

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 27 July 2011

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, 27 July 2011

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 July 2011

COMMENCING AT: 3.30 pm

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

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
PA to the Mayor	Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Mayor Clr K Halstead opened the meeting and welcomed members of the public and the press, 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 Reverend Steve Clancy, Chaplain of HarbisonCare.



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APOLOGY

M/N 259/11

PERS

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

THAT the apology of Clr P B Tuddenham be accepted and leave of absence granted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 13 JULY 2011

100/1

MN 260/11

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 13 July 2011 MN 223/11 to MN 258/11 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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BUSINESS ARISING

1. c-NM3 – 09/2011 – NOTICE OF MOTION – COAL MINING WITHIN WINGECARRIBEE SHIRE 100/4, 5305

Clr L A C Whipper referred to his Notice of Motion c-NM3 on page 44, and advised that recommendation 8 was that Council establish a Community Coal Reference Panel and appoint a Councillor Chair and alternative to head the Panel. Clr Whipper noted that the Chair and alternate were not appointed at the Meeting, and he advised that, with Council's indulgence, he is happy to nominate himself as Chair of the Group with Clr J G Arkwright as alternate Chair.

It was noted that the Director Environment & Planning or his representative was appointed by Council in the membership of the Community Coal Reference Panel.

MN 261/11

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

1. ***THAT Clr L A C Whipper be appointed as Chair to head the Community Coal Reference Panel.***
2. ***THAT Clr J G Arkwright be appointed as Alternate Chair of the Community Coal Reference Panel.***

PASSED

2. VARIOUS MATTERS DEALING WITH THE CONTINUED OPERATIONS OF THE BERRIMA COLLIERY AT MEDWAY 5305/3, 7300, 7301/7, 7400, RD3010, 107/6

Clr J G Arkwright referred to the Boral matters and particularly the discussion in relation to meeting with Boral and asked what is happening with the proposed meeting.

The Mayor Clr K Halstead advised that he has put something in place today in the form of an email which will be sent to Councillors in relation to a suggestion he has for dealing with this matter. He advised that it would be wise to have a meeting with Boral and that this would probably be the best way to deal with this matter.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 July 2011

DECLARATIONS OF INTEREST

101/3

There were no Declarations of Interest at this Meeting.

PUBLIC FORUM

LUA2011/0299

Mr Phil Dimond representing Eastbrooke Medical Centre requested and was granted approval to speak on the following matter in the Agenda:

- o-EP4 – Change of Use – Car Dealership to Medical Centre at Lot 2 DP 875526, Nos 4-10 Funston Street, Bowral

The Mayor Clr K Halstead thanked Mr Dimond for his comments and noted that the matter will be considered later in the meeting.

OPEN COUNCIL

MN 262/11

107/11

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

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

PASSED



VISITOR ITEM

INFRASTRUCTURE SERVICES DIVISION

v-IS1 Effluent Dump Points In The Shire For Use By Recreational Vehicle Tourists

Reference: 7645
Responsible Manager: Manager Assets

The purpose of the report is to present known and researched facts and figures regarding existing Effluent Dump Points (EDPs).

The Manager Assets, Mr Selva Selvaratnam, addressed Council on this matter.

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

1. THAT a comprehensive in-house market study into the Recreational Vehicle (RV) tourist market be undertaken and a strategy developed to tap into that market, with consideration of Moss Vale Showground AND THAT the study include a day parking strategy for Moss Vale, Bowral and Mittagong AND FURTHER THAT the opinion of the Economic and Tourism Working Group, with the involvement of the CMCA, be included in the market study.
2. THAT an agreement be signed with the Mittagong Caravan Park and the Moss Vale Village Park for them to provide Effluent Dump Point services to the non-camping RV travellers at a moderate cost (approximately \$7 per dump) and those sites be promoted through the Visitor Information Centre.

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

THAT consideration of the Effluent Dump Points in the Shire for Use by Recreational Vehicle Tourists be deferred pending referral to the Economic and Tourism Working Group for consideration AND THAT local members of the CMCA provide information to be formulated into a recommendation to be referred to a full meeting of Council by October 2011.

Voting For the Amendment: Clr J G Arkwright, Clr J R Clark, Clr J Mauger and Clr L A C Whipper

Voting Against the Amendment: Clr T D Gair, Clr K Halstead, Clr G McLaughlin and Clr D Stranger

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 also M/N 263/11).



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Determined By Way of Approval Under Delegated Authority

Reference: 5302
Responsible Manager: Manager Environmental Assessment

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 6 July 2011 and 19 July 2011.

OC 137/11

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

THAT the information relating to Development Consent Determined Nos 1-8 under Delegated Authority and Development Consent Non-Approvals Nos 1-2 be received and noted.

PASSED



o-EP2 List of Land Use Applications Received By Council

Reference: 5302
Responsible Manager: Manager Environmental Assessment

Submitting list of development applications which have been received between 6 July 2011 to 19 July 2011, all of which will be dealt with under delegated authority of the Director of Environment and Planning.

OC 138/11

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

THAT the information regarding the List of Land Use Applications Nos 1-9 received by Council, be received and noted, with the exception of Item 1 - Retail Packaged Liquor Shop Fitout Signage and Awning – Service Station, 2-4 Banyette Street, Bowral (LUA11/0631) and Item 7 – Dressage Arena – 1 Meryla Road, Moss Vale (LUA11/0618).

PASSED

1. ITEM 1 - RETAIL PACKAGED LIQUOR SHOP FITOUT SIGNAGE AND AWNING – SERVICE STATION, 2-4 BANYETTE STREET, BOWRAL LUA11/0631

Clr J G Arkwright requested that Item 1 be referred to Council for determination.

OC 139/11

The Committee on a **MOTION** moved by Clr J G Arkwright and seconded by Clr J Mauger
RECOMMENDED:

THAT Item 1 - Retail Packaged Liquor Shop Fitout Signage and Awning – Service Station, 2-4 Banyette Street, Bowral (LUA11/0631) be brought before Council for determination.

PASSED

2. ITEM 7 – DRESSAGE ARENA – 1 MERYLA ROAD, MOSS VALE LUA11/0618

Clr L A C Whipper requested further information in relation to Item 7 - Dressage Arena – 1 Meryla Road, Moss Vale. He asked if this application will be neighbour notified.

The Manager Environmental Assessment advised that Item 7 is for an open area arena on the rear of the property on the corner of Meryla Road and Yarrowa Road. He advised that Council has requested further information, including more detailed plans, and he will be provide this information to Councillors in the Weekly Circular. He advised that the application will be neighbour notified.

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

The Mayor Clr K Halstead requested, with the history of previous dressage arenas within the Wingecarribee Shire, that Item 7 be referred to Council for determination.

OC 140/11

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

THAT Item 7 Dressage Arena – 1 Meryla Road, Moss Vale (LUA11/0618) be referred to Council for determination.

PASSED

3. ITEM 9 – NEW DWELLING AND STABLES AND SHED AND GARAGE AND SEWERAGE MANAGEMENT SYSTEM, 293 OLD SOUTH ROAD, MITTAGONG
LUA11/0619

Clr L A C Whipper requested further information in relation to Item 9 via the Weekly Circular.

The Manager Environmental Assessment advised that this proposal is located in Old South Road, Mittagong and is an application for a moderately sized four bedroom dwelling house, a storage shed and stables. He advised that he will provide further information, including plans, in the Weekly Circular.



o-EP3 Two (2) Lot Subdivision of Lot 21 DP 866657, No 33 Holly Road, Burradoo

Reference: LUA2011/0198
Responsible Manager: Manager Environmental Assessment

This report is about a development application for a 2 lot subdivision where 1 of the lots does not satisfy the minimum area development standard of 4,000m².

The Manager Environmental Assessment addressed Council on this matter.

OC 141/11

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

- THAT Council support the objection pursuant to Clause 4.6 Exceptions to Development Standards for a departure from the 4,000m² development standard in Wingecarribee Local Environmental Plan 2010 to enable a subdivision of Lot 21 DP 866657, No 33 Holly Road, Burradoo into 2, resulting in one lot with an area of 5,058m² containing a dwelling house and the second vacant lot of 3,671m² AND THAT it be confirmed that the area defined as "proposed building restriction area" on Lot 23 be restricted to no building via a Section 88B Instrument AND FURTHER THAT the dimensions of the Lots be confirmed prior to the final approval.**
- THAT authority be delegated to the General Manager to determine development application LUA2011/0198 for a 2 lot subdivision as described in part 1 above.**

PASSED

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

Councillor	For	Against
Clr 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	A	
Clr L A C Whipper	x	



o-EP4 Change of Use – Car Dealership to Medical Centre at Lot 2 DP 875526, Nos 4-10 Funston Street, Bowral

Reference: LUA2011/0299
Responsible Manager: Manager Environmental Assessment

This report is about a development application for a change of use of the existing motor vehicle dealership to medical centre, hearing clinic, café, pathology collection and medical aids sales.

OC 142/11

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

- 1. THAT development application LUA2011/0299, for a change of use of the existing motor vehicle dealership to medical centre, hearing clinic, café, pathology collection and medical aids sales, on Lot 2 DP 875526 at Nos 4 to 10 Funston Street, Bowral, be approved subject to conditions as set out in Attachment 3 of the report.**
- 2. THAT subject to the recommendations of the Traffic Committee, and if required, a pedestrian crossing or traffic refuge between the medical centre and the commercial development opposite in Station Street be constructed, at the applicant's expense.**

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	A	
Clr L A C Whipper	x	



o-EP5 Offer of Small Grant from the Department of Industry and Investment from the Recreational Fishing Trust for the Construction of Timber Fishing Platforms on the Wingecarribee River, Lot 4 DP 630677, Burradoo

Reference: 6651, 5457/6
Responsible Manager: Manager Environmental Assessment

The purpose of this report is to seek Council support in principle for two (2) proposed timber fishing platforms to be located on the Wingecarribee River.

OC 143/11

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

THAT Council accept the small Grant of \$10,000 on offer from the Department of Industry and Investment by signing a Recreational Fishing Trust Agreement with the Department for the construction of two (2) purpose built timber fishing platforms on the Wingecarribee River.

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6	Draft Section 94 Contributions Plan for Section 94 Administration 2011 to 2031
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Reference: 5701/20
Responsible Manager: Manager Strategic and Community Development

The purpose of this report is to discuss the Draft Section 94 Developer Contributions Plan for Section 94 Administration 2011 to 2031, in context with the current Plan which it has been designed to replace.

The Director Environment & Planning addressed Council on this matter.

OC 144/11

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

1. **THAT Council resolves to place the Draft Section 94 Development Contributions Plan for Section 94 Administration 2011 to 2031 on public exhibition for 42-days pursuant to Clause 26(4) and Clause 28 of the Environmental Planning and Assessment Regulation 2000.**
2. **THAT the following organisations and individuals be notified by letter that the Draft Section 94 Development Contributions Plan for Section 94 Administration 2011 to 2031 will be placed on public exhibition as detailed in 1 above and inviting comment on the Draft Plan:**
 - (a) **All of the Shire's Business Chambers**
 - (b) **All resident Associations**

AND THAT the following information is provided in the Customer Service Centre, on Council's Website for download, and in Council's three libraries:

- (a) **A copy of the Draft Section 94 Plan and current S94 Administration Plan;**
- (b) **A copy of this Report and Resolution;**
3. **THAT a report be brought before Council on the Draft 94 Section Development Contributions Plan for Section 94 Administration 2011 to 2031 following the closure of the public exhibition period.**

PASSED



CORPORATE SERVICES DIVISION

o-CS1 Request for Acquisition of 152 Argyle Street, Moss Vale

Reference: PN48700
Responsible Officer: Manager Governance

Request for acquisition of 152 Argyle Street, Moss Vale, being land zoned for acquisition pursuant to *Wingecarribee Local Environmental Plan 2010*.

OC 145/11

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

1. **THAT the General Manager be delegated authority to negotiate the purchase of 152 Argyle Street Moss Vale from the registered proprietors for an amount not exceeding the formal valuation received.**
2. **THAT the Contract for Sale, Transfer and any other document pertaining to the purchase be executed under the Common Seal of the Council.**
3. **THAT it be noted that part of the purchase monies be funded from the Section 94A Land Acquisition Program and the balance of funds be borrowed from Council's Land Rental Reserve.**

PASSED



o-CS2 Investments as at 30 June 2011

Reference: 2104
Responsible Manager: Manager Financial Services

Submitting details of Council's Investments as at 30 June 2011.

The Director Corporate Services addressed Council on this matter.

OC 146/11

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

THAT the information on Council's Investments as at 30 June 2011 be received and noted.

PASSED

CHAIRPERSON

At this juncture, the time being 5.00 pm, the Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.



VISITOR ITEM (CONT)

INFRASTRUCTURE SERVICES DIVISION

v-IS1 Effluent Dump Points In The Shire For Use By Recreational Vehicle Tourists

Reference: 7645
Responsible Manager: Manager Assets

Having regard to voting on this matter in Open Council being tied four (4) votes all, the matter is again submitted to Council for further consideration and determination.

The purpose of the report is to present known and researched facts and figures regarding existing Effluent Dump Points (EDPs) and installing a new EDP, to enable a decision to be made on whether to promote existing EDPs, or construct a new one.

The Mayor Clr K Halstead requested that, in an endeavour to settle the impasse reached, if it would be appropriate to include in the motion the involvement of local members of the CMCA in discussions for the in-house market study to be undertaken in relation to the Recreational Vehicle tourist market.

MN 263/11

MOTION moved by Clr T D Gair and seconded by Clr K Halstead:

1. **THAT** a comprehensive in-house market study into the Recreational Vehicle (RV) tourist market be undertaken and include the following:
 - (a) a strategy developed to tap into that market, with consideration of Moss Vale Showground;
 - (b) the study include a day parking strategy for Moss Vale, Bowral and Mittagong;
 - (c) the opinion of the Economic and Tourism Working Group, with the involvement of the local members of the CMCA, be included in the market study; and
 - (d) the investigations include a dump site on a designated public site, if required.

2. **THAT** an agreement be signed with the Mittagong Caravan Park and the Moss Vale Village Park for them to provide Effluent Dump Point services to the non-camping RV travellers at a moderate cost (approximately \$7 per dump) and those sites be promoted through the Visitor Information Centre.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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REPORT OF DIRECTOR CORPORATE SERVICES

OPEN COUNCIL (CONT)

CORPORATE SERVICES DIVISION (CONT)

o-CS3 Postponed Rates Claim – 58 Holly Road Burradoo PN 634600

Reference: 7560/1, PN 634600
Responsible Manager: Financial Services Manager

Seeking direction from Council on a request from a resident for back dating of concessions for postponement and write-off of rates and refund of rates for a property at 58 Holly Road Burradoo, PN 634600.

MN 264/11

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

THAT the Postponed Rates Claim – 58 Holly Road, Burradoo (PN 634600) be deferred pending the holding of an Information Session for Councillors.

PASSED



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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS4 Local Government Association Conference Motions 2011

Reference: 2003/4
Responsible Officer: Manager Governance

Reporting on a proposed motion for consideration by Council to the Local Government Association Annual Conference for 2011.

MN 265/11

MOTION moved by Clr K Halstead and seconded by Clr J G Arkwright:

THAT a motion be submitted to the Local Government Association of NSW for inclusion at the Annual Conference to be held in October 2011 that the Local Government Association support the introduction of an undergraduate Civil Engineering degree course (Urban Engineering and Infrastructure) at the University of Canberra ***AND THAT*** it encourage councils to support this course when it is introduced in 2013.

PASSED

MN 266/11

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

THAT a Motion be submitted to the Local Government Association of NSW for inclusion at the Annual Conference to be held in October 2011 requesting that it lobby the NSW State Government to increase the State Government's contribution to Councils for pensioner rebates which is costing Wingecarribee Shire Council in excess of \$1 million dollars ***AND THAT*** it be further noted that the last increase in Pensioner rebates was provided to all councils in the 1980's.

PASSED



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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS5 Proposed Sale (No Street Number) Lots 1-13 and 54-61 Section 1 DP 1263 Raglan Street, Hill Top

Reference: PN1214600, PN1214700
Responsible Manager: Manager Governance

Informing Council of a request by an adjoining owner to purchase vacant Council land.

MN 267/11

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

THAT the Report be considered in conjunction with Item cc-GM1 – (Proposed Sale Lots 1-13 and 54-61 Section 1 DP 1263 Raglan Street, Hill Top) - in Closed Council – (refer also CC 26/11 on page 27).

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Burradoo BU2 Flood Study Peer Review

Reference: 8100/5
Responsible Officer: Manager Engineering Services

To report on the Peer Review of the Burradoo BU2 Flood Study and recommend the flood study for adoption by Council.

The Director Infrastructure Services addressed Council on this matter.

MN 268/11

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

1. **THAT** Council notes the Peer Review report by Associate Professor James Ball and the associated comments by Cardno Lawson Treloar and the Office of Environment & Heritage.
2. **THAT** the Burradoo BU2 Catchment Assessment Study Stage 1 Flood Study Report be adopted.
3. **THAT** Council moves to develop a Floodplain Risk Management Plan for the Burradoo BU2 catchment as soon as possible.

PASSED



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COMMITTEE REPORTS

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

Reference: 107/1
Responsible Manager: Manager Strategic Planning & Community Development

Submitting minutes of two (2) Committee meetings that will be tabled for information.

MN 269/11

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

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

- 1. Mittagong Community Centre & Management Committee held Thursday 9 June 2011.***
- 2. Mittagong Memorial Hall Management Committee held Thursday 2 June 2011.***

PASSED



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COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Water & Sewerage Advisory
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Reference: 7799/2
Responsible Manager: Special Projects Engineer (W&S)

Submitting minutes of the Water & Sewerage Advisory Committee held on Friday, 27 May 2011.

MN 270/11

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

THAT the actions as detailed in the minutes of the Water & Sewerage Advisory Committee held on Friday, 27 May 2011 be noted.

PASSED



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QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

There were no Questions from the Public at this meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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GENERAL BUSINESS

GENERAL BUSINESS

1. PLAN OF MANAGEMENT FOR BUNDANOON OVAL AND JORDANS CROSSING PARK 7124, 6529/6, 6529/4

Clr L A C Whipper referred to the proposed bike trail at the Bundanoon Oval and Jordans Crossing Park and asked if an Information Session could be held for Councillors in relation to the preparation of the Plan of Management for the Park and asked if all stakeholders can be included in discussions. Clr Whipper asked if consideration of the application for the bike trail can be deferred pending the Plan of Management being prepared.

The Director Environment & Planning advised that Council is awaiting further information in relation to the DA and it would be an opportune time at the Information Session to update Councillors on the DA as well as the Plan of Management.

2. REMOVAL OF TREES IN CUNNINGHAM PARK, SUTTON FOREST 6810/16, 6800/6

Clr L A C Whipper referred to an email from the General Manager in relation to this matter, noting that there was a letter in the newspaper today and expressed his concern that the Police had released information before advising Council.

The General Manager advised that Council had been contacted by telephone and received a general letter from the Police about the matter, but that he had requested a meeting with the Police to get an explanation from them prior to further notification to Councillors. He advised that he was awaiting advice in relation to the meeting for himself and the Mayor to meet with the Police. The General Manager further advised that he was disappointed that there was information in the newspaper prior to the Police providing Council with the legal reasons why they were not progressing with this matter.

Clr L A C Whipper requested that Councillors be kept informed.

The General Manager advised that Council can still take its own action, including a Code of Conduct investigation, arising from the incident.

Clr T D Gair requested that Councillors be included in any discussions held with the Police on a day that is suitable to Councillors.



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GENERAL BUSINESS

3. IGA SUPERMARKET LOADING DOCK, ELIZABETH STREET, MOSS VALE

PN478500

Clr J R Clark referred to the IGA Loading Dock in Elizabeth Street, Moss Vale, and asked about the times for the use of the loading dock. He advised that it appears that the dock can be used at peak times, eg, 8.55 am and suggested that loading could be done out of hours. Clr Clark asked if a request could be made to IGA for deliveries to be made outside peak times.

The General Manager advised that staff will investigate this matter.

4. LAND & ENVIRONMENT COURT MATTER

LUA09/1021

Clr K Halstead referred to a matter in the Land & Environment Court this week in which Council was involved, and asked if there was any result or decision in relation to that case.

The Director Environment & Planning advised that Council was in Court yesterday and that the assessor handed down the judgment on-site and Council was successful. He advised that this matter will be fully reported to Council in the Legal Report at the next Council Meeting on Wednesday, 10 August 2011.

5. CLARENCE STREET CAR PARK

7460/26, 7472/1, 7472/5

Clr D Stranger asked about the current position with the Clarence Street Car Park and the line-marking issue.

The Director Infrastructure Services advised that an update on the project will be provided in the Weekly Circular.

6. TABLE DRAINS ON COUNCIL'S ROADS

7810/3, 8110

Clr T D Gair referred to water which is continually running down the sides of some Council roads which is causing a breakdown on the sides of the roads. He asked if an Information Session can be held for Councillors at which this issue can be discussed and including a program for grading of the sides of the roads where water is not draining.

The General Manager advised that in the last 2 years additional funds have been included in the Budget for road maintenance but that it is going to take a considerable time for issues to be addressed. He advised that Council has a very extensive road network and it is a difficult balance, taking into consideration all matters including protection of the environment.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 July 2011

REPORT OF GENERAL MANAGER

CLOSED COUNCIL

GENERAL MANAGER

cc-GM1 Closed Council

Reference: 107/9
Responsible Officer: General Manager

To consider moving into Closed Council. At this juncture, the time being 5.48 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 271/11

MOTION moved by Clr J Mauger and seconded by Clr 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:

**cc-GM1 PROPOSED SALE (NO STREET NUMBER) LOTS 1-13 AND 54-61
SECTION 1 DP 1263, RAGLAN STREEET, HILL TOP
PN1214600, PN1214700**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A (2)(c) of the Local Government Act, 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Brief Description

Requesting consideration of an offer by an adjoining owner to purchase vacant Council land at Hill Top.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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 July 2011

CLOSED COUNCIL

CLOSED COUNCIL

cc-GM1 Proposed Sale (No Street Number) Lots 1–13 and 54–61 Section 1 DP 1263 Raglan Street, Hill Top
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Reference: PN1214600, PN1214700
Responsible Manager: Manager Governance

The purpose of this Report is to enable Council to consider an offer made by an adjoining owner to purchase vacant Council land at Hill Top.

The Director Corporate Services addressed Council on this matter.

CC 26/11

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

1. **THAT the land known as (No Street Number) Lots 1-13 and 54-61, Section 1 Deposited Plan 1263 Raglan Street, Hill Top be placed on the open market for sale AND THAT the General Manager be authorised to negotiate with prospective purchasers within a 10 percent range of the market appraisal.**
2. **THAT the Contract for Sale, Transfer and any other document required to give effect to the resolution in 1 above be executed under the Common Seal of the Council.**
3. **THAT the Contract for Sale include a special condition to the effect that there is no implied building consent by Council included in the sale.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 July 2011

COUNCIL

107/10

MN 272/11

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

THAT Council moves from Closed Council into Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 273/11

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, 27 July 2011 being CC 26/11 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 274/11

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

THAT the recommendations of the Open Council held on Wednesday, 27 July 2011 being OC 137/11 to OC 146/11, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 July 2011

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.02 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 July 2011 numbered M/N 259/11 to M/N 274/11, were signed by me hereunder at the Council Meeting held on Wednesday, 10 August 2011.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 10 AUGUST 2011

CHAIRMAN

PUBLIC OFFICER