

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/09*



held on Wednesday, 26 August 2009

The meeting commenced at 3.32 pm.



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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**COMMENCING AT:** 3.32 pm

**PRESENT:** Cllr T D Gair (Mayor) in the Chair  
Cllr K Halstead (Deputy Mayor)  
Cllr J G Arkwright  
Cllr J R Clark  
Cllr J Mauger  
Cllr G McLaughlin  
Cllr D Stranger  
Cllr P B Tuddenham (3.42 pm)  
Cllr L A C Whipper

**IN ATTENDANCE:**

Acting General Manager	Mr Michael Brearley
Director Corporate Services	Mr Barry Paull
Director Environment & Planning	Mr Scott Lee
Manager Administration Services	Mr Peter Nelson
Administration Officer	Ms Liz Johnson

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### PRAYER

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100/1

The meeting was opened in prayer led by Pastor David Holt of the One Life Church, Moss Vale.

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### PUBLIC FORUM

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Mrs Robyn Betts requested and was granted approval to speak on the following matter in the agenda:

Item o-EP6 – Modification of Balcony – 77 Main Street, Mittagong

The Mayor thanked Mrs Betts for her comments which would be taken in account when the matter was considered later in the meeting.

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### APOLOGY

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*There were no apologies at this meeting.*

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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on Wednesday, 26 August 2009

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**CONFIRMATION OF MINUTES**

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
12 AUGUST 2009

100/1

**MN 360/09**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 12 August 2009 MN 322/09 to MN 359/09 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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*Nil*

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**DECLARATIONS OF INTEREST**

101/3

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

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

### MAYORAL MINUTE

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#### MAYORAL MINUTE

#### c-MM1 Federal Electoral Redistribution

REF: MAYOR

1400/2 (cc 102/5)

Reporting on the proposed Federal redistribution of electorates.

Clr P B Tuddenham joined the meeting at 3.42 pm.

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

THAT the report be received and noted.

**MN 361/09**

**AMENDMENT** moved by *Clr P B Tuddenham* and seconded by *Clr J Mauger*:

**THAT** Council make representations to the Australian Electoral Commission objecting to the redistribution of the Southern Highlands into the Electorate of Throsby **AND** **THAT** the villages of the Wingecarribee Shire be included in any redistribution.

**PASSED**

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**

Clrs K Halstead and G McLaughlin left the Chamber and did not take part in the voting on this matter.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

**OPEN COUNCIL**

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**OPEN COUNCIL**

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**MN 362/09**

107/10

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

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

**PASSED**

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Clr J Clark acknowledged the traditional owners and custodians of the land and paid respect to the past and present elders of the country that Council is meeting on today.

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**VISITOR ITEM**

**ENVIRONMENT & PLANNING DIVISION**

**v-EP1 Proposed 3 Lot Subdivision, Sullivan Road, Burradoo**

REF: DBSM

LUA09/0401

Reporting on a proposed three (3) lot subdivision of Lots 7 & 8 DP 1002939, Sullivan Road and The Avenue, Burradoo.

Mr David McGowan, Town Planner, addressed Council on behalf of the Owner, Mr & Mrs V Vella.

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

THAT the development application (LUA 09/0401) for a three (3) lot subdivision of Lots 7 & 8 DP 1002939 Sullivan Road, Burradoo, be refused for the following reasons:

- (i) The proposed subdivision does not comply with the development standard in clause 12(2)(a) of WLEP which requires a minimum lot size of 4,000m<sup>2</sup>.
- (ii) The SEPP1 objection has not demonstrated that the 4,000m<sup>2</sup> development standard is unreasonable or unnecessary in the circumstances.
- (iii) It is likely that the proposed subdivision would lead to similar departures from the development standard in the locality.
- (iv) It is likely that the proposed subdivision would undermine the planning objectives for the locality.
- (v) It is likely that the proposed subdivision would result in adverse environmental consequences arising from the removal of trees and the poor location of the proposed building envelopes.

**LOST**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	X	
Clr K Halstead		X
Clr J G Arkwright		X
Clr J R Clark	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 111/09**

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

**THAT development application LUA 09/0401 for a three (3) lot subdivision of Lots 7 & 8 DP 1002939 Sullivan Road, Burradoo, which has been supported by a SEPP 1 application, be approved with appropriate conditions to be formulated by the Director Environment & Planning AND THAT Councillors be advised of those conditions via the Weekly Circular.**

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair		X
Clr K Halstead	X	
Clr J G Arkwright	X	
Clr J R Clark		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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**INFRASTRUCTURE SERVICES DIVISION**

<b>v-IS1</b>	<b>Burradoo Catchment BU2 Flood Study</b>
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REF:	DPM	8100/5
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Report on the outcomes of a flood study for the Burradoo BU2 (Holly Road) stormwater catchment undertaken for Council by Cardno Lawson Treloar.

Council's Design & Construction Engineer, Mr Bob Lewis, addressed Council on this matter.

**OC 112/09**

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

1. **THAT Council places the Final Draft Burradoo BU2 Flood Catchment Assessment Study by Cardno Lawson Treloar on exhibition for a period of 42 days (6 weeks) for the purposes of attracting comments from interested residents and organisations.**
2. **THAT Council writes to property owners within the Burradoo BU2 catchment to inform them of the availability of the flood study and include a copy of the Information Sheet identified as Attachment 4.**
3. **THAT following incorporation of community comment, the Burradoo BU2 Flood Catchment Assessment Study by Cardno Lawson Treloar be reported back to Council for final adoption prior to progressing with a Floodplain Risk Management Plan for the Burradoo BU2 catchment.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 26 August 2009

### REPORT OF ACTING GENERAL MANAGER

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#### **SUSPENSION OF STANDING ORDERS**

100/1

The Mayor Clr T D Gair requested that standing orders be suspended to allow Item c-GM1 – Update on WSC Friendship City Agreement with Kaifeng - to be heard at this juncture of the meeting as Council's Economic Development Officer, Mr Carl Pemberton, is in the Chamber to answer any questions Councillors may have in relation to the matter.

#### **OC 113 /09**

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

**THAT standing orders be suspended to allow Item c-GM1 – Update on WSC Friendship City Agreement with Kaifeng to be considered.**

**PASSED**

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**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 Update on WSC Friendship City Agreement with Kaifeng**

REF: EDO 600/26, 107/24.3

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

Council's Economic Development Officer, Mr Carl Pemberton, addressed Council on this matter.

**OC 114/09**

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

**THAT Council decline the kind invitation from Kaifeng City to formally visit in October this year AND THAT a delegation be planned for 2010.**

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.24 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

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

REF: DBSM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 27/07/09 and 17/08/2009.

***MN 363/09***

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

***THAT the information relating to Development Consent Nos 1-19 under Delegated Authority be received and noted.***

**PASSED**

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

REF: DBSM 5302

Submitting list of development applications which have been received between 27/07/2009 and 17/08/2009, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

***MN 364/09***

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

***THAT the information regarding the List of Land Use Applications Nos 1-18 received by Council, be received and noted.***

**PASSED**

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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.....Cont'd

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

1. ITEM 15 - REPLACE 30 METRE TELSTRA TOWER, JUMPING ROCK ROAD, BUNDANOON LUA09/0697

Clr J Clark asked in relation to Item 15 – Replace 30 metre Telstra tower, Jumping Rock Road, Bundanoon, for further information on this item in the Weekly Circular.

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2. LAND USE APPLICATIONS RECEIVED BY COUNCIL

Clr P B Tuddenham asked for a report in relation to development applications that have been approved under delegated authority and those applications that have been refused and the reasons for refusal. Clr Tuddenham noted that he had previously requested this information.

The Director Environment & Planning advised that he will discuss this matter with Clr Tuddenham to clarify the information that he requires and then he will prepare a report, if required.

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3. ITEM 8 - POULTRY FARM, WILSON DRIVE BUXTON LUA09/0683

Clr L A C Whipper referred to Item 8 for a poultry farm in Buxton and asked for background information to be placed in the Weekly Circular.

Council's Manager Development & Building Services advised that the application is for a poultry farm of 600 chickens. He advised that Council's assessment is almost complete and that he will provide background information to Councillors about the development in the Weekly Circular.

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4. ITEM 13 – 5 LOT SUBDIVISION, 13 BARRENGARRY STREET, ROBERTSON LUA09/0673

Clr L A C Whipper asked for further information in relation to Item 13 for a 5 lot subdivision in Barrengarry Street, Robertson, to be placed in the Weekly Circular.

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<b>o-EP3 Land Use Applications Determined</b>
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REF: DBSM
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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 June and July 2009.

***MN 365/09***

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

***THAT the information regarding the List of Land Use Applications Received by Council for the months of June and July 2009, be received and noted.***

***PASSED***

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**QUESTIONS FROM THE PUBLIC**

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1. CONSTRUCTION OF SHARED RECREATIONAL PATH – ILLAWARRA HIGHWAY,  
ROBERTSON – AGREEMENT WITH LANDOWNER PN1348900, 6690/15

Mr Charlie Johns referred to Item o-IS2 Construction of Shared Recreational Path at Robertson, which was on the Agenda for the Council Meeting held on Wednesday, 12 August 2009 and asked the following questions:

1. What will be the cost of the works undertaken on Clr Mauger's property, including the length of new fencing, and asked if there is an itemised costing available to the public and, if so, can he have a copy of same?

The Acting General Manager advised that there is a costing in the estimate for the project and asked the Mayor if the costing can be made public.

The Mayor Clr T D Gair advised that the information should be published in the Weekly Circular and that if it is made available in the Weekly Circular then it is a public document.

2. In relation to the compensation to be paid to Clr Mauger, did Council obtain an independent valuation of identified works that affect Clr Mauger?

The Acting General Manager advised "No".

3. In relation to the pathway, does Council's Pamp Study provide an estimate of how many people will use the pathway? If so, how many users were indicated?

The Acting General Manager advised that the document would need to be researched and the information would be made available in the Weekly Circular.

The Mayor Clr T D Gair advised that Mr Johns would receive replies to his questions.

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**OPEN COUNCIL (CONT)**

**ENVIRONMENT & PLANNING DIVISION (CONT)**

**o-EP4 Proposed Boundary Adjustment and SEPP1 Objection – School Lane, Exeter**

REF: DBSM

LUA09/0268

Reporting on a proposed boundary adjustment and SEPP 1 Objection lodged for lots 1 & 2 DP 847315 School Lane, Exeter.

Council's Development & Building Services Manager addressed Council on this matter.

Clr L A C Whipper left the Chamber at 5.32 pm.

**MN 366/09**

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

**THAT** LUA09/0268 for a proposed boundary adjustment involving an application under SEPP 1, for Lots 1 & 2 DP 847315 School Lane, Exeter, 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.

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	X	
Clr K Halstead	X	
Clr J G Arkwright	X	
Clr J R Clark	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 Section 96 Modification – Detached Garage, 14 Melbourne Street, New Berrima**

REF: DBSM

LUA06/1367

Reporting on a Section 96 Modification to erect a detached garage at 14 Melbourne Street, New Berrima.

Clr L A C Whipper returned to the Chamber at 5.34 pm.

Council's Development & Building Services Manager addressed Council on this matter.

**MN 367/09**

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

**THAT** the Section 96 Modification application to LUA06/1367 be refused for the following reasons:

1. ***The resultant development would exceed floor area restrictions established by Council's Residential Development Control Plan.***
2. ***The resultant development would not be in keeping with the bulk and scale of residential buildings on site and on adjacent properties.***

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	X	
Clr K Halstead		X
Clr J G Arkwright	X	
Clr J R Clark	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-EP6 Modification of Balcony – 7 Main Street, Mittagong**

REF: DBSM

LUA09/0053

Reporting on the progress of a development application lodged 'to make existing verandah safe' at Lot 2 DP 524097 No. 77 Main Street, Mittagong. The original balcony had been partly removed on safety grounds but without the necessary development consent. The subject property is a listed heritage item.

Council's Development & Building Services Manager addressed Council on this matter.

**MN 368/09**

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

**THAT Council pursue the full reinstatement of the first floor balcony AND THAT the owners be requested to provide plans for the restoration of the balcony.**

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	x	
Clr K Halstead		x
Clr J G Arkwright	x	
Clr J R Clark	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-EP7 Section 96 Modification for 'A Day on the Green' to Allow a Fourth Yearly Concert**

REF: DBSM

LUA08/1186

Application has been made by Roundhouse to amend the existing 5 year approval for three (3) concerts per calendar year to allow a fourth yearly concert.

**MN 369/09**

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

**THAT** the application to amend LUA08/1186 to allow for a fourth yearly 'A Day on the Green' concert at Centennial Vineyard be approved subject to all other existing conditions of consent.

**PASSED**

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

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



<b>o-EP8</b>	<b>NSW Companion Card</b>
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REF: SPM, MM	1828/5
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Reporting on the invitation to affiliate with the NSW Companion Card.

***MN 370/09***

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

1. **THAT Council becomes a NSW Companion Card affiliate to allow access for companions/carers to Council owned facilities or events.**
2. **THAT Council encourage other private operators of venues/facilities and events to also recognise Companion Cards.**
3. **THAT Council commence the arrangements for the Scheme effective 1 September 2009.**
4. **THAT Council undertake appropriate measures to publicise through media that is a Companion Card affiliate.**

**PASSED**

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**o-EP9 Proposed Subdivision and Easement for Access and Services, Retford Park, Old South Road and Mansfield Road, Bowral**

REF: DBSM

LUA08/0475

Reporting on a proposed subdivision of Lot 20 DP 1001806 and Lot 1 DP 860647 and easement for access and services within Lot 421 DP 792719 Old South Road and Mansfield Road, Bowral.

Council's Development & Building Services Manager addressed Council on this matter.

**MN 371/09**

**MOTION** moved by Clr P B Tuddenham and seconded by Clr K Halstead:

**THAT** development application LUA2008/0475 for a subdivision of Lot 1 DP860647 & Lot 20 DP 1001806, and for an easement for access and services within Lot 421 DP 792719, at Old South Road and Mansfield Road, Bowral, be refused in its current form.

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair		x
Clr K Halstead	x	
Clr J G Arkwright		x
Clr J R Clark	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-EP10 Proposed Fitout of Shop, The Intersection, Station Street, Bowral - Review of Carparking Requirements in DCP 12**

REF: DBSM

LUA09/0464

This report deals with a development application for the fitout of the vacant shop area at The Intersection and, as a consequence of this, it proposes to review and clarify the requirements for car parking in DCP 12.

Council's Development & Building Services Manager addressed Council on this matter.

**MN 372/09**

**MOTION** moved by Cllr K Halstead and seconded by Cllr G McLaughlin:

1. **THAT** development application LUA09/0464 for the fitout of a shop at The Intersection, corner Station and Bowral Streets, Bowral, be approved **AND THAT** any development consent include the following special conditions:
  - (i) any conditions in the existing development consent for The Intersection relating to the operation of the loading dock;
  - (ii) all deliveries to the shop must be to the main loading/unloading dock which serves the whole of The Intersection;
  - (iii) all deliveries to the shop must be by medium rigid vehicle at a frequency of no more than 2 times a week;
  - (iv) distribution from the loading dock to the shop must be outside of the hours of operation of all the other premises at The Intersection;
  - (v) the visual translucent window displays must be permanent displays (as at Harris Farm Markets) and not in the nature of advertisements nor "specials" boards; and
  - (vi) the windows are covered only to the height of the freezers/dairy case so as to let natural light into the shop. (Note: In respect of the window displays, this information should be provided to Council prior to the consent being issued).
2. **THAT** Council resolve to proceed with a draft amendment to DCP No. 12 – Off Street Car Parking, Loading Facilities and Vehicular Access in respect of the car parking required for shops as set out in this report.
3. **THAT** the draft Development Control Plan amendments be exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

.....Cont'd

.....Cont'd

4. ***THAT the Chambers of Commerce, Business Associations and the Main Street Committees be informed of the exhibition of the draft DCP amendment.***
5. ***THAT in relation to 1 above, the shop is not be occupied until the outstanding works by the owner, being the relocation of the power pole, is completed to enable the construction by Council of the roundabout at the corner of Bowral and Station Streets.***

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	X	
Clr K Halstead	X	
Clr J G Arkwright	X	
Clr J R Clark	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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**o-EP11 Animal Shelter Contributions Plan**

REF: SPM

5701/15

This report discusses the merits of a Development Contributions Plan for the Animal Shelter.

**MN 373/09**

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

1. ***THAT upon determination of a future strategy for the Animal Shelter, a report be brought before Council which examines the feasibility of a Contributions Plan for the Animal Shelter after meeting with the Companion Animals Working Group on 8 September 2009.***
2. ***THAT all business models for the Animal Shelter to be brought before Council be financially viable without the support of a Contributions Plan.***

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	X	
Clr K Halstead	X	
Clr J G Arkwright	X	
Clr J R Clark	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-EP12 Draft Section 94 Contributions Plan – Resource Recovery Centre 2009**

REF: SPM

5701/15

This report discusses the Draft Resource Recovery Centre 2009 (RRC) Section 94 Developer Contributions Plan following the public exhibition period.

**MN 374/09**

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

1. **THAT** the Draft Wingecarribee Shire Council Section 94 Developer Contributions Plan – Resource Recovery Centre 2009 be adopted as the Wingecarribee Shire Council Section 94 Developer Contributions Plan – Resource Recovery Centre 2009.
2. **THAT** a notice be placed in the Southern Highlands News that Council has adopted the Plan and that it becomes effective from the date of that Notice pursuant to Section 31 (4) of the Environmental Planning and Assessment Regulation 2000.
3. **THAT** Council forward a copy of the adopted Plan to the Minister of Planning as soon as practicable pursuant to Section 94EA (4) of the Environmental Planning and Assessment Act 1979.
4. **THAT** Council obtain information on waste levies paid to the State Government by adjoining Councils.

**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 T D Gair	X	
Clr K Halstead	X	
Clr J G Arkwright	X	
Clr J R Clark	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-EP13 Draft Burrawang Development Control Plan**

REF: SPM

5700/64

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

**MN 375/09**

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

**THAT** adoption of the Draft Burrawang Village Development Control Plan be deferred for further consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 September 2009.

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	x	
Clr K Halstead	x	
Clr J G Arkwright	x	
Clr J R Clark	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-EP14 Draft Moss Vale Development Control Plan**

REF: SPM

5700/66

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

**MN 376/09**

**MOTION** moved by Clr K Halstead and seconded by Clr P B Tuddenham:

**THAT** adoption of the Draft Moss Vale Development Control Plan be deferred for further consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 September 2009.

**PASSED**

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

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	X	
Clr K Halstead	X	
Clr J G Arkwright	X	
Clr J R Clark	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-EP15 Draft Industrial Development Control Plan**

REF: SPM

5700/68

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

**MN 377/09**

**MOTION** moved by Clr K Halstead and seconded by Clr P B Tuddenham:

**THAT** adoption of the Draft Industrial Development Control Plan be deferred for further consideration to the Ordinary Meeting of Council to be held on Wednesday, 23 September 2009.

**PASSED**

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

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



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009  
**REPORT OF DIRECTOR CORPORATE SERVICES**

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**CORPORATE SERVICES DIVISION**

<b>o-CS1</b>	<b>Community Engagement</b>
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REF:	DCS, RMC	500/2.4
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Reporting on the development of a Draft Community Engagement Policy.

The Director Corporate Services addressed Council on this matter.

***MN 378/09***

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

***THAT the Draft Community Engagement Policy, as detailed in Attachment 1 to the report, be adopted.***

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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**o-CS2 Draft Integrated Planning and Reporting Legislative Amendments 2009**

REF: DCS

500/2.4

Reporting on the Local Government Amendment (Planning and Reporting) Bill 2009.

***MN 379/09***

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

***THAT Council note this report, with a further report to be provided following debate of the Bill in the Spring session of parliament.***

***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, 26 August 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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#### **o-CS3 Committee Appointments and Resignations**

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REF:	MALS	7226/4, 6536/1.1, 7205/1, 7219/1
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Reporting on Management Committee Appointments and Resignations.

**MN 380/09**

**MOTION** moved by Clr J G Arkwright and seconded by Clr D Stranger:

1. **THAT** Jill Newell be appointed to the Mittagong Memorial Hall Management Committee **AND THAT** Jill Newell be notified of Council's determination.
2. **THAT** Peter Grigg, Rhondda Vanzella and Julie Hamilton be appointed to the Exeter Park Management Committee **AND THAT** Peter Grigg, Rhondda Vanzella and Julie Hamilton be notified of Council's determination.
3. **THAT** Council receives with regret the resignation of Noelene Ryan and appoints Monika Fox to the Canyonleigh Community Hall Management Committee **AND THAT** Ms Ryan and Ms Fox be notified of Council's determination.
4. **THAT** Council receives with regret the resignation of Avril Goldsack from the Robertson Community Centre Management Committee **AND THAT** Ms Goldsack be notified of Council's determination.
5. **THAT** the Mittagong Memorial Hall Management Committee, Exeter Park Management Committee, Canyonleigh Community Hall Management Committee and Robertson Community Centre Management Committee be notified of Council's determination detailed in 1 to 4 above.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS4</b>	<b>Exeter Park Management Committee – Additional Hire Fee for the Hire of Exeter Hall</b>
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REF: MALS
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6536/1.1, 7209
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Reporting on the request for an additional hire fee to be included in the Schedule of Hire Fees for Exeter Hall

***MN 381/09***

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

- THAT Council advertises for 28 days the additional hire fee of \$11.00 per hour for regular hirers of Health and Recreational Activities at Exeter Hall.***
- THAT subject to no objections being received from members of the public the fee of \$11.00 per hour for Health & Recreational Activities be adopted and included in the Schedule of Hire Fees for the Exeter Hall.***
- THAT the Exeter Park Management Committee be notified of Council's determination.***

***PASSED***

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**o-CS5 Exeter Park Management Committee Constitution**

REF: DCS, MALS

6536/1.1

Reporting on the review of the Exeter Park Management Committee Constitution.

**MN 382 /09**

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

1. **THAT** the Exeter Park Management Committee Constitution incorporating Council's generic constitution adopted on 8 April 2009 and the changes that reflect that Council's Parks and Property Branch are responsible for the management of Exeter Park, the Exeter Park Management Committee has delegated authority for the management of the hall and advises on the safety, maintenance and future development of the Park be adopted.
  
2. **THAT** the Committee comprise of the following twelve (12) members:

<b>Community</b>	<b>7 representatives</b>
<b>Exeter Village Association</b>	<b>1 representative</b>
<b>Exeter Tennis Club</b>	<b>1 representative</b>
<b>Exeter Soccer Club</b>	<b>1 representative</b>
<b>Southern Highlands Croquet Club</b>	<b>1 representative</b>
<b>Exeter Country Women's Association</b>	<b>1 representative</b>
  
3. **THAT** the Exeter Park Management Committee be notified of Council's determination.

**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, 26 August 2009

**REPORT OF DIRECTOR CORPORATE SERVICES**

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**o-CS6 Draft Plan of Management for Winifred West Park, Mittagong**

REF: PO, APO

6545/11.1

Submitting the draft of Plan of Management for Winifred West Park, Mittagong for adoption by Council.

**MN 383/09**

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

**THAT** the draft Plan of Management for Community Land known as Winifred West Park, Mittagong be adopted **AND THAT** this document be known as "Plan of Management for Winifred West Park Mittagong".

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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on Wednesday, 26 August 2009

**REPORT OF DIRECTOR CORPORATE SERVICES**

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**o-CS7 Investments as at 31 July 2009**

REF: FSM

2104

Submitting details of Council's Investments as at 31 July 2009.

***MN 384/09***

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

***THAT the information on Council's Investments as at 31 July 2009 be received and noted.***

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

**REPORT OF ACTING GENERAL MANAGER**

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**COUNCIL MATTERS (CONT)**

**GENERAL MANAGER'S REPORTS (CONT)**

**c-GM1 Update on WSC Friendship City Agreement with Kaifeng**

REF: EDO

600/26, 107/24.3

This matter was considered by Council earlier in the meeting (refer OC 114/09).

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

**REPORT OF ACTING GENERAL MANAGER**

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<b>c-GM2    General Manager's Quarterly Report</b>
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REF:    GM
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506/1
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Submitting the General Manager's Quarterly Report to 30 June 2009.

***MN 385/09***

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

***THAT*** *the information in respect of the General Manager's Quarterly Report to 30 June 2009 be received and noted.*

***PASSED***

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**COMMITTEE REPORTS TABLED**

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF: DCS	107/1
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Submitting minutes of four (4) Committee meetings that will be tabled for information.

***MN 386/09***

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

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

- 1. Exeter Park Management Committee held on Monday 11 May 2009.***
- 2. Welby Community Hall 355 Management Committee held on Monday 1 June 2009.***
- 3. Mittagong Memorial Hall Management Committee held on Thursday 2 July 2009.***
- 4. Hill Top Community Centres Management Committee held on Thursday 23 July 2009.***

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Minutes of the Traffic Committee</b>
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REF:	TE	107/6
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Submitting minutes of the Traffic Committee held Monday, 17 August 2009.

***MN 387/09***

***MOTION moved by Clr P B Tuddenham and seconded by Clr J Mauger:***

***THAT recommendations Numbers TC 84/09 to TC 100/09, as detailed in the minutes of the Traffic Committee held Monday, 17 August 2009, be adopted.***

***PASSED***

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**GENERAL BUSINESS**

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1. ICAC LEGISLATION 1420/5

Clr J Mauger referred to a question he handed up at the last meeting and asked when he can expect an answer and in what forum will the reply be made public?

The Acting General Manager advised the information will be provided in this week's Weekly Circular.

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2. ROADSIDE VEGETATION ON FOUNTAINDALE ROAD, ROBERTSON  
RD3612, 7810/10.1

Clr J Mauger referred to roadside vegetation on Fountaindale Road, Robertson and asked when remedial work would be undertaken. Clr Mauger stressed the urgency of completing this work.

The Acting General Manager advised that this matter will be taken on notice and information provided in the Weekly Circular.

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3. JOINT REGIONAL PLANNING PANEL 5300

Clr D Stranger advised that he has been invited by the Department of Planning to attend a Regional Planning Workshop at Wollongong on Thursday, 27 August 2009 for orientation for the Joint Regional Planning Panel and requested Council's permission to attend the orientation and to meet the other panel members.

***MN 388/09***

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

***THAT Clr D Stranger be granted approval to attend the orientation for the Joint Regional Planning Panel at Wollongong on Thursday, 27 August 2009 AND THAT costs associated with such attendance be paid by Council.***

***PASSED***

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4. FOOTPATH IN MERRIGANG STREET, BOWRAL RD1580A

Clr D Stranger asked about a letter received from a constituent concerning a footpath matter in Merrigang Street, Bowral, and asked what the outcome was.

The Acting General Manager advised that information had been provided in a recent Weekly Circular.

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5. BOWRAL & DISTRICT ART SOCIETY

1660/4

Clr J G Arkwright asked about a question she handed up at the last meeting regarding a letter from the President of the Berrima District Art Society (“the Society”) requesting assistance from Council to erect some signs to the Society’s gallery in Short Street, Bowral. She advised that a negative reply had been forwarded to the Society. Clr Arkwright stated that the Society works very hard supporting local artists and young people and asked if this matter could be further considered by the Traffic Committee.

The Mayor Clr T D Gair advised that the matter has previously been dealt with by the Traffic Committee but it could be referred back for further consideration.

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6. GARDEN AT “YARRAWA” IN BURRAWANG

600/5, PN1723000

Clr J G Arkwright referred to an article on the front page of the Southern Highland News on Monday, 24 August 2009 which referred to the garden known as “Yarrawa” in Burrawang owned by Mr Bruce Rosenberg. Clr Arkwright stated that Ms Holly Kerr-Forsythe, a recognised expert in her field, had written a book in which she nominates Mr Rosenberg’s garden as one of the most beautiful gardens in the world. Clr Arkwright noted that Mr Rosenberg opens his garden to the public, attracting hundreds of visitors, and all entrance fees are donated to ‘not for profit’ organisations. Clr Arkwright asked if Council could write to Mr Rosenberg to commend and congratulate him on the work and commitment to his garden “Yarrawa”.

The Mayor Clr T D Gair advised that a letter of congratulations can be sent to Mr Rosenberg.

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7. REMOVAL OR RETENTION OF TREES AT THE BRADMAN MUSEUM, BOWRAL

LUA 09/0130, PN 212200

Clr K Halstead asked if a report could be brought back to Council (or an item placed in the Weekly Circular) in relation to the removal or relocation of trees associated with the development of the latest stage of the Bradman Museum at Bowral. Clr Halstead stated that he had voiced deep concerns on the landscape affectation when this matter was last dealt with by Council at its meeting on Wednesday, 27 May 2009, and asked who had represented Council at the on-site negotiations,

The Mayor Clr T D Gair advised that he met on-site with the Parks & Property Manager and representatives from the Bradman Museum as there was an issue raised about the accessibility of the site from St Jude Street, which has now been resolved and there is now a designated area for access. The Mayor stated that there is to be no placement of pallets or machinery under the trees so as to not put pressure onto the roots of the trees. He advised that there is one (1) gum tree that, on the advice of the Parks & Property Manager, can be removed, that there is one other pine tree that the Parks & Property Manager has deemed cannot be removed and that there is one other tree that is having its roots tapped so that it can be removed next year. He stated that the other trees that had been agreed on would be transplanted, which included the cherry blossoms behind the Bradman Museum, and that the actual number of trees to be transplanted would be taken on notice and that he would request the Parks & Property Manager to give Clr Halstead a written reply.

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8. EAST BOWRAL COMMUNITY CENTRE

7208

Clr K Halstead asked who authorised the placement of the fixed steel gate between Matavia Place and the East Bowral Community Centre so as to deny pedestrian access by local residents to the Centre, based on the premise that the drainage structure behind the subject centre was a problem or risk to personal safety, which is one of two such devices, one of which is in the grassed footway of Matavia Place. Clr Halstead stated that it is totally unacceptable that people have to walk a long way round.

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9. CONSTRUCTION OF SHARED RECREATIONAL PATH – ILLAWARRA HIGHWAY,  
ROBERTSON – AGREEMENT WITH LANDOWNER PN1348900, 6690/15

Clr K Halstead asked why the Mayor, during the debate on Items o-IS1 and o-IS2 at the Council Meeting held on Wednesday, 12 August 2009, had used the word “charity” on at least one occasion during the debate on these items, whilst related issues were totally different, one dealing with a Councillor’s right to spill soil on a private property as an embankment under S92 of the Roads Act, 1993 and the other dealing with contributions sought under S217 of the Act for the concrete footpath east of Robertson. He stated that they were two (2) separate issues for the same job, dealt with in effect together and the fact that the \$2,000 was the compensation agreed to for the spill (the embankment) was equal to the \$2,000 for contribution required by the Council for the concrete footpath. Clr Halstead stated that he had listened to the tape of the meeting and was very concerned with the way in which these matters were dealt with at the last meeting.

The Mayor Clr T D Gair advised that over the years Council has looked after Robertson and that money has been spent on the following:

- \$120,000 for a bridge in Fountaindale Road (last year)
- \$24,000 on Maugers Road and Bells Hill Road
- \$14,000 was given to the Community Centre at Robertson (this year)
- \$10,000 on arborist works in Hampden Park
- \$58,000 in heavy patching in Fountaindale Road

Clr Gair stated that Council has shown fairly good charity to Robertson and that on the other side of it, Clr Mauger has shown charity to Council.

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10. WINGECARRIBEE FOOD SERVICES CO-OPERATIVE

1855/16

Clr P B Tuddenham referred to a letter from Wingecarribee Food Services Co-operative regarding the waste and asked for an up-date on this matter, which could be a response in the Weekly Circular.

The Acting General Manager advised that there will be a report to Council because it involves a donation and an expense involved for using the Resource Recovery Centre.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

### GENERAL BUSINESS

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#### 11. TRAFFIC IN MOSS VALE

7460/26

Clr P B Tuddenham asked about the traffic in Moss Vale which was discussed recently by Council and asked for a reply on this matter.

The Acting General Manager advised that a report will be brought before Council, hopefully to the next meeting but if not, the one after.

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#### 12. COVERING OF THE BOWRAL SWIMMING POOL AND GREEN WASTE PICK-UP

6700/5.1, 7503/21

Clr L A C Whipper referred to items raised previously in relation to the possible covering of the Bowral Pool and also the green waste pick-up, and asked if dates could be placed in the Weekly Circular for when those reports would be coming to Council.

The Acting General Manager advised that the Bowral Pool report will be on the Agenda for the next Council Meeting as Council has now received a quote to do the feasibility to cover the pool, and that he will get back to Clr Whipper in relation to the green waste matter.

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#### 13. CLUSTER HOUSING, COLO STREET, MITTAGONG

LUA04/1678

Clr J R Clark asked about LUA04/167801 in Colo Street, Mittagong, and asked if this proposed development would be coming before Council.

The Director Environment & Planning advised that this matter should be on the next Agenda for Council.

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#### 14. HIRE OF CAT TRAPS FOR THE CAPTURE OF FERAL CATS

5500/3.1

Clr G McLaughlin stated that he had received an enquiry from a constituent for the hire of cat traps to capture feral cats, and also what procedure does Council have in relation to house cats which are at large at night and what would happen if they were caught in a trap.

Clr L A C Whipper advised that the issue of feral cats had been raised on a number of occasions at the Environment & Sustainability Committee and the Committee is taking on board some strategies, but in terms of containing cats at night, the Companion Animals Act does not allow Council to regulate cats. He stated that Council could certainly advise and suggest that people might contain their cats at night but the Companion Animals Act is very silent on this issue.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

### GENERAL BUSINESS

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#### ACKNOWLEDGEMENT – BONNIE PIERCE

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The Mayor Clr T D Gair advised Council of the recent passing of the former Bowral Municipal Council Alderman Bonnie Pierce, just days after her former colleague on the last Bowral Council prior to amalgamation, John Hawksley. The Mayor advised that Miss Piece served on the Bowral Council from 1971 to 1980 and ran unsuccessfully for the amalgamated Wingecarribee Shire Council in 1980. He stated that the last Aldermen on the last Bowral Council were John Hawksley, Sel Dunkerley, Gordon Lewis, David Wood, Harry Springett, Bonnie Pierce, Austin McKinnon, Rick Redom and Ethel Willis. He mentioned that Bonnie Pierce was born in 1916 making her 93 when she passed away.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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#### CORPORATE SERVICES DIVISION

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

At this juncture, the time being 7.25 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 389/09**

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

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

c-GM1 **TENDER ASSESSMENT - BUNDANOON SEWERAGE  
AUGMENTATION TELEMETRY SYSTEM** 7614

**Relevant Legal Provision**

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

**Brief Description**

*Presenting details of tenders for the supply and installation of a data acquisition and control system for the Bundanoon sewerage system.*

**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 **PURCHASE OF SCRAP METAL FROM RESOURCE  
RECOVERY CENTRE TENDER ASSESSMENT** 7501/4

**Relevant Legal Provision**

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

**Brief Description**

*Reporting on tenders for the purchase of scrap metals for a two (2) year period from the Resource Recovery Centre.*

**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-GM3 LUMP SUM CONTRACT 06/09 – SUPPLY & DELIVERY  
OF COMBINATION JETTING & VACUUM RECOVERY MACHINE**

**6330/09.8**

**Relevant Legal Provision**

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

**Brief Description**

*Reporting on tenders received for the Supply and Delivery of a Combination Jetting and Vacuum Recovery Machine.*

**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.*

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

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

### CLOSED COUNCIL

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## GENERAL MANAGER'S REPORT

### **c-GM1 Tender Assessment - Bundanoon Sewerage Augmentation Telemetry System**

REF: SPC

7614

#### Relevant Legal Provision

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

#### Brief Description

Presenting details of tenders for the supply and installation of a data acquisition and control system for the Bundanoon sewerage system.

#### 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.

The Acting General Manager, Mr Michael Brearley, addressed Council on this matter.

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

1. **THAT contract number 0701589 for the telemetry system for Bundanoon Sewerage Augmentation be awarded to Radtel Systems Pty Ltd for a lump sum cost of \$362,943 (including GST).**
2. **THAT the contract referred to in 1 above be executed under the Common Seal of the Council.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

### CLOSED COUNCIL

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<b>c-GM2</b>	<b>Purchase Of Scrap Metal From Resource Recovery Centre Tender Assessment</b>
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REF:	RRCM	7501/4
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#### Relevant Legal Provision

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

#### Brief Description

Reporting on tenders for the purchase of scrap metals for a two (2) year period from the Resource Recovery Centre.

#### 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.

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

**THAT the Schedule of Rates tender of Onesteel Recycling Pty Ltd be accepted for the purchase of scrap metals from the Resource Recovery Centre for the period commencing 1 September 2009 AND THAT the Contract document in relation to this matter be executed under the Common Seal of the Council.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

### CLOSED COUNCIL

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<b>c-GM3</b>	<b>Lump Sum Contract 06/09 – Supply and Delivery of Combination Jetting and Vacuum Recovery Machine</b>
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REF:	WSM	6330/09.8
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#### Relevant Legal Provision

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

#### Brief Description

Reporting on tenders received for the Supply and Delivery of a Combination Jetting and Vacuum Recovery Machine.

#### 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.

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

1. **THAT** the lump sum tender in the sum of \$504,463 + GST (four equal progressive payments) submitted by DCS Manufacturing Limited for the purchase of a combination jetting and vacuum recovery machine be accepted.
2. **THAT** the Mayor and General Manager be granted authority to execute the contract under the Common Seal of the Council.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 26 August 2009

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**OPEN COUNCIL**

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**MN 390/09**

107/10

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

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

**PASSED**

No members of the public were present in the Chamber.

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**ADOPTION OF CLOSED COUNCIL**

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**MN 391/09**

107/9

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

**THAT the recommendations of the Closed Council held on Wednesday, 26 August 2009 (Items c-GM1 to – c-GM3) be adopted.**

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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**MN 392/09**

107/10

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

**THAT the recommendations of the Open Council held on Wednesday, 26 August 2009 being OC 111/09 to OC 114/09, 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, 26 August 2009

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

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 26 August 2009 numbered M/N 360/09 to M/N 392/09, were signed by me hereunder at the Council Meeting held on Wednesday, 9 September 2009.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 9 SEPTEMBER 2009

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CHAIRMAN

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PUBLIC OFFICER