Submitting details of Council's Investments as at 30 September 2010.

The Director Corporate Services addressed Council on this matter.

MN 436/10

MOTION moved by Clr J G Arkwright and seconded by Clr P B Tuddenham:

THAT the information on Council's Investments as at 30 September 2010 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, 27 October 2010

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2	Alexandra Square
--------------	-------------------------

REF: DCS

6606/3

Report on most recent legal advice received regarding Deed of Trust – Alexandra Square.

The Director Corporate Services addressed Council on this matter.

MN 437/10

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

1. **THAT** Council consult the community seeking feedback on the proposal to support in principle the development of the former Mittagong Bowling Club and the precinct as a Regional Art Gallery, noting that a sustainable funding source has not yet been identified.
2. **THAT** at the conclusion of the community consultation process a further report be brought back to Council detailing the community feedback **AND THAT** if there is strong community support for a proposal to develop a Regional Art Gallery, Council be provided with a broad proposal that outlines how a Regional Gallery may be developed **AND FURTHER THAT** Council enquire if grant funding is available from the Federal and State Governments.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3	Council Meeting Dates for November 2010, December 2010 and January 2011
--------------	--

REF:	MG
------	----

101/1, 107

Reporting on proposed changes to Council Meeting dates for November 2010, December 2010 and January 2011.

MN 438/10

MOTION moved by Cllr D Stranger and seconded by Cllr J Mauger:

1. **THAT** the Ordinary Council Meeting scheduled to be held on Wednesday, 10 November 2010 be transferred to Tuesday, 9 November 2010.
2. **THAT** the Ordinary Council Meeting scheduled to be held on Wednesday, 22 December 2010 be transferred to Wednesday, 15 December 2010.
3. **THAT** the Information Sessions scheduled to be held on Wednesday, 15, 22 and 29 December 2010 be cancelled.
4. **THAT** the Information Sessions scheduled to be held on Wednesday 12, 19 and 26 January 2011 be cancelled (unless required).
5. **THAT** the Ordinary Council Meetings scheduled for Wednesday, 12 and 26 January 2011 be cancelled, it being noted that Wednesday, 26 January 2011 is Australia Day and is a Public Holiday.
6. **THAT** the first Ordinary Council Meeting for 2011 be held on Wednesday, 9 February 2011 unless any business dictates that a meeting be scheduled prior to that date, in which case the Mayor may call an Extraordinary Council Meeting.

PASSED

INFRASTRUCTURE SERVICES DIVISION

o-IS1	Highlands Source Project Working Group – Environmental Consultative Committee
--------------	--

REF:	DIS
------	-----

7790/20

This report recommends that Council forms two working groups related to the Goulburn Water Pipeline Project:

The Director Infrastructure Services addressed Council on this matter.

Clr J G Arkwright left the Chamber during the debate on this matter.

MN 439/10

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

1. **THAT** *Clr L A C Whipper and one staff member be nominated as Wingecarribee Shire Council's representatives on the Environmental Consultative Committee formed by Goulburn Mulwaree Council for the Highlands Source Project.*
2. **THAT** *noting the urgency of this matter Council form a working group to consult with Goulburn Mulwaree Council on land acquisition matters relating to the Highlands Source Project AND THAT the working group members be nominated as follows:*
 - *Mayor of the day*
 - *Clr D Stranger*
 - *One staff member nominated by the General Manager*
 - *Three Community representatives being Mr Alan Hunt, Mr Doug Pratt, Mr Graham Brown*
 - *Consideration of any other representatives who may wish to be included and considered by way of public advertising*
3. **THAT** *the Mayor and General Manager forward a letter to the Goulburn Mulwaree Council outlining Council's expectations and concerns regarding the Highlands Source Project.*

PASSED

o-IS2 East Bowral Precinct – Grounds Maintenance Tender

REF: MBU

6500/16

The purpose of this report is for Council to consider tender submissions and options for the grounds maintenance works in the East Bowral Precinct.

Clr J G Arkwright rejoined the meeting.

The General Manager addressed Council on this matter.

MN 440/10

MOTION moved by *Clr P B Tuddenham* and seconded by *Clr D Stranger*:

1. ***THAT the Schedule of Rates Tender of Proscape for \$33,471 (excluding GST) be accepted for the East Bowral Precinct Grounds Maintenance Contract, subject to submission of evidence of \$20 million public liability insurance.***
2. ***THAT should the recommended contractors performance fall below requirement then Council should consider termination of the contract and the possible use of in-house staff.***

PASSED

In accordance with Section 3.17 of the Tendering Guidelines for NSW Local Government dated October 2009, voting is recorded as follows:

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

At this juncture, the time being 6.54 pm, the Mayor Clr K Halstead vacated the Chair and left the meeting and Clr T D Gair moved into the Chair to conduct further business in the Council Agenda.



o-IS3	Tender for the Supply & Delivery of the Sprayed Bituminous Surfacing and Associated Services for the 2010/12 Contract
--------------	--

REF: MBU

6330/10.21

Reporting on the matter of tenders for the annual sprayed bituminous surfacing and associated services contract (Contract No. 06/11) for the 2010/11 and 2011/12 financial years, with an option to extend a further 12 months, subject to satisfactory performance by the contractor.

The General Manager addressed Council on this matter.

MN 441/10

MOTION moved by Cllr D Stranger and seconded by Cllr G McLaughlin:

THAT Council adopt the recommendations contained within the Tender for the Supply and Delivery of the Sprayed Bituminous Surfacing and Associated Services for the 2010/12 Contract Closed Report of 27 October 2010 – refer also c-GM2.

PASSED

At this juncture, the time being 6.58 pm, the Mayor Cllr K Halstead rejoined the Meeting.



COUNCIL MATTERS

COMMITTEE REPORTS ATTACHED

c-CR1 Minutes of the Finance Sub Committee (Council's Investments)

REF: DCS

107/34.1

Submitting minutes of the Finance Sub Committee (Council's Investments) held on Wednesday, 13 October 2010.

MN 442/10

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

THAT the agreed action as detailed in the minutes of the Finance Sub Committee (Council's Investments) held on Wednesday, 13 October 2010 be adopted.

PASSED

c-CR2 Minutes of the Community Services Consultative Advisory Committee

REF: SP

1800/17

Submitting minutes of the Community Services Consultative Advisory Committee held Tuesday, 12 October 2010.

MN 443/10

MOTION moved by Clr J R Clark and seconded by Clr D Stranger:

THAT the recommendations as detailed in the minutes of the Community Services Consultative Advisory Committee held Tuesday, 12 October 2010 be adopted.

PASSED



c-CR3	Minutes of the Wingecarribee Youth Advisory Council ("YAC")
--------------	--

REF:	YLF
------	-----

107/12

Submitting minutes of the Wingecarribee Youth Advisory Council ("YAC") held Thursday, 9 September 2010.

MN 444/10

MOTION moved by Cllr J R Clark and seconded by Cllr D Stranger:

THAT the recommendations as detailed in the minutes of the Wingecarribee Youth Advisory Council ("YAC") held Thursday, 9 September 2010 be adopted.

PASSED

c-CR4 Minutes of the Traffic Committee

REF: TE

107/6

Submitting minutes of the Traffic Committee held Monday, 18 October 2010.

MN 445/10

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

THAT the recommendations Nos TC118/10 to TC144/10 as detailed in the minutes of the Traffic Committee held Monday, 18 October 2010 be adopted with the exception of Additional Item 3 – Council Delegate for Hampden Bridge Working Group and Additional Item 4 – Duck Crossing Signs.

PASSED

1. ADDITIONAL ITEM 3 – COUNCIL DELEGATE FOR HAMPDEN BRIDGE WORKING GROUP 7850/2

Requesting a Councillor delegate attend the Hampden Bridge Working Group.

MN 446/10

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

THAT Council nominate Clr T D Gair as its delegate on the Hampden Bridge Working Group.

PASSED

2. ADDITIONAL ITEM 4 – DUCK CROSSING SIGNS 7415/3, 7415

Clr J R Clark requested that this matter be investigated with the possibility of having temporary duck signs erected within the Shire.

MN 447/10

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

THAT temporary duck crossing signs be erected within the Wingecarribee Shire each year during the duck breeding season.

PASSED

At this juncture the Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.

GENERAL BUSINESS

1. SWIM SAFE PROGRAM 6700/3

Clr D Stranger referred to the Swim Safe Project which has been cancelled and asked:

- (i) How will this impact on residents of the Shire?
- (ii) What alternatives are available?
- (iii) What will be happening at each of the pools with regard to swimming lessons?
- (iv) What is the impact on local schools?

The General Manager advised that this matter will be taken on notice.

2. WATTLE RIDGE ROAD, COLO VALE 100/4, RD2755

Clr P B Tuddenham referred to a telephone call from a constituent and a letter in relation to Wattle Ridge Road, Colo Vale requesting that a motion be put to Council on this matter and asked how this matter should be handled.

The General Manager advised that Council received a suggested Notice of Motion regarding the closure of Wattle Ridge Road because of damage caused by traffic using the road. He advised that Council staff have inspected the road today and that there is damage to the road, but it is the staff's opinion that the road is not damaged sufficiently to be closed. He advised that if Council wished this matter to proceed it would have to be done as a matter of urgency and even if the road was closed, how would it be policed. The General Manager suggested that he and the Mayor should make representations to the relevant State Government Minister regarding the matter.

3. UNSATISFACTORY RESTORATION OF COUNCIL INFRASTRUCTURE
7430, 7430/39, 810/4

Clr P B Tuddenham referred to a letter from a resident of Bundanoon dated 19 October 2010 and asked for an update on the correspondence in the Weekly Circular.

The General Manager advised that staff will undertake this request.

4. THE MELBOURNE CUP 1900

Clr P B Tuddenham referred to Mr Barry Anstee's question about the Melbourne Cup and advised that Cup did come to the Shire a couple of years ago to the Bradman Museum and suggested that the Manager Tourism be requested to see if the Cup could come back with an associated tourism promotion.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

GENERAL BUSINESS

5. EAST BOWRAL PRECINCT - GROUNDS MAINTENANCE TENDER 6500/16

Clr J G Arkwright referred to a complaint from a resident about the advice that he received when he contacted Council regarding an easement near his property that an elderly resident is no longer capable of tending, and the resident was not impressed by the response that he had received and the manner in which it was given.

The Director Infrastructure Services advised that the information provided to the resident was incorrect and that the mowing has been completed today.

6. PURCHASE OF THE "SUCKER TRUCK" 504/10

Clr J G Arkwright referred to the question raised from the floor at the last Council Meeting and asked for the following matters to be addressed in the report back to Council:

- (i) What is the budgeted costs of an operator for the truck/maintenance and repairs, etc, and running costs and ongoing wages and worker entitlements?
- (ii) Could Council get the job contracted out and at what cost?
- (iii) Prior to purchase, what was the cost of hire and how many blockages etc – allocate a cost per blockage?
- (iv) Scope of works planned?
- (v) Situation re outsourcing – is Council doing this and to which Councils and the estimates for the next three (3) years?

The Director Infrastructure Services advised that this information will be provided in a comprehensive report to Council on Wednesday, 24 November 2010.

7. HILL TOP SHOOTING RANGE/ WATTLE RIDGE ROAD, COLO VALE
100/4, RD2755

Clr J R Clark referred to this matter and noted that the land clearing in preparation for the extension of the shooting range is quite extensive and the residents are concerned about the affect on the road due to the heavy truck movements causing damage to the road. Clr Clark noted that Council was hopeful of reaching agreement with the State Government for the rehabilitation, maintenance and upgrading of Wattle Ridge Road and other roads in the vicinity, but that it is his understanding that no agreement has been reached as yet. He asked what can be done to pursue the relevant State Government Department to gain an undertaking to fix and maintain the roads in the future.

The General Manager advised that unfortunately the approval is outside Council's control so Council is on the backfoot trying to get what Council thinks is reasonable for the community. He advised that the best outcome would be for Council to make representations to the Minister by the Mayor and himself expressing Council's concerns regarding the damage to the road and the fact that Council does not have an agreement that is satisfactory to Council and the community. The General Manager advised that it is of course difficult when Council does not have any control over what decisions are made in relation to Council's infrastructure.

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

GENERAL BUSINESS

.....Cont'd

The Director Environment & Planning advised that Council staff met with representatives of what was then Sport & Recreation, which is now NSW Communities in May or June to discuss the matters raised but noted that some of the concerns have now been resolved. He advised that Council is hopeful of having another meeting with NSW Communities early next week with himself, Mr Les Pawlak and Mr Mark Roebuck, Manager Engineering Operations. He advised that there is still a large gap between what Council expects and what the State Government is willing to provide.

Clr J R Clark asked if Ms Pru Goward, MP, the Member for Goulburn, could be included in some of the negotiations as she may have some contacts to move the matter forward.

The General Manager advised that it is not possible to close the road or place weight restrictions on the road, as any closure requires justification. He advised that a better outcome would be that the State Government pays a reasonable contribution to upgrading and maintaining the road.

8. BRIDGE ON CENTENNIAL ROAD

7850/3

Clr G McLaughlin noted that the bridge has been completed and a great job has been done. However, he stated that repairs and maintenance are now required for Mount and Merilbah Roads due to the additional traffic using those roads during the bridge upgrade.

The General Manager advised that this question will be taken on notice.

9. SCHOOL LANE AT EXETER

7415/4, RD2316

Clr G McLaughlin advised that he had been contacted by a resident of this lane advising that there is a "No Through Road" sign erected at the start of the road but the residents living at the end are finding that traffic goes all the way down to the end of the road and asked if this could be addressed.

The General Manager advised that this question will be taken on notice and it may be possible to put an additional sign at the end of the sealed section of road.

10. SOCCER FIELDS IN EAST BOWRAL

6535/10

Clr J Mauger asked if Council officers could provide a costing for the upgrading of the soccer fields so that the soccer players of the Shire can progress to the Premier Soccer Grade competition.

The General Manager advised that this question will be taken on notice.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

REPORT OF DIRECTOR CORPORATE SERVICES

CLOSED COUNCIL

GENERAL MANAGER

cc-GM1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 7.35 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.

The following confidential reports have been distributed separately:

- c-GM1 EAST BOWRAL PRECINCT – GROUNDS MAINTENANCE TENDER
6500/16
- c-GM2 TENDER FOR THE SUPPLY AND DELIVERY OF THE SPRAYED
BITUMINOUS SURFACING AND ASSOCIATED SERVICES FOR THE
2010/12 CONTRACT
6330/10.21
- c-GM3 SUPPLEMENTARY REPORT - ASSESSMENT OF AMENDED
CONSTRUCTION CERTIFICATE DETAILS FOR NORLEX HOLDINGS PTY
LTD
LUA06/1081, 502/54

.....Cont'd

.....Cont'd

MN 448/10

MOTION moved by Cllr P B Tuddenham and seconded by Cllr D Stranger:

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

**c-GM1 EAST BOWRAL PRECINCT – GROUNDS MAINTENANCE TENDER
6500/16**

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

The purpose of this report is for Council to consider tender submissions and options for the grounds maintenance works in the East Bowral Precinct. Council's Business Unit Manager will address Council on this matter.

Public Interest

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

**c-GM2 TENDER FOR THE SUPPLY AND DELIVERY OF THE SPRAYED
BITUMINOUS SURFACING AND ASSOCIATED SERVICES FOR THE
2010/12 CONTRACT
6330/10.21**

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 matter of tenders for the annual sprayed bituminous surfacing and associated services contract (Contract No. 06/11) for the 2010/11 and 2011/12 financial years with an option to extend a further 12 months subject to satisfactory performance by the contractor.

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.

.....Cont'd

.....Cont'd

**c-GM3 SUPPLEMENTARY REPORT – ASSESSMENT OF AMENDED
CONSTRUCTION CERTIFICATE DETAILS FOR NORLEX HOLDINGS
PTY LTD
LUA06/1081, 502/54**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A(d) 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 grounds of legal professional privilege.

Brief Description

Reporting on legal advice received in relation to amended Construction Certificate details for Norlex Holdings Pty Ltd

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 grounds 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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

CLOSED COUNCIL

CLOSED COUNCIL

c-GM1 East Bowral Precinct – Grounds Maintenance Tender

REF: MBU

6500/16

This matter was considered earlier in the Meeting (refer also MN 443/10).

c-GM2 Tender for the Supply and Delivery of Sprayed Bituminous Surfacing and Associated Services for the 2010-12 Contract

REF: MO

6330/10.21

The General Manager addressed Council on this matter.

The Committee on a **MOTION** moved by Clr P B Tuddenham and seconded by Clr D Stranger **RECOMMENDED**:

1. ***THAT the Schedule of Rates Tender of SRS Roads Pty Ltd be accepted for the annual Sprayed Bituminous Surfacing and Associated Services Contract.***
2. ***THAT Council also accept the tenders of State Asphalt and Roadworx as alternative suppliers of sprayed bituminous surfacing and associated services to be used only in circumstances where SRS Roads Pty Ltd are not available during the contract period for any of the ancillary bituminous surfacing works with new roads within the nominated notification period of 1 to 2 weeks.***
3. ***THAT the Mayor and General Manager be granted authority to execute the contract documents between Wingecarribee Shire Council and SRS Roads Pty Ltd, State Asphalt and Roadworx under the Common Seal of the Council.***

PASSED

In accordance with Section 3.17 of the Tendering Guidelines for NSW Local Government dated October 2009, voting is recorded as follows:

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

CLOSED COUNCIL

SUPPLEMENTARY REPORT

c-GM3	Assessment of Amended Construction Certificate Details for Norlex Holdings Pty Ltd
--------------	---

REF:	DEP	LUA06/1081, 502/54
------	-----	--------------------

Council's Director Environment & Planning addressed Council on this matter.

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

THAT in relation to the Assessment of Amended Construction Certificate Details for Norlex Holdings Pty Ltd the Construction Certificate be issued **AND THAT** the Mayor and General Manager meet with the applicant regarding the matter.

PASSED

Dissenting vote: Clr J Clark requested that his dissenting vote be recorded in respect of this motion.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

OPEN COUNCIL

MN 449/10

107/10

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

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 450/10

107/9

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

THAT the recommendations of the Closed Council held on Wednesday, 27 October 2010 (Items c-GM2 and Supplementary Report c-GM3) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 451/10

107/10

MOTION moved by Clr P B Tuddenham seconded by Clr D Stranger:

THAT the recommendations of the Open Council held on Wednesday, 27 October 2010 being OC 226/10 to OC 230/10, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 October 2010

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.00 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 27 October 2010 numbered M/N 425/10 to M/N 451/10, were signed by me hereunder at the Council Meeting held on Thursday, 9 November 2010.

CHAIRMAN

READ AND CONFIRMED ON TUESDAY, 9 NOVEMBER 2010

CHAIRMAN

PUBLIC OFFICER