

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/1*



held on Wednesday, 9 March 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 March 2011

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**COMMENCING AT:** 3.30 pm

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

**IN ATTENDANCE:** General Manager  
Acting Director Corporate Services  
Director Environment & Planning  
Director Infrastructure Services  
Communications Officer  
Mayor's Assistant

Mr Jason Gordon  
Mr Peter Nelson  
Mr Scott Lee  
Mr Michael Brearley  
Mr David Sommers  
Ms Liz Johnson

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### OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Clr K Halstead opened the meeting and welcomed members of the public, the press and Mr Adrian Van Der Byl, the Christian Democrat Party Candidate for the State Seat of Goulburn.

The Mayor 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."*

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### PRAYER

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100/1

The meeting was led in prayer led by Pastor Donna Jensen of Southlands Christian Church.

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### APOLOGY

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***M/N 65/11***

PERS

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

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

***PASSED***

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
23 FEBRUARY 2011

100/1

**MN 66/11**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 23 February 2011 MN 28/11 to MN 64/11 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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### BUSINESS ARISING

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There was no business arising from the Minutes of the Meeting held on Wednesday, 23 February 2011.

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### DECLARATIONS OF INTEREST

101/3

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Clr J Mauger declared a pecuniary interest in Item o-IS2 – Robertson Sewerage Scheme – Tenders Received and Post-Tender Estimates - as he is the owner of land which may constitute a pecuniary benefit or loss. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

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### PUBLIC FORUM

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100/1, 7650

Mr Bob Payne representing the Robertson Ratepayers Association, requested and was granted approval to speak on the following matter in the Agenda:

o-IS2 – Robertson Sewerage Scheme – Tenders Received and Post-Tender Estimates

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

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### OPEN COUNCIL

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**MN 67/11**

107/11

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

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

**PASSED**

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**VISITOR ITEM**

**v-EP1 The Rotary Club of Bowral – Mittagong – Extension to An Existing Storage Shed at Gibraltar Country Club Course, Boronia Street, Bowral**

REF: MEA

LUA 10/1180

Request for Development Application (DA) fees to be waived and for financial assistance for an extension to an existing storage shed at Gibraltar Country Club Course, Boronia Street, Bowral.

**Interest:** Clr T D Gair declared a non-pecuniary interest in this matter as he was a former Rotarian for eight (8) years and resigned in 1995 as President Elect for the Moss Vale Club. He stated that he would remain in the chamber, take part in the debate and vote on the matter.

Mr Jerry Kroon and Mr Ray Coulton from the Rotary Club of Bowral addressed Council on this matter.

**OC 19/11**

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

- THAT Council decline the request from the Rotary Club of Bowral – Mittagong for a full refund of development fees associated with LUA2010/1180 for extensions to the storage shed at Gibraltar Country Club Course, Lot 12 DP739274, Boronia Street, Bowral AND THAT the applicant be advised that the payment of 50% of development fees is in accordance with Council Policy on the payment of fees by charitable and non-profit organisations.**
- THAT a financial contribution be made to the Bowral-Mittagong Rotary Club by the Mayor from the Mayoral Discretionary Vote AND THAT the amount donated be at the Mayor's discretion.**
- THAT the Bowral-Mittagong Rotary Club be advised of the Community Assistance Scheme for 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.

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



**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

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

REF:      MEA      5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 16 February 2011 to 1 March 2011.

**OC 20/11**

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

**THAT the information relating to Development Consent Determined Nos 1 – 8 under Delegated Authority and Development Consent Refused No 1, be received and noted.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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

REF:	MEA	5302
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Submitting list of development applications which have been received between 16 February 2011 to 3 March 2011, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

A correction was noted on page 15 of the Agenda in that Item No 8 in the list of Land Use Applications Received should in fact be No 6.

**OC 21/11**

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

**THAT the information regarding the List of Land Use Applications Nos 1- 9 received by Council be received and noted.**

**PASSED**

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

1. ITEM 4 – FREESTANDING SOLAR POWER SYSTEMS, LOT 26 DP 718101 AND LOT 6 DP 718101, DRUMDERRY, 3195 CANYONLEIGH ROAD, SUTTON FOREST  
LUA11/0154

Clr P B Tuddenham asked for additional information on this item.

The Manager Environmental Assessment advised that details will be provided in the Weekly Circular.

- 
2. ITEM 8 (ON PAGE 16) – ADDITION TO BOOK STORAGE BUILDING, PART LOT 3 DP 584423, BENDOOLEY, 3020 OLD HUME HIGHWAY, BERRIMA LUA11/0151

Clr J R Clark asked for additional information on this matter.

The Mayor Clr K Halstead asked if this was a large extension and if so, he suggested that the application should be referred to Council for determination.

The Manager Environmental Assessment advised that this application is for an extension to the book storage building and he will provide further information in the Weekly Circular. He advised that if Council requires a report to come before Council for consideration, that could be done following notification in the Weekly Circular.



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3. ITEM 9 – DAM, LOT 10 DP 1074652, TANGLEWOOD, 177 KIA-ORA LANE,  
KANGALOOON LUA11/0157

Clr J Mauger asked for an indication of whether Council is the responsible authority to be approving structures such as dams, or whether the approval should be with the Department of Conservation.

The Manager Environmental Assessment advised that under the broad heading of “earthworks” it does require Council’s consent and that Council does consult with the Dam Safety Authority as well as the Department of Environment, Climate Change & Water and the Sydney Catchment Authority where it is in their area of jurisdiction.

Clr J Mauger asked for consultation with the responsible Council officer in relation to this application.

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**o-EP3 Proposed Four (4) Lot Subdivision, Lot 7 DP 835328 RN 2591 Old Hume Highway, Woodlands**

REF: MEA

LUA2010/1063

This report is about a Development Application (DA) to subdivide the above property into four (4) rural small holding lots.

The Manager Environmental Assessment addressed Council on this matter.

**OC 22/11**

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

**THAT Council support the exception to the two (2) hectare development standard in clause 4.1 of the Wingecarribee Local Environmental Plan 2010 and approve the subdivision of Lot 7 DP 835328, RN 2591 Old Hume Highway, Woodlands into four (4) lots as shown in development application LUA2010/1063 subject to conditions as described in Attachment 3 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.

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

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**o-EP4 Proposed Equestrian Facility at “Wallaby Hill Farm”, Lot 4 DP590435, RN 122 Wallaby Hill Road, Robertson**

REF: DEP

LUA2010/0982

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

The Director Environment & Planning addressed Council on this matter.

**SUSPENSION OF STANDING ORDERS**

Clr T D Gair requested that standing orders be suspended to allow a Rescission Motion to be considered as a matter of urgency.

**OC 23/11**

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

***THAT in relation to Proposed Equestrian Facility at “Wallaby Hill Farm”, Lot 4 DP 590435, RN 122 Wallaby Hill Road, Robertson, Council suspend standing orders to consider a rescission motion in respect of its previous decisions of Wednesday, 9 February 2011 and 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.

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

.....Cont'd



.....Cont'd

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**MATTER OF URGENCY**

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1. RESCISSION MOTION RE PROPOSED EQUESTRIAN FACILITY AT "WALLABY HILL FARM", LOT 4 DP 590435, RN 122 WALLABY HILL ROAD, ROBERTSON  
LUA2010/0982

Clr T D Gair requested that the Rescission Motion be treated as a matter of urgency as discussions with the Applicant indicated that the matter may be resolved amicably.

**OC 24/11**

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

**THAT the Rescission Motion be considered as a matter of urgency.**

**PASSED**

The Chairman ruled that this is a matter of urgency.

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**RESCISSION MOTION**

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The following Rescission Motion was handed up to the General Manager for consideration by Council:

"We hereby give notice of our intention to move that the following resolutions be rescinded:

Wednesday, 9 February 2011:

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.

AND:

.....Cont'd

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
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on Wednesday, 9 March 2011  
**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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.....Cont'd

Wednesday, 23 February 2011:

1. THAT LUA 2010/0982 for an equestrian facility at Wallaby Hill Farm, Lot 4 DP 590435, RN122 Wallaby Hill Road, Robertson, be deferred to enable confirmation of the extent and adequacy of the information supplied in support of the proposal AND THAT the applicant be advised of Council's decision.

.....Cont'd

.....Cont'd

2. THAT the applicant be invited to attend a meeting to be held as soon as possible with the Mayor and interested Councillors to discuss the matter.
3. THAT the matter be referred back to Council for consideration at the Ordinary Meeting of Council to be held on Wednesday, 9 March 2011.

Name	Signature
Ken Halstead	J Halstead
Juliet Arkwright	J Arkwright
T D Gair	D Gair
	9 March 2011"

**OC 25/11**

The Committee on a **MOTION** moved by Clr T D Gair and seconded by Clr J G Arkwright **RECOMMENDED** that the Rescission Motion be adopted:

**ON BEING PUT TO THE MEETING, THE RESCISSION MOTION WAS PASSED**

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PROPOSED EQUESTRIAN FACILITY AT "WALLABY HILL FARM", LOT 4 DP 590435, RN 122 WALLABY HILL ROAD, ROBERTSON LUA2010/0982

**OC 26/11**

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

**THAT** development application LUA2010/0982 for an equestrian facility at "Wallaby Hill Farm", Lot 4 DP590435, RN 122 Wallaby Hill Road, Robertson be approved subject to conditions of consent as detailed below:

- (1) The development is approved as an Equestrian Facility for the purposes of financial gain comprising the following activities: horse agistment and spelling, horse training, horse riding and clinics.
- (2) A maximum of eight (8) horse riding clinics are to be conducted per annum with between 10 to 20 customers attending per clinic.

.....Cont'd

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.....Cont'd

- (3) ***A maximum of five (5) horse riding lessons are to be conducted per week.***
- (4) ***Hours of operation are to be between 7:30am and 5:30pm seven (7) days per week.***
- (5) **Provision of Traffic Facilities**

***At the Developer's cost, to a maximum of \$5000, Council will supply and install the following items on Belmore Falls Road and Wallaby Hill Road to improve traffic safety in priority as listed below:***

- (a) ***Installation of a sighting board at the junction of Belmore Falls Road and Wallaby Hill Road;***
- (b) ***60 km/h speed zone repeater signs on Belmore Falls Road and Wallaby Hill Road;***
- (c) ***Guide posts particularly on Belmore Falls Road;***
- (d) ***Give way sign and markings on Wallaby Hill Road at its junction with Belmore Falls Road;***
- (e) ***School bus route warning signs to be erected on Belmore Falls Road;***
- (f) ***Upgrade the signposting in accordance with AS1742.2 on Belmore Falls Road on the approaches to the bridges over Barrengarry Creek and the unnamed creek 0.6km to the north;***
- (g) ***Replace the 2km winding road signs on Belmore Falls Road;***
- (h) ***Erection of TRUCKS TURNING warning signs on the approaches to the junction of Wallaby Hill Road and Belmore Falls Road;***
- (i) ***Erection of non-standard signs such as WATCH FOR HORSE FLOATS.***
- (j) ***Erection of non-standard signs WATCH FOR TRUCKS ON BENDS on winding section of Belmore Falls Road.***

**PASSED**

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

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



**o-EP5 Proposed Dual Occupancy Dwelling, Alterations to Existing Dwelling and Two (2) Lot Subdivision, Lot 23 Section 1 DP6221, No 166 Wilson Drive, Hill Top**

REF: MEA

LUA2010/0852

Council previously considered development application LUA2010/0852 for a dual occupancy, a detached carport, alterations and additions to the existing dwelling and a two (2) lot subdivision of Lot 23, Section 1 DP 6221, No 166 Wilson Drive, Hill Top, at its meeting held on Wednesday, 23 February 2011.

The Manager Environmental Assessment addressed Council on this matter.

**OC 27/11**

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

1. **THAT development application LUA2010/0852 for a dual occupancy, a detached carport, alterations and additions to the existing dwelling and a two (2) lot subdivision of Lot 23, Section 1 DP 6221, No 166 Wilson Drive, Hill Top be approved subject to conditions as described in Attachment 3 of the report to Council dated Wednesday, 23 February 2011.**
2. **THAT the following further condition be included in the development consent in 1 above:**

***The dual occupancy must be constructed as a first stage of development and the subdivision must be completed and registered at the Land and Property Management Authority within six (6) months from the date on which any occupation certificate is issued for the dual occupancy.***

**PASSED**

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

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



**o-EP6 Planning Proposal to Amend Schedule 2 – Exempt Development of Wingecarribee Local Environmental Plan 2010 to Include Clauses Regarding Signage and Advertising**

REF: MSCD

5901

The purpose of this report is to present to Council draft clauses for inclusion in Schedule 2 – Exempt Development – of Wingecarribee Local Environmental Plan (WLEP) 2010 regarding advertising structures, signs and displays.

The Director Environment & Planning addressed Council on this matter. He advised that since the report had been written the Department of Planning has put out for comment a further discussion paper on exempt development relating to advertising signage, so an alternative recommendation is to defer the matter to allow the discussion paper to be reviewed by the Signage and Advertising Committee and Council staff and for a report be brought back to Council after that review has taken place.

**OC 28/11**

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

- 1. THAT Council defer any proposed changes to Schedule 2 Exempt Development of Wingecarribee Local Environmental Plan 2010, to allow the Signage and Advertising Committee to review the recently released Department of Planning Discussion Paper on advertising and signage, at the Local Planning Strategy meeting to be held on Wednesday, 16 March 2011 AND THAT the previous community members be requested to participate in the further discussions.***
- 2. THAT a further report on this matter be presented to the Council meeting on Wednesday, 13 April 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.

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



**o-EP7 Wingecarribee Heritage Survey—Initial Notification To Property Owners**

REF: MSCD

5650/4

The purpose of this report is to provide Council with an overview of the Wingecarribee Heritage Survey project which recommends more than 350 additional properties identified as having heritage significance be listed within the Wingecarribee Local Environmental Plan 2010 as heritage items.

The Director Environment & Planning addressed Council on this matter.

**OC 29/11**

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

1. ***THAT letters be sent to property owners of the 358 properties recommended for heritage listing by consultants providing details of the reasons and implications of heritage listing and providing a period of no less than six (6) weeks to consult with the property owners.***
2. ***THAT letters be sent to property owners of the 63 additional properties that have been identified as having potential heritage significance but have not yet been the subject of detailed investigation of the potential heritage significance of their property and requesting the assistance of owners in providing further information.***
3. ***THAT information sessions be arranged during the consultation period in areas with the greatest concentration of recommended heritage sites to allow interested parties to speak to council officers.***
4. ***THAT a further report following the consultation period be presented to Council detailing options and next steps in the process of advancing the Wingecarribee Heritage Survey project.***

**PASSED**

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**o-EP8 Accommodation for People with a Disability**

REF: DEP 1855/28, 850/8

Reporting on the provision of suitable accommodation for people with a disability, working in conjunction with Challenge Southern Highlands.

**OC 30/11**

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

1. **THAT Council endorse Lots 1, 2 and 6 DP 111201 and Lot 9 DP 728069 at the corner of Cook and Anne Streets, Mittagong, as the chosen location for the accommodation for people with a disability project.**
2. **THAT Council prepare a new survey of the land and undertake initial flood and geotechnical studies of the land expeditiously with funding from the \$398,000 in the Property Development Reserve already allocated to this project.**
3. **THAT once these studies are complete, the Accommodation for People with a Disability Working Group meet with Challenge Southern Highlands to determine the most appropriate development proposal for the land.**
4. **THAT adjoining property owners in Cook and Anne Streets, Mittagong, be advised of Council's decision.**
5. **THAT Council consider community benefit to the surrounding open space facilities subsequent to any development proposal proceeding on this land AND THAT a further report be brought back to a future meeting of Council in relation to the proposed community benefit.**

**PASSED**

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**o-EP9 Annual Local Development Application Performance Monitoring Report**

REF: MEA

5202, 5202/1

This report is about the release of the Annual Local Development Application Performance Monitoring Report for 2009/10 by the New South Wales Department of Planning.

The Manager Environmental Assessment addressed Council on this matter.

**OC 31/11**

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

1. **THAT Council notes the contents of the Local Development performance monitoring report for 2009/10 and the reported performance for the Wingecarribee Shire Council.**
2. **THAT staff be commended for the improvements in performance in the 2009/10 reporting period with the objective that staff strives for further improvements targeting the 2010/11 reporting period.**
3. **THAT Council acknowledge the importance of quality outcomes for the development application process that ensures developments contribute positively to the Wingecarribee community.**
4. **THAT Council's environmental assessment branch continues to review the thru-put associated with development assessments to identify further opportunities for improvement in processing times.**

**PASSED**

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**CORPORATE SERVICES DIVISION**

<b>o-CS1</b>	<b>Boundary Adjustment Southern Regional Livestock Exchange &amp; Resource Recovery Centre DP 1070888</b>
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REF:	MBS	7170/13
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The purpose of this report is for council to consider a boundary adjustment between two (2) adjoining Council properties.

**OC 32/11**

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

1. **THAT Council approves the boundary change, as detailed within the report, in accordance with the relevant legislation and requirements of the relevant Act to enable the Saleyard Roof Project to meet the requirements of the Building Code of Australia for Fire Regulations.**
2. **THAT delegated authority be authorised to execute the Variation of Boundary document, detailed in 1 above, under the Common Seal of the Council.**

**PASSED**

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<b>o-CS2</b>	<b>Draft Plan of Management for Bong Bong Common, Moss Vale</b>
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REF:	MBS	6500/23.1, 6530/1.3
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Submitting the draft Plan of Management for Bong Bong Common, Moss Vale.

**OC 33/11**

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

**THAT** the Draft Plan of Management for Bong Bong Common, Moss Vale be adopted  
**AND THAT** this document be known as the Bong Bong Common Precinct Plan of Management.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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

**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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**o-CS3      Hosting 2012 Australian Livestock Markets Association (ALMA) Conference  
In The Southern Highlands**

REF:      BSM

7170

The purpose of this report is for Council to consider applying to the Australian Livestock Markets Association (ALMA) to host the 2012 ALMA Conference in the Southern Highlands.

**OC 34/11**

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

1.      **THAT Council prepares a bid to host the 2012 ALMA Conference in the Southern Highlands.**
2.      **THAT a Working Group from the SRLX Board and Tourism Southern Highlands be formed to prepare the bid.**
3.      **THAT should Council be successful a report be submitted in August 2011 outlining the requirements of the 2012 Conference.**
4.      **THAT Council allocate \$3,000 from the SRLX Budget for the preparation of the Conference bid.**

**PASSED**

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**o-CS4 China Delegation re Education Exchange**

REF: MG

600/26

Reporting on progress in relation to Educational Exchange with Kaifeng City, Henan Province China.

The Acting Director Corporate Services addressed Council on this matter.

**OC 35/11**

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

**THAT written representations be made to the Mayor of Kaifeng City, Mr Zhou Yizhong, advising that a number of schools in the Wingecarribee Shire are prepared to accommodate up to thirty (30) students from Kaifeng Senior Middle School, Kaifeng City AND THAT arrangements should be co-ordinated expeditiously if the student exchange is to occur in late April 2011.**

**PASSED**

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**o-CS5 ANZAC Day 2011**

REF: MG

1671/1

Reporting on the Wreath Laying Ceremonies for ANZAC Day 2011.

**OC 36/11**

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

1. **THAT** subject to Councillor availability, Council be represented at the following services:

**Berrima**

**Dawn Service** 5.30 am

Clr D Stranger

**Main Service** 10.30 am

Clr D Stranger

**Bowral**

**Dawn Service**

Clr T D Gair

**5.45 am March - 6.00 am Service**

**Main Service**

Clr J G Arkwright

**10.35 am March – Service 11.00 am**

**Bundanoon**

Mayor Clr K Halstead

**10.30 am March – Service 11.00 am**

**Burrawang**

Clr J Mauger

**Wreath Laying** 10.15 am

**Robertson/Kangaloon**

**Wreath Laying and Service** 11.00 am

Clr J Mauger

**Exeter** 9.00 am

Clr J G Arkwright

**Hill Top** 6.00 am

Clr P B Tuddenham

**Mittagong**

**Dawn Service**

Mayor Clr K Halstead

**5.15 am March – 5.30 am Service**

**Main Service**

Clr P B Tuddenham

**10.30 am March – 10.45 am Service**

**Moss Vale**

Clr T D Gair

**10.30 am March – 11.00 am Service**

**Sutton Forest**

**7.50 am March – 8.00 am Service**

Clr T D Gair

2. **THAT** the respective Sub-Branchees be advised of Council representation as detailed in 1 above.

3. **THAT** Council purchase appropriate books for the Bowral, Bundanoon, Moss Vale and Berrima Memorial Services **AND THAT** nine (9) wreaths be purchased for the remaining locations.

**PASSED**



<b>o-CS6</b>	<b>Costs – Norlex Holdings Legal Matter</b>
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REF:	LO	502/54
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Reporting on the legal costs for the Norlex Holdings Legal Matter.

**OC 37/11**

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

**THAT the information contained in the report in relation to Costs – Norlex Holdings Legal be received and noted AND THAT the report be considered in Closed Committee (refer Item c-GM1).**

**PASSED**

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**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1</b>	<b>Douglas Road Reconstruction</b>
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REF:	MO, MFS
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RD3343
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Updating Council on the progress of road reconstruction work at Douglas Road and advising of a significant variation in the contract.

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

**OC 38/11**

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

1. **THAT Council note the factors that may result in over-expenditure on the Douglas Road project.**
2. **THAT any additional costs be funded by the Land Rental Reserve with the costs to be recovered from developer contributions in the Enterprise Zone.**
3. **THAT Council write to Coffey Geotechnics expressing their concern at the cost of the additional work due to investigations failing to identify the unsuitable subgrade.**

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.18 pm, the Mayor Cllr K Halstead, resumed the Chair to conduct the remainder of Council Business.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

### REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

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#### SUSPENSION OF STANDING ORDERS

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Clr T D Gair requested that standing orders be suspended to allow Item c-CR1 - Minutes of the Environment and Sustainability Committee and Questions from the Public to be dealt with at this juncture of the meeting as there were members of the Robertson community present in the gallery for consideration of Item o-IS2 - Robertson Sewerage Scheme – Tenders Received and Post-Tender Estimate and that matter would take some time to consider.

***MN 68/11***

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

***THAT*** standing orders be suspended to allow Item c-CR1 - Minutes of the Environment and Sustainability Committee and Questions from the Public to be considered.

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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

**QUESTIONS FROM THE PUBLIC**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR1</b>	<b>Minutes of the Environment and Sustainability Committee</b>
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REF:	ME&S
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5465/29.01
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Submitting minutes of the Environment and Sustainability Committee held on Wednesday, 2 February 2011.

***MN 69/11***

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

***THAT the recommendations as detailed in the minutes of the Environment and Sustainability Committee held on Wednesday, 2 February 2011 be adopted.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

### QUESTIONS FROM THE PUBLIC

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#### QUESTIONS FROM THE PUBLIC

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1. ROBERTSON SEWERAGE SCHEME

7650

Mrs Judy Fisk asked:

- (i) Could Council confirm that the easement under the high tension power lines west of West Street, Robertson, the railway line easement of 14 kms has been finalised and all negotiations completed to enable the sewerage to go ahead as even this morning this could not be confirmed and this will further delay the sewerage scheme if it is not able to be finalised with negotiations even if tenders and access as per the 3 stage funding are agreed or disagreed tonight.

The Director Infrastructure Services advised that he has received verbal advice from the Project Managers that that is due to be signed off this week.

- (ii) Are any tree plantings to take place around the block of land that the sewerage plant will be built on.

The Director Infrastructure Services advised that the contract for the sewerage treatment plant is a design and construct contract and part of that will include a landscaping plan around the perimeter of the plant.

The General Manager advised that as part of the consultation with the community, Council has undertaken to address all issues, so if more tree planting is requested, those requests will be considered on their merit.

- (iii) Does the issue of Clr L A C Whipper being a member of the Sydney Catchment Authority's committees hinder Council's position with BA's and DA's and development and infrastructure, and is there a copy of these meetings decisions available to Council. Mrs Fisk asked if there is a problem with vested interest on many decisions and is it legal if Councillor Whipper is paid to attend meetings by the Catchment Authority and attends Council's Open and Closed Meetings.

The General Manager advised that each Councillor is responsible for the determination of their own pecuniary or non-pecuniary interest and the degree to which that occurs. He advised that Clr Whipper does declare a form of interest every time that anything to do with the Sydney Catchment Authority arises but confirmed that it is a Councillor decision on what form the declaration takes.

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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 March 2011

### QUESTIONS FROM THE PUBLIC

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#### 2. ROBERTSON SEWERAGE SCHEME

7650

Mr Alan Pincus noted that he is a disabled veteran and that he had given confidential medical evidence to the General Manager, and asked:

- (i) How does Council propose to protect his health during and after the construction, based on the fact that he had received Council advice that no road was there to proceed.

The General Manager advised that he would not comment on Mr Pincus' medical history as that was given to him in confidence and he was not at liberty to disclose any of that information. He advised that Council resolved to form a consultation group with the people who are affected in the street, as well as the community in general, to work through the issues that individuals brought up, to the best of Council's ability, in an endeavour to mitigate the circumstances or affect on those individuals.

- (ii) By comparison, why is the inconvenience and possible dangers to a significant pocket of the community better than the possible inconvenience to a group of people rather than any potential inconvenience to a tree, a branch or maybe one resident when the High Street access provides a clear unencumbered view.

The General Manager advised that Council considered an options report relating to a number of different access options to the treatment plant and this report which went out on public exhibition. He advised that when the report came back for Council determination, the staff recommendation was May Street, but Council requested that an option through private property be looked at. The General Manager advised in relation to this option, initial discussions with the property owner were favourable, but at the end of the day that turned out not to be the case and that when the report came back to Council, Council then reluctantly agreed that the May Street option was the most favourable. He advised that at the same time Council requested that a consultation group be formed with the residents affected. In relation to the question on the High Street access, the General Manager advised that there were negatives involved with that option which included an Endangered Ecological Community and that based on the merits or demerits of each option, Council decided on which way to go. He advised that even as late as today, Council had asked him to revisit the option through the private property to ascertain whether this option could be considered, but that the property owner still does not want this option to go ahead. He advised that May Street is a legal access that can be utilised whereas the chances of getting access through the private property through the court system is basically minimal to non-existent.

- (iii) What is the difference in cost between the High Street and May Street options, and why not consider High Street with a clear and concise, unfettered open mind which would be substantially more cost effective to Council and to ratepayers who would be paying the bills.

The General Manager advised that when evaluating the options from a staff or professional point of view, based on the type of access road construction, the land acquisition, the drainage, the distance from Caalong Street to the sewerage treatment plant, public utilities, geotechnical information, flora, ownership and cost, staff made a recommendation to Council and that Council requested staff to revisit other options and based on the information received, Council made the decision to go with the May Street option. The General Manager advised that every option has its pros and cons but based on the information that staff have

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received and the direction that Council has given, that is how staff have enacted it and how they have come back with the recommendation to Council.

The Director Infrastructure Services advised, as the senior officer present on the Council inspection this morning where the majority of the Councillors were present, that Councillors have taken this issue very seriously. He advised that Councillors walked High Street and looked at the issues involved and that there are obstacles involved with High Street and while an access road can avoid the major tree trunks, nevertheless there will be an impact on the Endangered Ecological Community (EEC). He advised that the access driveway would impact on the root system of the EEC and that furthermore there would be an impact on residents who are close to that access road. He advised that Councillors have looked at the matter very seriously and in an unbiased manner.

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3. ROBERTSON SEWERAGE SCHEME

7650

Mrs Gillian Seddon asked:

- (i) How can Council compare the impact on trees with the impact on the health and safety of the residents.

The General Manager advised that Council does not profess to compare them, but does weigh up the options, taking into account residents as well as other considerations. He advised that staff put up the recommendations to Council as to what they believe is the best option with the evaluation of each option on its merits, which included the effect on residents. He advised that the most preferable option is not practical or possible tonight when Council is making its decision on the matter.

- (ii) With the road gradient proposed, how will Council minimise the noise impact on residents.

The General Manager advised there will be issues with the road, not just the noise and grade. He advised that Council will deal with any issue that arises and will give residents an answer as to how it can be mitigated, within reason.

The Director Infrastructure Services advised that in regard to the road gradient, Council's surveyors are currently finalising this, and it looks as though the gradient is about 16.8%, which is steep, however, there are a number of roads within the Shire with similar gradients. In terms of the noise to residents, he advised that construction traffic does cause noise, but there will be limits to the operating hours of construction traffic and also Council is looking at ways to have gated access to the access driveway so that the construction traffic can drive through the gate in an automatic manner whilst preventing public access to the access driveway. He advised that in terms of working hours, vegetation and other measures that may be discussed with individual residents as part of the working group, there will be an impact due to construction of the access road, but Council is working through the options to mitigate those impacts.

The General Manager advised that Council does not have all the answers with any option and that there will always be criticism. He advised that when issues arise Council will try to work with residents in an attempt to resolve those issues as far as practical. Specifically to the issue of noise, the General Manager advised that the hours of operation and gated

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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 March 2011

### QUESTIONS FROM THE PUBLIC

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access, if a truck has to stop and the driver get out to open the gate, then that will cause more noise than having a controlled automatic gate. He advised there has been some discussion about whether double glazing is applicable on one or some houses, but there are options that need to be considered.

- (iii) Is Council willing to pay for independent valuers to value properties with and without STP access in May Street.

The General Manager advised that Council has not considered the matter.

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#### 4. ROBERTSON SEWERAGE SCHEME

7650

Mr Axel Richter asked:

- (i) How much of the budget for the access road to the Robertson STP has been allocated for mitigation of construction noise and compensation to residents living there.

The Director Infrastructure Services advised he does not have the actual figure allocated to mitigation measures. He advised that there is a contingency amount in the estimate, as is quoted in Council's report, of \$870,000 which includes a construction contingency of the order of 20%.

- (ii) Who of the Councillors and staff believe that living in a construction zone for 12 to 18 months will have no health impact on the residents of May Street, in particular the little children.

Clr T D Gair advised that Councillors do not have to answer one way or the other in relation to questions from the public and that Councillors can choose to listen to the question but because they do not answer the question does not mean that Councillors are not taking a position.

- (iii) Has the High Street option being properly investigated.

The General Manager advised that each option has been considered and each option was not taken to the final stage and there were different categories that staff looked at and investigated, and these were included in the report to Council for consideration. He advised that following Council's resolution, staff then investigated different options to different degrees but Council's decision was based on the report that was presented.

The Director Infrastructure Services advised the options report contains a feasibility study for each of the options, and that the preferred option (May Street) is now going through detailed survey and design and that the High Street option has not been explored to the same level of detail.

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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 March 2011

### QUESTIONS FROM THE PUBLIC

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5. ROBERTSON SEWERAGE SCHEME

7650

Mr Sean Phillips asked:

- (i) How Council permitted the removal of the (said to be) "oldest" tree in Robertson for the purpose of the development of the Barrengarry Street estate but will not permit trees to be removed from High Street. He advised that an on-site meeting was held and the removal of the tree was raised and residents expressed concerns about the tree being removed to Cllr Larry Whipper.

The Director Infrastructure Services advised that this question relates to a development approval in regard to a subdivision and this is not information that is available at the meeting so would need to be taken on notice, and that the approval would need to be researched and investigated.

The Director Environment & Planning advised that research to try to find the circumstances of the tree removal will be undertaken, but that if Mr Phillips could provide a photograph or some additional information to assist with the identification of the tree, that would be useful for the research.

The Mayor requested that Mr Phillips provide further information to staff if possible.

- (ii) Why he still has pipes running up his property inside his boundary when Council has already requested the use of the Old Chain Road.

The Director Infrastructure Services advised that he would take this question on notice.

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5. ROBERTSON SEWERAGE SCHEME

7650

Mr Mark Morrow asked when are Caalong and May Streets going to be upgraded, will it be before the access road is constructed.

The Director Infrastructure Services advised that the current proposal, which has not been adopted by Council nor formally decided, is to maintain the existing pavement of May Street and Caalong Street during the construction and then to upgrade those pavements immediately following construction.

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**INFRASTRUCTURE SERVICES DIVISION (CONT)**

**o-IS2      Robertson Sewerage Scheme – Tenders Received And Post-Tender Estimate**

REF:            SPE 7650

Reporting on tenders received and the revised estimate for the Robertson Sewerage Scheme. (*Refer to OC 11/11*).

**Interest:** Clr J Mauger declared a pecuniary interest in this matter as he is the owner of land which may constitute a pecuniary benefit or loss. He left the Chamber, took no part in the debate and refrained from voting on the matter.

The Director Infrastructure Services introduced two representatives from Public Works, Mr Mike Gomola and Mr Ashok Verma who addressed Council and answered Councillors' questions.

The General Manager, Director Infrastructure Services and Sewerage Projects Engineer addressed Council on this matter.

***MN 70/11***

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

1. ***THAT information contained in the report in relation to the Robertson Sewerage Scheme – Review of Tenders be received and noted AND THAT the report be considered in Closed Committee (refer Item c-GM2).***
2. ***THAT a revised estimate of \$29.8 million be adopted for the Robertson Sewerage Scheme.***
3. ***THAT a further report be prepared to allow Council to determine its position in relation to pump out charges at Robertson and the timing of the levying of sewerage charges.***

**PASSED**

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

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



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

### GENERAL BUSINESS

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#### GENERAL BUSINESS

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1. PAYMENT OF RATES AND HARDSHIP 2215, 2212

Clr P B Tuddenham referred to a letter received from a pensioner in relation to the payment of rates and difficulty with paying the rates. He asked whether, given the current financial circumstances and hardship being suffered by some members of the community, if assistance can be provided to people in need.

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

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2. ILLAWARRA ACADEMY OF SPORT 6600/5

Clr P B Tuddenham referred to the Illawarra Academy of Sport and advised that he wished to speak with the Mayor about this.

The Mayor Clr K Halstead advised that he will speak with Clr Tuddenham.

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3. FERNDALE ROAD, BUNDANOON RD1820, 7411

Clr J R Clark advised that he has received a request from a resident of Bundanoon in the vicinity of Ferndale Road who asked about the possible extension of the 50 kph zone towards the sewerage treatment works, and asked if this matter could be addressed by the Traffic Committee.

The Mayor Clr K Halstead requested that this matter be referred to the Traffic Committee for consideration.

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4. FERNDALE ROAD, BUNDANOON RD1820, 7810/10.1

Clr J R Clark referred to a question that he had raised some time ago about a profusion of trees and plants being grown on the footpath, noting that it has blocked access to pedestrians on the footpath. He asked if this matter can be investigated.

The Director Infrastructure Services advised that this question will be taken on notice.

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Clr J Mauger returned to the Chamber.

Clr J G Arkwright left the Chamber at 7.23 pm.

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**CLOSED COUNCIL**

**GENERAL MANAGER**

**cc-GM1 Closed Council**

To consider moving into Closed Council.

At this juncture, the time being 7.24 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 71/11**

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

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 COSTS – NORLEX HOLDINGS PTY LTD LEGAL MATTER 502/54**

**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**

***Report and recommendations in relation for claim of costs received from Norlex Holdings Pty Ltd, Land and Environment Court matter no. 40244 of 2007.***

**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.***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 March 2011

**REPORT OF GENERAL MANAGER**

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.....Cont'd

**c-GM2 ROBERTSON SEWERAGE SCHEME – REVIEW OF TENDERS 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 details of tenders for the two main contracts associated with the Robertson Sewerage Scheme.*

**Public Interest**

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

2. **THAT** *the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.*

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
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### CLOSED COUNCIL

<b>c-GM1</b>	<b>Costs – Norlex Holdings Pty Ltd Legal Matter</b>
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REF:	LO
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502/54
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Report and recommendations in relation for claim of costs received from Norlex Holdings Pty Ltd, Land and Environment Court matter No 40244 of 2007.

*This matter was considered later in the meeting (refer CC 11/11).*

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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 March 2011

### c-GM2 Robertson Sewerage Scheme – Review of Tenders

REF: SPE 7650

Reporting on a review of Tenders for the Robertson Sewerage Scheme. (Refer to MN 70/11).

It was noted that this matter would be considered before c-GM1 as the two representatives from Public Works would be addressing Council.

**Interest:** Clr J Mauger declared a pecuniary interest in this matter as he is the owner of land which may constitute a pecuniary benefit or loss. He left the Chamber, took no part in the debate and refrained from voting on the matter.

Mr Mike Gomola and Mr Ashok Verma from Public Works addressed Council on this matter.

The Director Infrastructure Services addressed Council on this matter.

Clr J G Arkwright rejoined the meeting at 7.27 pm.

#### **CC 9/11**

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

1. ***THAT the tenders submitted by AJ Lucas Group, jointly and severally with AJ Lucas Operations Pty Ltd, be accepted for the following amounts:***  
1: Contract 1000688: \$12,483,235.74 and  
2: Contract 1000417: \$6,571,506.00 (for the total sum of \$19,054,741.74).
2. ***THAT the award of these tenders be subject to the inclusion of the additional security offered by AJ Lucas Group Ltd and Council receiving the signed copy of the NSW Public Works' Tender Recommendation and Tenderer Detailed Assessment (Corporate Scorecard), namely a risk assessment process validated by the NSW Public Works.***
3. ***THAT the letter of acceptance for these contracts be executed under the Common Seal of the Council.***
4. ***THAT Council notes that the awarding of the tender is based on the recommendation of the NSW Public Works, for:***  
1: Contract 1000688; and  
2: Contract 1000417.

**PASSED**

.....Cont'd



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

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.....Cont'd

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

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

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### EXTENSION OF TIME

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**CC 10/11**

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

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

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

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<b>c-GM1</b>	<b>Costs – Norlex Holdings Pty Ltd Legal Matter</b>
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REF:	LO
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502/54
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Report and recommendations in relation for claim of costs received from Norlex Holdings Pty Ltd, Land and Environment Court matter No 40244 of 2007.

The General Manager addressed Council on this matter.

Clr J Mauger rejoined the meeting.

### **CC 11/11**

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

1. **THAT Council authorise the General Manager and Legal Officer to instruct Council's solicitor to refer this matter to an external costs consultant for opinion before any decision on payment of the applicant's costs is made for due process and probity.**
2. **THAT Council advise Norlex Holdings Pty Ltd of this decision.**
3. **THAT the matter be brought back before Council in closed committee upon receipt of the opinion of the external costs consultant.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

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### FULL COUNCIL

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107/10

**MN 72/11**

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

**THAT Council moves back into Full Council.**

**PASSED**

No members of the public were present in the Chamber.

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### ADOPTION OF CLOSED COUNCIL

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107/9

**MN 73/11**

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

**THAT the recommendations of the Closed Council held on Wednesday, 9 March 2011 (CC 09/11 to CC 11/11) be adopted.**

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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107/10

**MN 74/11**

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

**THAT the recommendations of the Open Council held on Wednesday, 9 March 2011 being OC 19/11 to OC 38-/11, be adopted.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.05 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 March 2011 numbered M/N 65/11 to M/N 74/11, were signed by me hereunder at the Council Meeting held on Wednesday, 23 March 2011.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 23 MARCH 2011

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CHAIRMAN

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PUBLIC OFFICER