

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 9 February 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, 9 February 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, 9 February 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
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
Acting Manager Governance	Ms Kathryn Hayward (3.30 pm)
Manager Governance	Mr Peter Nelson (5.30 pm)
Mayor's Assistant	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 L A C Whipper to undertake Acknowledgement of Country.

Clr L A C Whipper 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, Chaplin of HarbisonCare.



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APOLOGY

There were no apologies at this meeting.



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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
15 DECEMBER 2010

100/1

MN 01/11

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 15 December 2010 MN 525/10 to MN 540/10 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 Minutes of the meeting held on Wednesday, 15 December 2010.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

DECLARATIONS OF INTEREST

101/3

Clr T D Gair declared a non-pecuniary interest in Item o-EP6 – Development Application to Erect Secondary Dwelling, Lot 45 DP 846060, RN112 Wildes Meadow Road, Wildes Meadow, as his brother lives next door to the property. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr P B Tuddenham declared a pecuniary interest in Item v-EP1 – Proposed Markets, Former Goods Shed, Mittagong Railway Station, Mittagong, as he owns a building and operates a business in an adjoining street (Station Street, Mittagong). He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.



MAYORAL MINUTE

c-MM1 Queensland Premier's Flood Relief Appeal

REF: Mayor 1732/3

Reporting on Donation of \$5,000 to the Queensland Premier's Flood Appeal.

MN 02/11

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

THAT Council endorse the donation of \$5,000 from its Emergency Assistance Fund to the Queensland Premier's Flood Relief Appeal.

PASSED

OPEN COUNCIL

107/11

MN 03/11

MOTION moved by Clr T D Gair and seconded by Clr J G Arkwright:

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

PASSED



VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

**v-EP1 Proposed Markets, Former Goods Shed, Mittagong Railway Station,
Mittagong**

REF: MEA

LUA 10/0543

This report considers a development application for markets to be held in the grounds around the former Mittagong Goods Shed, Mittagong Railway Station, Mittagong, following a previous report and meeting with the applicant.

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as he owns a building and operates a business in an adjoining street (Station Street, Mittagong). He left the chamber, took no part in the debate and refrained from voting on the matter.

Mr Helmut Rohde (the applicant) addressed Council on this matter.

The Manager Environmental Assessment addressed Council.

OC 01/11

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

1. ***THAT development application LUA 2010/0543 for markets, storage and onsite car parking at the former Goods Shed site, Mittagong Railway Station, Regent Street, Mittagong be refused for the following reasons and as also contained in the draft Notice of Refusal in Attachment 3 of the report:***

- (a) ***The proposal does not comply with the provisions of Clause 5.10(10) of Wingecarribee Local Environmental Plan 2010 as Council is not satisfied that the proposed development would not adversely affect the heritage significance of the heritage item, including its setting.***

Section 79C (1)(a)(i) NSW Environmental Planning and Assessment Act, 1979.

- (b) ***The site is not suitable for the proposed development due to its historical setting and context within the Mittagong Heritage Conservation Area.***

Section 79C (1)(c) NSW Environmental Planning and Assessment Act, 1979.

.....Cont'd



.....Cont'd

(c) *The proposal is not in the public interest.*

Section 79C (1)(e) NSW Environmental Planning and Assessment Act, 1979.

2. ***THAT Council notes that development application LUA 2010/0672 was approved on 18 August 2010, and this enables markets (excluding the storage as currently proposed) to be held at the former Goods Shed site, Mittagong Railway Station, Regent Street, Mittagong, on twelve (12) days within twelve (12) months of the date of that consent with a review at the end of that period.***

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	

Clr P B Tuddenham rejoined the meeting.



CORPORATE SERVICES DIVISION

v-CS1 Risk Assessment And Action Plan For Swimming Centres

REF: BSM

6700/1

The purpose of this report is to submit the Risk Assessment and Action Plan for the Shire's Public Swimming Centres outlining the effects on swimming centre operations.

The Manager Business Services addressed Council on this matter.

OC 02/11

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

1. **THAT the Swimming Centre Risk Assessment and Action Plan be noted.**
2. **THAT the budget deficit be referred to the December Budget Review to consider a funding source.**
3. **THAT market testing be undertaken to explore the options of running the pools externally as part of the overall pools strategy.**

PASSED



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 26 November 2010 and 28 January 2011.

The Manager Environmental Assessment addressed Council on this matter.

OC 03/11

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

THAT the information relating to Development Consent Determined Nos 1-29 under Delegated Authority and Development Consent Refused Nos 1-5 be received and noted.

PASSED

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

1. ITEM 5 – REFUSALS – ALTERATIONS & ADDITIONS – INDOOR POOL, TENNIS COURT, HOUSE, STABLES, FENCE AND GATES, 5a MERILBAH ROAD, BOWRAL LUA10/0382

Clr G McLaughlin referred to Item No 5 under Refusals and asked if Council was awaiting further information in relation to this application.

The Manager Environmental Assessment advised that he will 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 26 November 2010 and 28 January 2011, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

OC 04/11

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

THAT the information regarding the List of Land Use Applications Nos 1-18 received by Council and SEPP 1 Report – October to December 2010 be received and noted, with the exception of Item No 16 – Conversion of Outbuilding to Farmstay, Lot 277 DP 751303, Lot 220 DP 651063 and Lot 5 DP 114684, Mali Brae, 562 Nowra Road, Moss Vale.

PASSED

1. ITEM NO 16 – CONVERSION OF OUTBUILDING TO FARMSTAY, LOT 277 DP 751303, LOT 220 DP 651063 AND LOT 5 DP 114684, MALI BRAE, 562 NOWRA ROAD, MOSS VALE LUA10/1174

Clr J R Clark referred to Item No 16 and requested further information on this application as there may be heritage considerations.

Clr K Halstead requested that this matter be referred to Council for determination.

OC 05/11

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

THAT Item No 16 – Conversion of Outbuilding to Farmstay, Lot 277 DP 751303, Lot 220 DP 651063 and Lot 5 DP 114684, Mali Brae, 562 Nowra Road, Moss Vale be referred to a future Ordinary Meeting of Council for determination.

PASSED

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 9 February 2011

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

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

Councillor	For	Against
Clr 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	x	

Matters Arising from Land use Applications Received by Council

Clr G McLaughlin requested further information in relation to Item 17 – Demolition of Redundant Manufacturing Plant and Structures, Lot 1 DP 1017008, Mining Leases 603 and 604, 475 Berrima Road, New Berrima, and noted this matter should also be looked at for heritage considerations.

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



o-EP3	Land Use Applications Determined
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REF:	MEA	5302
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Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment and Planning for the months of December 2010 and January 2011.

OC 06/11

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

THAT the information regarding the List of Land Use Applications Determined by Council for the months of December 2010 and January 2011, be received and noted.

PASSED



o-EP4 Proposed Equestrian facility at "Wallaby Hill Farm", Lot 4 DP 590435, RN 122 Wallaby Hill Road, Robertson

REF: MEA

LUA10/0982

Reporting on a development application to establish an outdoor recreation facility at the existing horse riding facility at "Wallaby Hill Farm".

The Manager Environmental Assessment addressed Council on this matter.

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

1. THAT development application LUA2010/0982 for an equestrian facility at "Wallaby Hill Farm", Lot 4 DP 590435, RN 122 Wallaby Hill Road, Robertson, be approved subject to conditions as described in Attachment 2 to the report.
2. THAT the Council enter into an agreement with the applicant for his absolute compliance with Conditions of Consent Nos 1 to 4.
3. THAT if there are any variations to the Conditions of Consent that those conditions come back to Council for determination.

LOST

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

Councillor	For	Against
Clr 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		x



OC 07/11

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

1. **THAT Council confirm the preliminary reasons for refusal of LUA2010/0982 for an equestrian facility at "Wallaby Hill Farm", Lot 4 DP 590435, RN 122 Wallaby Hill Road, Robertson as follows:**
 - (a) **increased commercial activity/usage leading to increased traffic and road safety concerns and road maintenance;**
 - (b) **inadequate consideration of bush fire evacuation issues; and**
 - (c) **potential impacts on environmental issues.**

2. **THAT a report detailing the final reasons for refusal be referred to Council at its Meeting to be held on Wednesday, 23 February 2011.**

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	x	



**o-EP5 Proposed Two (2) Lot Subdivision - Lot 5 DP714156 and Lot 1 DP 378531,
RN 659 Old South and Diamond Fields Roads, Mittagong**

REF: MEA

LUA09/1043

This report discusses a development application for a two (2) lot subdivision which proposes a minor variation to the 40 hectare subdivision standard.

OC 08/11

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

THAT LUA09/1043 for Proposed Two (2) Lot Subdivision - Lot 5 DP714156 and Lot 1 DP 378531, RN 659 Old South and Diamond Fields Roads, Mittagong, be deferred pending the application being referred for neighbourhood notification AND THAT following that referral the matter be reported to a future Ordinary Meeting of Council.

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	x	



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6	Development Application to Erect Secondary Dwelling, Lot 45 DP 846060, RN 112 Wildes Meadow Road, Wildes Meadow
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REF: MEA

LUA10/0751

Reporting on LUA 10/0751 which seeks staged concept development consent to erect a secondary dwelling on Lot 45 DP 846060, Wildes Meadow Road, Wildes Meadow and vary the Rural Lands DCP to enable the secondary dwelling to be erected 85 metres separation distance from the principal dwelling, which is more than the 50 metre maximum separation distance standard within the Rural Lands DCP.

Interest: Clr T D Gair declared a non-pecuniary interest in this matter as his brother lives next door to the property. He left the Chamber, took no part in the debate and refrained from voting on the matter.

The Manager Environmental Assessment addressed Council on this matter.

OC 09/11

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

THAT LUA 10/0751 which seeks development consent to the concept of erecting a secondary dwelling on Lot 45 DP 846060, 112 Wildes Meadow Road, Wildes Meadow, be approved.

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	A	
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	x	

Clr T D Gair rejoined the meeting.



**o-EP7 Proposed Conservation and Storage Facility Addition, Berrima Museum,
PN1707437 Market Place, Berrima**

REF: MBDS

LUA10/1126

Reporting on receipt of an application to add a conservation and storage facility to the existing Berrima Museum.

OC 10/11

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

THAT LUA 10/0288 for a Conservation and Storage Facility Addition to the existing Berrima Museum at Lot 1 DP 854821 Market Place, Berrima be approved subject to the draft conditions as set out in Attachment 2 to the report.

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	x	

CHAIRPERSON

At this juncture, the time being 5.15 pm, the Deputy Mayor, Clr L A C Whipper, took the Chair to conduct further items of Council Business.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. PROPOSED EQUESTRIAN FACILITY AT "WALLABY HILL FARM", LOT 4 DP 590435, RN 122 WALLABY HILL ROAD, ROBERTSON LUA10/0982

Mrs Pam Cooper referred to this item on today's Agenda and asked what toilet facilities are available at the site as she had been advised recently that there were problems with the Envirocycles which were closed down due to over-use.

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

2. COPPER LOG RAILINGS ALONG WHITES CREEK, MOSS VALE 6546/23

Mrs Pam Cooper referred to the copper log railings along Whites Creek at the rear of Bi-Lo and Soul Pattinson which have been in a state of disrepair for many months, the top rail in particular. Mrs Cooper asked if the railings could be repaired, as soon as possible.

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

3. PROPOSED EQUESTRIAN FACILITY AT "WALLABY HILL FARM", LOT 4 DP 590435, RN 122 WALLABY HILL ROAD, ROBERTSON LUA10/0982

Mr Barry Anstee referred to this matter and asked if the use of the indoor arena is a prohibited use in the E3 Zone (refer Rural DCP) and if the application seeks commercial use of the indoor arena.

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

4. URBAN TO RURAL MIGRATION IN THE SOUTHERN HIGHLANDS 1823/2, 1521

Mr Barry Anstee asked if Council is aware that the University of NSW is conducting a survey and research into urban to rural migration in the Southern Highlands, ie, is the Southern Highlands changing. He asked if Council had any input into the questions, and will the results of the survey be available to the public.

The Director Environment & Planning advised that Council is aware of the survey and that Council will contact the University to conduct discussions with them, as it does dovetail into Council's demographic study that is about to commence. He advised that Council did not have any input into the questions and that the information will be available to the public.



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QUESTIONS FROM THE PUBLIC

5. SANDWICH BOARDS

5406/2, 5406/11

Mr Peter Smyth referred to new rules and costs relating to sandwich boards and retail rental spaces per square metre to be charged to tenants and asked:

- (i) If Councillors are aware that alfresco dining and restaurants, slow food, wine trails, etc, are really the jewel in the crown for small businesses.
- (ii) What is the total income to Council for the external charging and the application fees and licences throughout the Shire.
- (iii) If Council would consider placing a moratorium on charges under the new regulations for a period of twelve (12) months as a stimulating measure for small businesses which would assist the local economy, employment and tourist trade as, due to the global financial crisis and other extenuating circumstances, many small business are "doing it tough".

The Deputy Mayor advised that these questions will be taken on notice.

CHAIRPERSON

At this juncture, the time being 5.30 pm, the Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.

Ms K Hayward retired from the meeting.

Mr P Nelson joined the meeting.



OPEN COUNCIL (CONT)

ENVIRONMENT & PLANNING DIVISION (CONT)

o-EP8 Proposed Two (2) Lot Subdivision, "Mt Hamilton", Hamilton Avenue, Bowral

REF: MBDS

LUA10/1019

Reporting on receipt of an application for a two (2) lot subdivision of a heritage item. One of the lots proposed is below the minimum allotment size specified in Wingecarribee Local Environmental Plan 2010. This report recommends approval of the application subject to conditions.

The Manager Environmental Assessment addressed Council on this matter.

MN 04/11

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

1. **THAT LUA 10/0288 for a two (2) lot subdivision at "Mount Hamilton" Lot 82 DP 1065886, No 7 Hamilton Avenue be approved subject to the draft conditions as set out in Attachment 2 to the report plus standard Council water and sewer conditions.**
2. **THAT a restriction as to user be placed on the title in relation to retention of all trees other than those identified for removal within the dwelling envelope or for driveway access.**
3. **THAT details of the footings be submitted to Council's Engineer for approval to ensure the spread of load away from Council's sewer main.**

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	x	



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on Wednesday, 9 February 2011
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP9	Berrima Public School – Request Refund on Land Use Application (LUA) Fees for Kitchen / Classroom / Dining Room
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REF: MEA	LUA10/0647
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Reporting on a request from the Berrima Public School for Council to make a contribution to or waive the fees for the above project.

MN 05/11

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

THAT the request from the Berrima Public School for a further refund of the other 50% of the application fees be denied.

PASSED



**o-EP10 Proposed Clay / Shale Quarry for Austral Bricks, Lot 1 DP 414246 RN 524
Berrima Road, New Berrima**

REF: DEP

5305/6, PN162500

Reporting on a Major Project, under Part 3A of the Environmental Planning and Assessment Act, 1979, for a new clay/shale quarry for Austral bricks at the property "Mandurama", Lot 1 DP 414246, RN 524 Berrima Road, New Berrima.

The Director Environment & Planning addressed Council on this matter.

MN 06/11

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

1. **THAT** Council request the Department of Planning to consider the following matters in determining Development Application reference number 08-0212:
 - (a) local road network infrastructure enhancements and a Voluntary Planning Agreement is entered into for nominated local community and road infrastructure and maintenance initiatives, and environmental offsets and protection (including compliance with all legislation relating to environmental protection).
2. **THAT** Council forward the submission in attachment 6 to the report to the New South Wales Department of Planning as its response to the public exhibition of the Development Application, reference No 08-0212, for a Major Project, under Part 3A of the Environmental Planning and Assessment Act, for a new clay/shale quarry for Austral Bricks at the property "Mandurama", Lot 1 DP 414246, RN 524 Berrima Road, New Berrima; and
3. **THAT** Council stress its dissatisfaction with the four (4) cent per kilometre per laden vehicle road contribution and would seek to reach agreement on a more appropriate figure as part of the Voluntary Planning Agreement mentioned in 1 (a) above; and
4. **THAT** Council express the importance of an effective tree perimeter that is satisfactory to Council and the community relating to visual amenity and environmental offsets; and
5. **THAT** in addition to attachment 6 to the report, Council request that a Consultative Committee consisting of Councillor, Community and Environment and Sustainability representatives be formed to establish an effective offset policy for any vegetation loss or damage from this proposal; and
6. **THAT** this group also act as a liaison point between Council, the Environment and Sustainability Committee and the Quarry Management to monitor environmental performance, restoration of the site and to advise on restoration works along the Wingecarribee River.

PASSED



o-EP11 Nominations for Community Representatives on the Demographic and Housing Study Reference Panel

REF: MSCD 1823/2; 5602/15

The purpose of this report is to advise Council of the nominations received for the six (6) Community Representative Positions on the Demographic and Housing Study Reference Panel

The Director Environment & Planning addressed Council on this matter.

MN 07/11

MOTION moved by Clr D Stranger and seconded by Clr T D Gair:

1. **THAT the following six (6) nominees be appointed to the Demographic and Housing Study Reference Panel AND THAT they be notified of Council's determination:**
 - (a) **Elizabeth Meredith**
 - (b) **Ron Wade**
 - (c) **Peter Graham**
 - (d) **Laurel Cheetham**
 - (e) **Max Powditch**
 - (f) **Nick Dyer**
2. **THAT Mr Alan Hunt be appointed as an alternate delegate to the Reference Panel should one of the persons nominated in 1 above be unavailable to participate.**
3. **THAT the unsuccessful nominees be advised in writing of Council's decision and be thanked for their nomination and interest to participate on the Reference Panel.**
4. **THAT the persons in 3 above, should they be available, may be requested or seconded to provide input to the Reference Panel at some future time.**

PASSED



o-EP12 Bowral Memorial Hall Redevelopment

REF: MSCD

7225/4

Reporting on the outcome of the exhibition of the concept plan for the redevelopment of the Bowral Memorial Hall.

The Manager Strategic & Community Development addressed Council on this Group.

MN 08/11

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

1. **THAT** a Bowral Memorial Hall Redevelopment Working Group be established with membership to include Clr Juliet Arkwright and Clr Graham McLaughlin, two (2) community members of the Arts and Culture Board (as nominated by the Board), two (2) Council staff as appointed by the General Manager and two (2) other Community Representatives with relevant experience and skills.
2. **THAT** Council seek Expressions of Interest from members of the community as soon as possible to fill the two (2) Community Representative positions on the Working Group.
3. **THAT** the tasks of the Bowral Memorial Hall Redevelopment Working Group include:
 - (a) to develop an architects brief for the redevelopment project which takes into account matters raised in submissions and includes the need to obtain advice from a theatre design consultant, structural engineer and universal access consultant and seeks a cost effective solution, and to submit this to tender according to Council procurement procedures;
 - (b) to obtain accurate costings for the redevelopment project through the engagement of a quantity surveyor;
 - (c) to prepare and submit a DA for the redevelopment project;
 - (d) to prepare a funding plan for the redevelopment project;
 - (e) to develop a business plan and management model for operating the facility.
4. **THAT** a further report be prepared for Council in May 2011 reporting on progress of the Working Group's tasks.
5. **THAT** a letter of appreciation be sent to Mr Ted Springett for his offer of the donation of Steinway Grand Piano to the refurbished hall (valued in excess of \$250,000) plus an amount of \$50,000 towards the refurbishment.

PASSED



o-EP13 Wingecarribee Community Safety and Crime Prevention Plan

REF: MSCD

1800/32

The purpose of this report is to seek Council adoption of the Wingecarribee Community Safety and Crime Prevention Plan 2011-14.

At this juncture Clr J Mauger left the Chamber.

MN 09/11

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

1. **THAT** Council adopt the Wingecarribee Community Safety and Crime Prevention Plan (the plan) which was circulated to Councillors under separate cover.
2. **THAT** a copy of the adopted Plan be forwarded to the New South Wales Police Commander for the Goulburn Local Area Command.
3. **THAT** a letter of thanks be forwarded to the New South Wales Commander for the Goulburn Local Area Command, Inspector Ward Hansen for his assistance with the plan.
4. **THAT** an expression of thanks be forwarded to Ms Margo McLelland, former Social Planner, for her assistance in the preparation of the Plan.

PASSED



o-EP14 Wingecarribee Community Assistance Scheme 2010

REF: MSCD

1870/2010

The purpose of this report is to seek Council endorsement of a variation of the 2010 Community Assistance Grant offered to Challenge Southern Highlands Inc.

MN 10/11

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

1. **THAT Council endorse the variation on the Community Assistance Grant offered to Challenge Southern Highlands Inc.**
2. **THAT Challenge Southern Highlands Inc be advised of Council's decision.**

PASSED

o-EP15 Wingecarribee Community Assistance Scheme 2011-2012

REF: MSCD

1870/2011

The purpose of this report is to inform Council on the program for applications for the 2011-2012 Community Assistance Scheme.

MN 11/11

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

1. **THAT Council endorse that the Wingecarribee Community Assistance Scheme will open on Monday, 7 February 2011.**
2. **THAT Council endorse that an additional \$20,000 be allocated in the 2011-12 for the budget for the Wingecarribee Community Assistance Scheme to cover increased costs of managing the Community Assistance Scheme, and to adjust to the increased Consumer Price Index.**
3. **THAT Council endorse that the Wingecarribee Community Assistance Scheme be revised annually to adjust to CPI increases.**
4. **THAT a press release be prepared in relation to the Wingecarribee Community Assistance Scheme 2011-2012.**

PASSED



CORPORATE SERVICES DIVISION

o-CS1 Investments as at 31 December 2010

REF: FSM

2104

Submitting details of Council's Investments as at 31 December 2010.

The Director Corporate Services addressed Council on this matter.

MN 12/11

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

THAT the information on Council's Investments as at 31 December 2010 be received and noted.

PASSED

At this juncture Clr J Mauger rejoined the meeting.

o-CS2 Tulip Time 2010 Festival Outcome

REF: TM

1671/8

The purpose of this report is to report on the outcomes of Tulip Time 2010.

The Director Corporate Services addressed Council on this matter.

MN 13/11

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

1. **THAT Council acknowledges that the 50th Anniversary of Tulip Time in 2010 was an outstanding success AND THAT the information be received and noted.**
2. **THAT the surplus funds in the 2010 Tulip Time budget be rolled over into the tourism reserve for future years.**
3. **THAT Council endorse the Tulip Time Committee proposal of supporting Parkinson's NSW and the local chapter, Southern Highlands Support Group as the 2011 nominated charity.**

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1	Tender for the Supply & Delivery of Heavy Patching Works
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REF:	DIS	6330/10.28
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Report on the matter of tenders for the Heavy Patching Works for a twelve (12) month period commencing 1 March 2011.

The General Manager addressed Council on this matter.

MN 14/11

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

1. **THAT** the Schedule of Rates Tender of Roadworx Surfacing Pty Ltd be accepted for the Heavy Patching Works Contract.
2. **THAT** the Mayor and General Manager be granted authority to execute the contract documents between Wingecarribee Shire Council and Roadworx Surfacing Pty Ltd under the Common Seal of the Council.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

NOTICE OF MOTION

COUNCIL MATTERS

NOTICES OF MOTION

c-NM1 01/2011 – Notice of Motion – Integral Energy Pruning Trees

REF: MEO 100/4, 6322, 5453/6, 6800/6

Councillor Larry Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 9 February 2011:

1. THAT Council formally object to the abuse of power exhibited by Integral Energy in their tree pruning works within the Shire of Wingecarribee.
2. THAT Council raise concerns about the quality and professionalism of their tree maintenance works and the ignorance displayed in relation to threatened species and EEC legislation and Council's vegetation management plan.
3. THAT Council reiterate concerns about the lack of communication with residents and consultation with Council in the undertaking of works in the Shire that have a detrimental impact on the aesthetic and environment of the Shire.
4. THAT Council make an urgent request for representative empowered to make decisions in this regard to meet with the Mayor, Deputy Mayor, General Manager and appropriate staff.

MN 15/11

MOTION moved by Clr L A C Whipper and seconded by Clr P B Tuddenham:

1. **THAT** Council formally object to the abuse of power exhibited by Integral Energy in their tree pruning works within the Shire of Wingecarribee.
2. **THAT** Council raise concerns about the quality and professionalism of their tree maintenance works and the ignorance displayed in relation to threatened species and Ecologically Endangered Communities legislation and Council's vegetation management plan.
3. **THAT** Council reiterate concerns about the lack of communication with residents and consultation with Council in the undertaking of works in the Shire that have a detrimental impact on the aesthetic and environment of the Shire.
4. **THAT** Council make an urgent request for representatives of Integral Energy empowered to make decisions in this regard to meet with the Mayor, Deputy Mayor, General Manager and appropriate staff.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

NOTICE OF MOTION

c-NM2 02/2011 – Notice of Motion – Emergency Management

REF: DIS	100/4, 6310/7, 500/8
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Councillors Juliet Arkwright and Ken Halstead have given notice that it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 9 February 2011:

1. THAT a report be forwarded to Council outlining Council's disaster preparedness in dealing with emergency management in the Wingecarribee Shire by either flood or fire and the report also detail the disaster plan preparedness of the Local Emergency Management Committee.
2. THAT in relation to (1) above the report be submitted to Council within three (3) months.

Interest: Clr L A C Whipper declared a non-pecuniary interest in this matter as he is a member of the Board of the Sydney Catchment Authority. He stated that he would remain in the Chamber, take part in the debate and vote on the matter.

MN 16/11

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

1. **THAT** a report be forwarded to Council outlining Council's disaster preparedness in dealing with emergency management in the Wingecarribee Shire by either flood or fire and the report also detail the disaster plan preparedness of the Local Emergency Management Committee.
2. **THAT** in relation to (1) above the report be submitted to Council within three (3) months.
3. **THAT** the Sydney Catchment Authority be requested to confirm the structural integrity of the Wingecarribee Dam.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

QUESTIONS WITH NOTICE

QUESTIONS WITH NOTICE

c-QWN1 QWN 01/11 – Responses from LGSA and Ministers re: Coal Seam Gas

REF:	GM	101/2, 7950, 203/4
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To: General Manager, Mr Jason Gordon
From: Clr Larry Whipper
Received: 2 February 2011

Subject: Responses from LGSA and Ministers re: Coal Seam Gas

Question:

1. Have we received a reply from the LGSA and/or the Federal and State Governments in response to the issues raised by this Council relating to Coal Seam Gas and Longwall Mining exploration. Also have we forwarded letters of support for the moratorium called for by the Greens and Farmers Association?

Comment from Director Environment & Planning

No reply from LGSA or Minister for Sustainability, Environment, Water, Population and Communities.

Letters of support have not been forwarded as yet to either the Greens or the Farmers Association.

Interest: Clr J Mauger declared a pecuniary interest in this matter as has an interest in coal reserves. He noted that the matter had been dealt with before he had time to remove himself from the chamber.

MN 17/11

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

THAT the information in relation to Responses from the Local Government & Shires Association and Ministers re: Coal Seam Gas be noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

QUESTIONS WITH NOTICE

c-QWN2 QWN 02/11 – Untidy Premises

REF: GM 101/2, 7860/1, PN53500, PN534/00

To: General Manager, Mr Jason Gordon
From: Clr Larry Whipper
Received: 2 February 2011

Subject: Untidy Premises

Question:

1. The approach to Moss Vale from Sutton Forest on the Illawarra Highway is extremely unsightly by the fact that two premises, the old Mobile Service Station and the old Bunnings site are overgrown, neglected and the Bunnings building is covered with graffiti. The approach from Bowral is also unkempt. Can we request/serve orders on the owners of these properties to make them tidy as it reflects badly on Moss Vale.

Comment from Director Environment & Planning

Council could serve order if public health or safety was at risk. In relation to the properties mentioned, it would be appropriate at this stage to request the owners to carry out some clean up work as has been done with other property owners in the Shire previously.

MN 18/11

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

THAT the information in relation to Untidy Premises on the approach to Moss Vale from Sutton Forest on the Illawarra Highway be noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

QUESTIONS WITH NOTICE

c-QWN3 QWN 03/11 – Illegal Activity in Cherry Tree Close Moss Vale

REF: GM 101/2, PN1614400

To: General Manager, Mr Jason Gordon
From: Cllr Larry Whipper
Received: 2 February 2011

Subject: Illegal Activity in Cherry Tree Close Moss Vale

Question:

1. Have the concerns of residents in and around Cherry Tree Close Moss Vale been addressed and has the owner of the shops in that vicinity who illegally removed the screen barrier, been directed to rectify the situation and restore the hedge as per Council approval. If the works have not been carried out has the owner been prosecuted yet?

Have those neighbours who were signatories to the petition against these actions by the management of the shops been kept informed of the situation?

Comment from Director Environment & Planning

- First brought to Council's attention in mid March 2010.
- Council contacted owner / residents advising of proposed course of action
- Owner slow to respond
- Council circulars dated 31 March, 30 September, 21 October and 10 December 2010
- Notice of Intention to Issue Order for not maintaining Landscaping dated 27 August 2010
- Order not followed through as Landscaping reinstated hence Council Circular 30 September 2010.
- Council made aware at the end of January 2011, that landscaping again not maintained.
- No contact with Mr Penfold / residents since around September 2010.
- Will be given priority in February 2011 and the petitioners will be regularly updated.

The Director Environment & Planning updated the information previously provided, as follows:

- the site has been re-inspected to confirm the state of the premises, particularly the landscaping, which has deteriorated despite some plantings and mulching having been carried out initially but has not been maintained;
- staff have been in contact with the resident who submitted the original petition and that letters have been forwarded to each of the persons who signed the petition;
- a final order has been served on the owners of the building requiring the landscaping to be reinstated within thirty (30) days, and if the order is not complied with to Council's satisfaction within that time, then Council has further options to pursue.

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

QUESTIONS WITH NOTICE

.....Cont'd

Clr L A C Whipper requested that a report come back to Council at the expiry of the thirty (30) day period to update Council on the matter.

MN 19/11

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

THAT the information in relation to Illegal Activity in Cherry Tree Close, Moss Vale, be noted AND THAT at the end of the thirty (30) day period a report be forwarded to Council for information.

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF: MSCD	107/1
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Submitting minutes of twelve (12) Committee meetings that will be tabled for information.

MN 20/10

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

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

1. ***Canyonleigh 355 Hall Committee held Monday, 27 September 2010.***
2. ***Exeter Park Management Committee held Monday 6 December 2010.***
3. ***Exeter Park Management Committee held Monday 8 November 2010.***
4. ***Exeter Park Management Committee held Monday 1 November 2010.***
5. ***Hill Top Community Centre Committee held Thursday 25 November 2010.***
6. ***Loseby Park Youth Centre 355 Committee held Monday 15 November 2010.***
7. ***Mittagong Community Centre Management Committee held Thursday 11 November 2010.***
8. ***Mittagong Memorial Hall Management Committee held Thursday 11 November 2010.***
9. ***Mittagong Memorial Hall Management Committee held Thursday 9 December 2010.***
10. ***Moss Vale Senior Citizens & Community Centre Management Committee held Monday 13 December 2010.***
11. ***Welby Community Hall 355 Management Committee held Monday 11 October 2010.***
12. ***Wingello Mechanics Institute Hall held Wednesday 4 August 2010.***

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Community Services Advisory Committee
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REF:	SP	1800/17
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Submitting minutes of the Community Services Advisory Committee held Monday, 6 December 2010.

MN 21/11

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

1. **THAT** the recommendations and actions as detailed in the minutes of the Community Services Advisory Committee held on Monday, 6 December 2010 be adopted with the exception of item 2 dot point 8 in that Council does have a resolution adopted by Council on 24 September 2003 (MN 323/03) as follows:
 1. **THAT** Council ban smoking within 10 metres of all children's play equipment.
 2. **THAT** Council erect signage around playground equipment to indicate that they are smoke free.
2. **THAT** the Community Services Advisory Committee be notified of the resolution.

PASSED

c-CR3	Minutes of the Access Committee
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REF:	CWAD	1828/3
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Submitting minutes of the Access Committee held Monday, 13 December 2010.

MN 22/11

MOTION moved by Clr T D Gair and seconded by Clr D Stranger:

THAT the recommendations as detailed in the minutes of the Access Committee held Monday, 13 December 2010 be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

GENERAL BUSINESS

GENERAL BUSINESS

1. PUBLIC LIABILITY INSURANCE 753

Clr J Mauger asked if Wingecarribee Shire Council operated without public liability insurance at some time and, if so, when did this occur and why, and what was the effect on Council's premiums when cover was regained.

The Mayor Clr K Halstead advised that this question will be taken on notice.

2. COUNCIL'S INSURANCE COVER 750, 755

Clr J Mauger asked if, in view of the recent events in Queensland where insurance companies failed or refused to cover flood damage, can the General Manager give an assurance that Council has cover in the event of a loss occasioned as a result of Council's negligence to act diligently and provide accurate information to a development applicant.

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

3. HOWE REPORT (2007) 800/1

Clr J Mauger asked if Council is still using the Bob Howe Report (2007) for guidance for Council's Managers and can copies be made available for Councillors. He asked if Councillors can be advised of the cost to Council of that report in 2007.

The General Manager advised that he is aware of the Bob Howe Report, and it has been used as a reference document and some aspects were taken into account with the restructure, but the question will be taken on notice.

EXTENSION OF TIME

MN 23/11

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

THAT in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 8.00 pm.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

GENERAL BUSINESS

4. REMOVAL OF TREES IN CUNNINGHAM PARK, SUTTON FOREST

6810/16, 6800/6

Clr T D Gair asked if the General Manager will verbally report to Council on the investigation of the vandalism at Cunningham Park, Sutton Forest. He asked what needs to happen in relation to the removal of poisoned pines and what remedial action will take place, and will the usage of the park be affected while the trees are dying.

The General Manager stated that the removal of trees from Cunningham Park is subject of a Police investigation as well as an internal investigation due to information that has come to Council. The General Manager advised that in relation to the removal of the trees, staff are still assessing the situation and that information that he has received is that the damage caused to the trees will definitely cause them to die and that there will be a safety issue when the trees start to die. He advised that at the appropriate time he will provide Council with an update of the investigations.

Clr T D Gair asked if the estimated cost of \$20,000 is a true cost for the removal of the trees.

The General Manager advised that until the safety aspect has been fully investigated by staff, the immediate and medium term use of the park will not be known. He advised that he will provide Council with an update of the full costing for the investigation, including rectification works and staff time involved, once all investigations (which could involve a Code of Conduct matter at an additional cost) have been finalised.

Clr T D Gair noted that Council does have in place a policy of \$2,500 reward for information and conviction of those responsible for acts of vandalism.

5. CONDITION OF GUTTERS AND DRAINS OUTSIDE ROBERTSON PRIMARY SCHOOL, ILLAWARRA HIGHWAY, ROBERTSON

1510/16, 8140, 8110

Clr J G Arkwright asked when the gutters and drains outside Robertson Primary School would be cleaned and if it can be attended to as soon as possible. She advised that she has received a request from the Robertson P & C Association to be kept informed in relation to the matter.

Clr L A C Whipper also requested to be kept informed of the progress with this request.

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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GENERAL BUSINESS

6. HIGHLANDS SOURCE PROJECT

7790/20

Clr L A C Whipper asked if Council has received any response from the Goulburn Mulwaree Council in relation to concerns raised by this Council concerning the submission put forward on the Highlands Source Project.

The General Manager advised that the Goulburn Mulwaree Council has requested a further meeting with Council, and this meeting will be arranged as soon as practical for those persons involved.

Clr Whipper advised that he has received telephone calls from concerned residents and landowners who had been made certain promises in particular in relation to tree replacement, which had not occurred.

7. BENDOOLEY PLACE, BOWRAL

1705

Clr J R Clark asked if Council can look at improving Bendooley Place next to the Memorial Hall and near the Library in Bowral, to make it a more useable space with the inclusion of seating. Clr Clark advised that he has also noticed many bicycles parked at the Library and asked if it is possible for Council to provide a bicycle park, together with placement of some rubbish bins at this area.

The General Manager advised that staff will investigate this matter.

8. BURRADOO SEWAGE TREATMENT WORKS

7602

Clr K Halstead asked if the General Manager can bring forward a report, as a matter of urgency, on the ongoing program for "interim" (short-term) upgrading as well as long-term upgrading of the Burradoo Sewage Treatment Works, having regard to the recent unacceptable situation with respect to "smell" during December/January.

The General Manager advised that staff will attend to this request.



CLOSED COUNCIL

GENERAL MANAGER

cc-GM1 Closed Council

REF: GM

107/9

To consider moving into Closed Council.

At this juncture, the time being 7.30 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 TENDER FOR THE SUPPLY AND DELIVERY OF HEAVY PATCHING WORKS 6330/10.28
- c-GM2 ROBERTSON SEWERAGE SCHEME – TREATMENT PLAN ACCESS 7650
- c-GM3 LEGAL ISSUES 107/22

MN 24/11

MOTION moved by Clr J G Arkwright and seconded by Clr T D Gair:

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

c-GM1 TENDER FOR THE SUPPLY AND DELIVERY OF HEAVY PATCHING WORKS 6330/10.28

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.

.....Cont'd

.....Cont'd

Brief Description

Reporting on the evaluation of the Request for Tender RFT – 6330/10.28 Heavy Patching Works and subsequent recommendations.

Public Interest

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

**c-GM2 ROBERTSON SEWERAGE SCHEME – TREATMENT PLAN ACCESS
7650**

Relevant Legal Provision

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

Brief Description

Presenting an update on land owner negotiations for an access driveway to the proposed Robertson sewage treatment plant.

Public Interest

It is not in the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

**c-GM3 LEGAL ISSUES
107/22**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A (2)(a) and Clause 10A 2(g) of the Local Government Act, 1993, as it contains personnel matters concerning particular individuals and 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 issues arising in the month of December 2010.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains personnel matters concerning particular individuals and 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
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CLOSED COUNCIL

CLOSED COUNCIL

c-GM1	Tender for the Supply & Delivery of Heavy Patching Works
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REF:	MO	6330/10.28
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This matter was dealt with earlier in the Meeting (refer M/N 14/11).



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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CLOSED COUNCIL

c-GM2 Robertson Sewerage Scheme – Treatment Plant Access Driveway

REF: SPC

7650

At this juncture, the time being 8.00 pm, Clr J Mauger retired from the meeting.

CC 01/11

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

1. **THAT the access driveway to the Robertson sewage treatment plant be constructed along the May Street and West Street road reserves.**
2. **THAT any sassafras trees that may be impacted by the road construction or the construction of the Robertson Sewerage Scheme where possible be transplanted by a suitably qualified person and include liaison with the Robertson Environment Protection Society.**
3. **THAT residents affected by 1 above be advised of Council's decision as soon as possible and be invited to participate in a focus group to consult on measures to minimise the impacts of the treatment plant access road.**
4. **THAT Council direct the Public Works Project Manager to form a Community Liaison Committee consisting of Councillors and Community Representatives to liaise with contractors and residents of Robertson and to monitor and advise on the social and environmental concerns of all stakeholders AND THAT a representative from residents affected by the treatment plant access road be invited to join this group.**
5. **THAT the group utilise the expertise of Council's Environment and Sustainability Committee where needed.**
6. **THAT the Department of Environment, Climate Change & Water (DECCW) be consulted about potential impacts upon the Robertson Basalt Tall Open Forest and all other Ecologically Endangered Communities within the village.**
7. **THAT a qualified arborist or ecologist agreed by DECCW be consulted in relation to any works carried out with the potential to impact upon any Economic Endangered Communities in the village AND THAT where identified this consultant be present on site to supervise works within these environmentally sensitive areas.**

PASSED

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

CLOSED COUNCIL

.....Cont'd

CC 02/11

The Committee on a **FURTHER MOTION** moved by Cllr L A C Whipper and seconded by Cllr T D Gair in relation to the Robertson Sewerage Project in general **RECOMMENDED**:

1. **THAT Council direct the Public Works Project Manager to form a Community Liaison Committee consisting of Councillors and Community Representatives to liaise with contractors and residents of Robertson and to monitor and advise on the social and environmental concerns of all stakeholders AND THAT a representative from residents affected by the project be invited to join this group.**
2. **THAT the group utilise the expertise of Council's Environment and Sustainability Committee where needed.**
3. **THAT the Department of Environment, Climate Change & Water (DECCW) be consulted about potential impacts upon the Robertson Basalt Tall Open Forest and all other Ecologically Endangered Communities within the village.**
4. **THAT a qualified arborist or ecologist agreed by DECCW be consulted in relation to any works carried out with the potential to impact upon any Ecologically Endangered Communities in the village and that where identified this consultant be present on site to supervise works within these environmentally sensitive areas.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

CLOSED COUNCIL

c-GM3	Legal Issues
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REF:	DEP
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107/22

CC 03/11

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

THAT the Legal Issues report be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 23 February 2011.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

FULL COUNCIL

MN 25/11

107/10

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

THAT Council moves back into Full Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 26/11

107/9

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

THAT the recommendations of the Closed Council held on Wednesday, 9 February 2011 being CC 01/11 to CC 03/11 be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

MN 27/11

107/10

MOTION moved by Clr T D Gair seconded by Clr J R Clark:

THAT the recommendations of the Open Council held on Wednesday, 9 February 2011 being OC 01/11 to OC 10/11, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 February 2011

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

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 9 February 2011 numbered M/N 01/11 to M/N 27/11, were signed by me hereunder at the Council Meeting held on Wednesday, 23 February 2011.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 23 FEBRUARY 2011

CHAIRMAN

PUBLIC OFFICER