

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/09*



held on Wednesday, 10 June 2009

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, 10 June 2009

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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**COMMENCING AT:** 3.30 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 P B Tuddenham  
Cllr L A C Whipper

**IN ATTENDANCE:** General Manager, Mr Mike Hyde  
Director Corporate Services, Mr Barry Paull  
Director Technical Services, Mr Michael Brearley  
Development Control Manager, Mr Les Pawlak  
Strategic Planning Manager, Mr Mark Pepping  
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 Reverend Richard Mills of the St Stevens Church.

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### APOLOGY

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PERS

**M/N 205/09**

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

**THAT the apology of Cllr D Stranger 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, 27 MAY 2009

100/1

**MN 206/09**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 27 May 2009 MN 178/09 to MN 204/09 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

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### **SUSPENSION OF STANDING ORDERS**

100/1

Clr J Clark requested that standing orders be suspended to allow Items c-NRM2 – 04/2009 – Notice of Motion of Rescission – Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon and c-NM2 – 08/2009 – Notice of Motion - Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon, to be heard at this juncture of the meeting as there were many members of the Bundanoon community present in the gallery.

***MN 207/09***

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

***THAT standing orders be suspended to allow Items c-NRM2 – 04/2009 – Notice of Motion of Rescission – Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon and c-NM2 – 08/2009 – Notice of Motion - Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon, to be considered.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### OTHER MATTERS

<b>c-NRM2 04/2009 – Notice of Motion of Rescission - Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon</b>
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REF: DEP
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LUA08/1280
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"We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on Wednesday, 27 May 2009 be rescinded. (Reference OC73/09)

1. THAT LUA08/1280 for proposed construction of commercial units and a light industrial warehouse at Lot 10-15 DP 12552 Anzac Parade, Bundanoon, be refused in its current form.
2. THAT the applicant be advised that having regard to Draft Wingecarribee Local Environmental Plan 2009 (Draft WLEP 2009), Council will not support any industrial or warehouse use of the proposed floorspace. Amended plans should be requested which show a redesign of the proposed warehouse style unit to be more suitable for proposed commercial/retail uses consistent with the provisions of Draft WLEP 2009 and that the total floorspace of the proposal should be adjusted to ensure appropriate on-site car parking is provided to satisfy Council's Development Control Plan No 12 on the basis of one (1) space per 30 square metres of floorspace.
3. THAT all building materials for the proposed development be consistent with the Bundanoon DCP and take into consideration the heritage issues of the area.

Dated 29 May 2009  
Signed Clr J Arkwright  
Clr D Stranger  
Clr T.D. Gair"

**MN 208/09**

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

**THAT** the Rescission Motion in relation to Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon be adopted.

**PASSED**



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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	A	
Clr P B Tuddenham	x	
Clr L A C Whipper		x

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**c-NM2 08/2009 – Notice of Motion – Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon**

REF: DEP

LUA08/1280

Clr Juliet Arkwright has given notice that it is her intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 10 June 2009:

THAT a further report be presented to Council in relation to commercial units and light industrial warehouse at Anzac Parade, Bundanoon, having regard to the processing and assessment of the application with particular reference to the existing LEP 1989 and the draft Wingecarribee Local Environmental Plan 2009 (Draft WLEP 2009).

**MN 209/09**

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

**THAT a further report be presented to Council in relation to commercial units and light industrial warehouse at Anzac Parade, Bundanoon, having regard to the processing and assessment of the application with particular reference to the existing LEP 1989, the draft Wingecarribee Local Environmental Plan 2009 (Draft WLEP 2009), the Bundanoon DCP and heritage issues.**

**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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### OPEN COUNCIL

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**MN 210/09**

107/10

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

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

**PASSED**

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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

### REPORT OF GENERAL MANAGER

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#### VISITOR ITEM

#### GENERAL MANAGER'S REPORT

#### v-GM1 Submission to Department of State and Regional Development

REF: EDO, FSM 2151, 2152, 107/24

Seeking Council endorsement of a submission to the Department of State and Regional Development on Critical Road Infrastructure and Critical Sewer Infrastructure.

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

#### **OC 74/09**

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

1. **THAT Council proceed with the funding submission to the Department of State and Regional Development offering 50% contribution.**
2. **THAT Council seek approval from the Department of Local Government (Loans Council) to obtain loan funding of up to \$2.65 million in 2009/10 for this project.**
3. **THAT this matter be referred to Council's budget session on Wednesday, 17 June 2009, for discussion of funding options to proceed with the project if the grant application is successful.**
4. **THAT subject to item (3), this matter be referred back to Council once advice is received from the Department of State and Regional Development regarding the grant application.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

#### ENVIRONMENT & PLANNING DIVISION

<b>v-EP1</b>	<b>Robertson Sewerage Scheme</b>
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REF:	DCM	7650, LUA08/0296
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Reporting on the proposed sewerage scheme for Robertson, comprising Robertson sewage treatment plant, Sheepwash Road effluent irrigation system, Robertson village sewerage reticulation system and transfer pipeline.

Mr Robert Payne from the Robertson Ratepayers Association Inc, addressed Council on behalf of the objectors.

Council's Water & Sewerage Projects Co-ordinator, Mr Mark Williams, addressed Council on this matter. Mr Williams stated that he was representing Council as "applicant" for the components of the scheme requiring approval under Part 4 of the Environmental Planning & Assessment Act (STP & Reclaimed Water Irrigation Scheme) and for the Part 5 matters (Sewage Collection System and Effluent Transfer Main) he was representing Council as the "proponent".

#### **OC 75/09**

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

1. **THAT Council endorse the assessment report prepared by Connell Wagner, including the recommendations contained in the report.**
2. **THAT LUA08/0296 for a sewage treatment plant at Lot 1 DP 1077348 Kangaloon Road, Robertson and an effluent irrigation system at Lots 5 & 6 DP 241697, Lot 3 DP 543445 and Lot 1 DP 103650 Sheepwash Road, Glenquarry, be approved as a concept staged development consent, to be followed by subsequent development applications providing detail to the approved concept, including details addressing buildings and access/roadworks.**
3. **THAT Council as the determining authority approve the Part 5 activity (sewerage reticulation system and transfer pipeline).**
4. **THAT application be made to the Hon Phillip Costa, MP, Minister for Water, for Stage 2 funding approval under the Country Towns Water Supply and Sewerage Program.**
5. **THAT Council's Natural Resources Manager be informed of all works in proximity of the natural vegetation during the process of construction and restoration works.**
6. **THAT those who made submissions be advised of Council's decision.**

**PASSED**



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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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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.

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	A	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	

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### CHAIRPERSON

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At this juncture, the time being 6.00 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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**QUESTIONS FROM THE PUBLIC**

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1. ALEXANDRA SQUARE

6606/3

Mr Terry Oakes-Ash referred to recommendation number 1 on page 91 of the Agenda in relation to this item, and asked if Councillors are aware that there is a plan for the building to house family support organisations and others. He advised that this plan evolved four (4) years ago using Allman Johnston Architects to divide up the building and its uses have been put together by Francine Bartlett and her committee, of which Mr Oakes-Ash is a member.

The Mayor Clr T D Gair advised by some Councillors would not be aware that a plan had been drawn up four (4) years ago.

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2. INFRASTRUCTURE COST BURDEN

107/28, 5701

Mr Peter Cunningham asked the following questions:

- (i) If, as a result of complying with the State Government demands that this Shire must soon accommodate at least 8700 new dwellings equalling some 18,000 to 20,000 people, does Council possess or have available a schedule of the amortised and total costs of providing infrastructure and support to any development?

The Mayor Clr T D Gair replied that the Canberra corridor says that Council has to have the land available for that many dwellings but it does not say that Council has to have the dwellings available by the scheduled timeframe but that the land has to be identified for the dwellings.

The General Manager advised that part of the planning process is that Council has to implement a plan which is linked to Council's financial modelling to take it into the future, which has been done for the Department of Local Government. He advised that the Department is happy with Council's financial model, it has been accepted and in fact many other Councils are using this Council's financial model to do their financial modelling for the future. The General Manager advised that these are the things that impact on Council setting the levels of fees to charge, section 94 contributions and so on, and under the new regime of contributions that will apply within the next year or so, these are also factored into those equations.

- (ii) To what degree will ratepayers of the Shire financially contribute to providing those infrastructures and social support mechanism and how is this included in Council's future rate increase and management plans?

The Mayor Clr T D Gair advised that Council is working on the amount of contributions per block and this will then go into the Management Plan to create the infrastructure, acknowledging that Council cannot cover it all, and that there is only a certain amount of section 94 and then Council has to pick up the balance. He advised that there are contributions from the developers towards the infrastructure and that the figure is approximately, to his recollection, \$10,000 per block.

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### **QUESTIONS FROM THE PUBLIC**

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Mr Cunningham asked if this information could be made available to him to do an analysis.

Council's Strategic Planner, Mr Mark Pepping, advised that the contribution rates for different areas within the Shire are available on Council's website under "Section 94 Contributions".

The Mayor suggested that Mr Cunningham should contact Mr Pepping if he requires assistance with finding the information on the website.

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**VISITOR ITEM (CONT)**

**ENVIRONMENT & PLANNING DIVISION (CONT)**

**v-EP2 Proposed two (2) lot subdivision accompanied by SEPP 1 Objection:  
Charlotte Street, Burradoo**

REF: SPM

LUA09/0202

Reporting on a proposed two (2) lot subdivision accompanied by a SEPP 1 Objection for lot 21 DP 2144 Section A No. 30 Charlotte Street, Burradoo. The applicant and a representative of the objectors have been invited to address Council.

Clr P B Tuddenham asked if information could be placed in the Weekly Circular in relation to other subdivisions, as detailed in the report and which included major variations, and when the subdivisions were done and on what basis they were supported.

**MN 211/09**

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

**THAT** Council delegate authority to the Director, Environment & Planning to refuse the proposed development for the following reasons:

- i) The SEPP 1 Objection accompanying the development application does not demonstrate exceptional circumstances that would warrant Council's approval of what represents a substantial departure to Clause 17 (2) (a) of the Wingecarribee Local Environmental Plan 1989.***
- ii) The proposed development is contrary to the minimum standard for the R5 zone as proposed under the draft LEP2009.***
- iii) The proposed development is contrary to Objective 1 (b) for the 2(a1) zone as contained within the Wingecarribee Local Environmental Plan 1989 in that the likely need for tree removal will have an adverse effect on the landscape or scenic quality of the area.***

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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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	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

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**v-EP3 Erection of a Warehouse, No 7 Sherwood Avenue, Bowral**

REF: DCM LUA 08/0496, PN 1332900

This report considers a proposal to erect a warehouse at No 7 Sherwood Avenue, Bowral. The proposal relies upon a proposed State Environmental Planning Policy No. 1 (SEPP1) variation of 70% in regard to its street frontage setback.

**MN 212/09**

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

1. **THAT in relation to the proposed erection of a warehouse at No 7 Sherwood Avenue, Bowral, Council support the proposed variation to Clause 20(2)(b) of Wingecarribee Local Environmental Plan 1989.**
2. **THAT the Director of Environment and Planning be delegated the authority to approve LUA 2008/0496 to demolish the existing dwelling at No 7 Sherwood Avenue (being Lots 2 – 5 DP 251425), consolidate the existing lots and erect a warehouse subject to concurrence from the Sydney Catchment Authority and the imposition of appropriate conditions of consent.**
3. **THAT Council include in the consent conditions the following:**
  - (i) **that all the trees within the development be retained;**
  - (ii) **that lighting within the development be non-spill;**
  - (iii) **screening by trees at the rear of the development.**
4. **THAT the conditions of consent be circulated via email (where possible) for the information of all Councillors.**

**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	A	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	



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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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**SUSPENSION OF STANDING ORDERS**

100/1

Clr L A C Whipper requested that standing orders be suspended to allow Item o-EP6 – Draft LEP Amendment No 133 - to be heard at this juncture of the meeting as there were many members of the public present in the gallery for the hearing of this matter.

***MN 213/09***

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

***THAT standing orders be suspended to allow Item o-EP6 – Draft LEP Amendment No 133 to be considered.***

***PASSED***

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**o-EP6 Draft LEP Amendment No 133**

REF: SPM

5800/19

The purpose of this report is to present to Council a Draft LEP amendment to Wingecarribee Local Environmental Plan 1989 to remove 'Seniors Housing' from the Definitions clause, thereby ensuring that such development is not permissible other than on the Renwick site.

***MN 214/09***

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

- 1. THAT draft LEP Amendment 133 be endorsed to allow the removal of 'Seniors Housing' from the Definitions clause of the Draft LEP amendment to Wingecarribee Local Environmental Plan 1989.***
- 2. THAT a report be prepared in accordance with the provisions of s54 of the Environmental Planning and Assessment Act 1979, seeking permission from the NSW Department of Planning to proceed with the draft LEP amendment.***
- 3. THAT Council re-confirms its intent to remove OLSH from Schedule 1 of the draft Wingecarribee LEP 2009 as it does not consider the site to be suitable for seniors living.***

**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	A	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	



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### REPORT OF DIRECTOR TECHNICAL SERVICES

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#### VISITOR ITEM (CONT)

#### TECHNICAL SERVICES DIVISION

#### v-TS1 Southern Regional Livestock Exchange

REF: PPM

7170

The purpose of the report is to review and consider the continuing growth of the Southern Regional Livestock Exchange (formerly Moss Vale Livestock Selling Centre).

Council's Parks & Property Manager, Mr Peter Bowmer, addressed Council on this matter.

The Mayor acknowledged the time spent by Cirs Jim Mauger and David Stranger, the Board, Council's Parks & Property Manager, Mr Peter Bowmer and Council's staff at the Southern Regional Livestock Exchange and thanked them for their assistance in preparation of the Strategic Plan.

**MN 215/09**

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

**THAT** Council notes the contents of the Strategic Plan 2009-2014 for the Southern Regional Livestock Exchange and adopts the strategy as outlined in Attachment 1 which was circulated to Councillors under separate cover.

**PASSED**

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**OPEN COUNCIL (CONT)**

**ENVIRONMENT & PLANNING DIVISION**

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

REF: DCM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 18/5/09 and 1/6/09.

**MN 216/09**

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

***THAT the information relating to Development Consent Nos 1-8 under Delegated Authority be received and noted.***

**PASSED**

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

1. PROPOSED STORE, LOT 244A SEC W DP 1289 – 2 ALBERT STREET, MITTAGONG LUA09/0166

Clr P B Tuddenham asked for information on Item No 7 to be placed in the Weekly Circular.

2. 2 X DWELLINGS & BOUNDARY ADJUSTMENT, PART LOT 49, 50 & 51 DP 10115 – CHURCH STREET, BUNDANOON LUA08/1059

Clr J Clark requested further information in relation to Item No 8 to be placed in the Weekly Circular.



**o-EP2 List Of Land Use Applications Received By Council**

REF: DCM

5302

Submitting list of development applications which have been received between 18/5/09 and 1/6/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

***MN 217/09***

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

***THAT the information regarding the List of Land Use Applications Nos 1-7 received by Council be received and noted.***

***PASSED***

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**o-EP3 Land Use Applications Determined**

REF: DCM

5302

Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of May 2009.

***MN 218/09***

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

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

***PASSED***

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**o-EP4 Animal Shelter Facility – Relocation and Maintenance**

REF: EHM, FSM

5501/8.4

Reporting on the need to relocate Council's Animal Shelter Facility, potential alternative sites for the facility, the provision of an ongoing maintenance budget for the facility and the status of the current contract for the operation of the facility.

**MN 219/09**

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

1. **THAT Council acknowledges the need to relocate the Animal Shelter facility to a different site and will endeavour to commence the project to achieve this within the next twelve (12) months.**
2. **THAT the Environment & Health Manager prepare and present three (3) alternative business models for an animal shelter in an alternative location. These business models would be:**
  - i) **continue the current or similar contract;**
  - ii) **move to a Council operated facility;**
  - iii) **outsource both the provision of a facility as well as the service.**
3. **THAT the Companion Animals Working Group be convened for a briefing on this matter.**
4. **THAT the Companion Animals Working Group be involved in assessing the proposed Business Models AND THAT comments from the working group form part of the report to Council on this matter.**
5. **THAT advice be obtained from the Manager of the Resource Recovery Centre as to the impact of the Vertical Composting Unit (VCU) on the Resource Recovery Centre.**
6. **THAT a maintenance budget of \$30,000 be submitted for consideration at the 2009-2010 budget review meeting scheduled for Wednesday, 17 June 2009 for upgrade of current facilities to minimise odour and dust, increase security, address OH&S issues and improve amenity.**

**PASSED**



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009  
**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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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	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

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**o-EP5 Reporting on Proposed Fire Safety Notification Regime**

REF: DCM 5200/6

Reporting on Fire Safety Program.

***MN 220/09***

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

***THAT Council implement an Essential Fire Safety Statement Monitoring Program.***

***PASSED***

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**o-EP6 Draft LEP Amendment No 133**

REF: SPM 5800/19

This matter was considered by Council earlier in the meeting (refer M/N 214/09).

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

#### **o-EP7 Draft Industrial Land Development Control Plan**

REF: SPM

5700/68

The purpose of this report is to present to Council a Draft Industrial Land Development Control Plan (Industrial Land DCP) for the Shire (excluding the Moss Vale Enterprise Corridor) and request that it be placed on public exhibition for comment.

The Development Control Manager, Mr Les Pawlak, retired from the meeting at this juncture.

**MN 221/09**

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

**THAT the Draft Industrial Land Development Control Plan dated 29 May 2009 circulated to Councillors under separate cover, be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken in accordance with the Environmental Planning & Assessment Regulations.**

**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	A	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	



**o-EP8 Draft Section 94 Contributions Plan – Resource Recovery Centre**

REF: SPM 5701/15

This report discusses the Draft Resource Recovery Centre Section 94 Developer Contributions Plan. The Draft Plan is a complete revision of the original, which it is intended to replace.

**MN 222/09**

**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 placed on public exhibition for twenty eight (28) days pursuant to Section 26(4) of the Environmental Planning and Assessment Regulation 2000.
2. **THAT** the Draft Plan be reported to Council following the closure of the exhibition period.
3. **THAT** a report be brought before Council by September 2009 on options for the preparation of a contribution plan for the Animal Shelter.

**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	A	
Clr P B Tuddenham	X	
Clr L A C Whipper	X	



**o-EP9 Nominations for community representative for Access Committee**

REF: SPM, AOE

1828/3

Reporting on a further nomination of Maria Robertson, representing people who are blind or who have a visual impairment, for community representatives for the Wingecarribee Access Committee.

The Mayor, Clr T D Gair, noted that Peg Ludwig from Disability Trust was omitted in error from the list for consideration of nominations for the Access Committee when it was considered at the Council Meeting held on Wednesday, 13 May 2009.

***MN 223/09***

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

***THAT Council accept the nominations of Maria Robinson, representing people who are blind or who have a visual impairment, and Peg Ludwig from Disability Trust, as community members of the Access Committee.***

***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, 10 June 2009

### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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<b>o-EP10 Funding Agreement from Department of Disability, Ageing and Homecare – 2009 to 2012</b>
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REF: SPM
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1828/5
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Reporting on receipt of the funding agreement received from the Department of Disability, Ageing and Homecare for funding towards the Community Worker – Aged and Disability salary and seek Council's resolution to have the Council Seal affixed to the agreement.

The Mayor, Clr T D Gair, stated that this dealt with the replacement of the position currently held by Ms Jo Babb following her resignation from Council after extended periods of employment with Council. The Mayor acknowledged Ms Babb's excellent service with Council.

**MN 224/09**

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

**THAT the Mayor and General Manager be granted authority to execute the Funding Agreement with the NSW Department of Ageing, Disability and Homecare in relation to the Community Worker Aged and Disability Salary Subsidy under the Common Seal of Council.**

**PASSED**

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**CORPORATE SERVICES DIVISION**

<b>o-CS1</b>	<b>Bowral Library Closing</b>
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REF:	HRM, MM	1705/4
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Reporting on Bowral Library closure for refurbishment.

***MN 225/09***

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

***THAT the Bowral Library close from Wednesday, 1 July 2009 to Thursday, 9 July 2009 and reopen on Friday, 10 July 2009 AND THAT the closure be advertised extensively.***

***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, 10 June 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS2</b>	<b>Postponed Rates Write-off</b>
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REF: DCS	2216/1
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Submitting a report for the abandonment of postponed rates as required under Section 595(1) of the Local Government Act.

Council's Director Corporate Services addressed Council in relation to this matter.

***MN 226/09***

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

***THAT Council, in accordance with Section 595(1) of the Local Government Act 1993, write-off the postponed rates and associated extra charges as per Attachment 1 for the value of \$11,609.31.***

***PASSED***

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**o-CS3 Proposed Closure and Sale of Part Road Reserve Fronting Lot 24 and Lot 25 DP1052316 Boardman Road, East Bowral**

REF: PO, RTM PN1736150; PN1736140

Reporting on a request by the registered proprietor of 50 Boardman Road, Bowral for Council to consider closing and selling that part of the road reserve between the constructed footpath and the legal boundary of Lot 25.

**MN 227/09**

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

1. **THAT the proposed closure and sale of that part of the Road Reserve between the front legal boundaries of Lots 24 and 25 in Deposited Plan 1052316 Boardman Road, Bowral, be approved subject to:**
  - (a) **there being no objection from adjoining neighbours; and**
  - (b) **rezoning of the area of land to a zone consisting with that of adjoining properties.**
2. **THAT the purchase price for the closure of the area of Road Reserve be determined by valuation, carried out by a registered valuer, at the cost of the applicant(s).**
3. **THAT all costs relating to the proposed closure and sale of the Road Reserve area be met by the applicant(s).**
4. **THAT should the closure of the areas of Road Reserve be successful the allotment created be consolidated with the Lot owned by the applicant, as a condition of this sale.**
5. **THAT the Mayor and General Manager be authorised to execute the Transfer form and Deed of Sale under the Common Seal of the Council.**
6. **THAT should there be any objections by adjoining owners, the matter be referred back to Council for further determination.**

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS4</b>	<b>East Bowral Community Centre Management Committee Constitution</b>
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REF:	DCS, MAS
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7208/1
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Reporting on the review of the East Bowral Community Centre Management Committee Constitution

**MN 228/09**

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

1. **THAT** the East Bowral Community Centre Management Committee Constitution incorporating Council's generic constitution adopted on 8 April 2009 and the objectives, membership and quorum for the East Bowral Community Centre Management Committee Constitution adopted by Council 10 March 2004 be adopted.
2. **THAT** the East Bowral Community Centre Management Committee be notified of Council's determination in one (1) above.

**PASSED**

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**o-CS5 Review of Council's Committee Structure**

REF MAS 107, 800/1.1

Reporting on review of Council's current committee structure.

The Director Corporate Services advised that the Seniors Working Group was inadvertently omitted from the report and should be included in the recommendation to retain the Working Group in its current format. He stated that the Seniors Working Group is included in Attachment 1 to the Report.

**MN 229/09**

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

**THAT in relation to the Committee Structure of Wingecarribee Shire Council the following Committees, Sub-Committee, Working Groups, Sunset Committees and Information Sessions be adopted:-**

- (a) **Ordinary Council meetings meet on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Wednesdays of the month commencing at 3.30pm.**

**Committees**

- (b) **Access Committee be retained in its current format.**  
(c) **Community Representative Review Committee be retained in its current format.**  
(d) **Council Inspection Committee be retained in its current format.**  
(e) **Environment & Sustainability Committee be retained in its existing format meeting from 9.30 am to 12.30 pm AND THAT a Sub Committee be formed from the committee called the "Sustainability Sub-Committee" and Councillor Jim Clark be appointed as the Chair of that Sub Committee AND FURTHER THAT the Sub Committee meet bi-monthly alternate to the Environment & Sustainability Committee.**  
(f) **Finance Committee be retained in its current format as adopted at the Ordinary meeting of Council held on Wednesday, 27 May 2009 (FIA 10/09).**  
(g) **Internal Audit Committee be retained in its current format as adopted at the Ordinary meeting of Council held on Wednesday, 27 May 2009 (FIA 10/09).**  
(h) **General Managers Performance Review committee to be retained in its current format.**  
(i) **Legal Committee be retained in its current format.**  
(j) **Sub-committee to deal with urgent matters relating to Council's claims against Lehman Brothers Australia Ltd to be retained in its current format.**

**Advisory Committees**

- (k) **Southern Regional Livestock Exchange Strategic Advisory Board be retained in its current format.**  
(l) **Traffic Committee be retained in its current format with Councillor Jim Mauger being appointed as an additional alternate delegate (no voting rights).**  
(m) **Water & Sewer Advisory Committee be retained in its current format.**  
(n) **Wingecarribee Aboriginal Advisory Committee be retained in its current format.**  
(o) **Wingecarribee Youth Council Advisory Committee be retained in its current format.**

**Working Groups**

- (p) Arts & Culture Board Working Group be retained in its current format.**
- (q) Bicycle Working Group to be retained in its current format.**
- (r) Community Assistance Working Group be retained in its current format with Councillor Jim Mauger being appointed as an alternate delegate to the group.**
- (s) Community Services Working Group be appointed as an Advisory Committee and be known as the Community Services Advisory Committee and the existing structure of the committee be retained in its current format.**
- (t) Companion Animals Working Group be retained in its current format AND THAT it include inspections of the Animal Shelter twice per year.**
- (u) Heritage Advisory Working Group be retained in its current format.**
- (v) Moss Vale Master Plan be retained in its current format to overview the sesquicentenary (150 year) celebration event for Moss Vale.**
- (w) Tourism/ Economic Development Working Group be retained in its current format AND THAT meetings be held on alternate months for Economic Development and Tourism Southern Highlands, as separate focus groups, with each focus group dedicated to each forum.**
- (x) Tulip Time Working Group be retained in its current format AND THAT the working group meet every six (6) weeks preferably on Fridays.**
- (y) Whites Creek Floodplain Risk Management Working Group be retained in its current format.**
- (z) Wingecarribee Housing Strategy Working Group be retained in its current format.**
- (aa) Wingecarribee Sport & Recreation Working Group be retained in its current format.**
- (bb) Seniors Working Group be retained in its current format.**

**Sunset Committees**

- (cc) Leisure Centre Reference Sunset Working Group be deleted.**
- (dd) LEP steering Committee Sunset Working Group be retained in its current format.**

**Information Sessions**

- (ee) Council information sessions be retained on first (1<sup>st</sup>) and third (3<sup>rd</sup>) Wednesday of the month.**

**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, 10 June 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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#### **o-CS6 Councillors Expenses and Facilities Policy**

REF: MAS, FSM

101/5

Reporting on Councillors' Payment of Expenses and Provision of Facilities to the Mayor and Councillors re Review of Computer Access following exhibition period.

**MN 230/09**

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

1. **THAT** Councillors' Payment of Expenses and Provision of Facilities to the Mayor and Councillors as per attachment 1 of the report be adopted.
2. **THAT** Council provides in the 2009/2010 budget an amount of \$4,500 to allow for costs associated with the provision of internet access to all Councillors.
3. **THAT** a copy of the amended Councillors' Payment of Expenses and Provision of Facilities to the Mayor and Councillors as per attachment 1 of the report be forwarded to the Director General of the Department of Local Government in accordance with Section 253(1) of the Local Government Act 1993.

**PASSED**

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**o-CS7      Alexandra Square**

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REF:      DCS

6606/3

Reporting on the broad options available to Council for the future use of the Alexandra Square site and providing details of advice received that may assist Council in its deliberations.

The Director Corporate Services distributed to Councillors at the meeting correspondence from the Attorney General's Department dated 1 June 2009 in relation to Alexandra Square Mittagong – Declaration of Trust 1241.

**MN 231/09**

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

1.      **THAT** in relation to Alexandra Square Council maintain the Deed of Trust.
2.      **THAT** Council confirm its intention to demolish the old Mittagong Bowling Club building and associated structures (excluding the historical rotunda and greenkeepers shed).
3.      **THAT** a detailed project plan be developed for the demolition of the old Mittagong Bowling Club building and for the regeneration of the site as a public park.
4.      **THAT** the detailed project plan and costings be included for consideration in the 2010/11 Management Plan and Budget for funding.

**PASSED**

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**EXTENSION OF TIME**

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100/1

**MN 232/09**

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

**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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**TECHNICAL SERVICES DIVISION**

**o-TS1 2009 - 2014 Roads to Recovery Program**

REF: RTM

7801/2009

Advising Council of funding under the 2009 – 2014 Roads to Recovery Program and recommending a program of works for the first year of the program.

**MN 233/09**

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

1. **THAT** the Work Program for year 1 of the 2009 – 2014 Roads to Recovery Program be as follows:-

<b>Year</b>	<b>Road</b>	<b>Description</b>	<b>Length</b>	<b>Estimate</b>
1	Old South Road, Bowral	Rehabilitate pavement from Emily Circuit to Sheaffe Street	500m	\$350,000
1	Range Road, Glenquarry	Rehabilitate pavement from near Nanna's Lane to George Emery Lane	660m	\$200,000
1	Forest Road, Wingello	Construct and seal missing link between developer constructed sections	450m	\$180,000
1	Colo Street, Mittagong	Reconstruct and realign Colo Street between Range Rd and Evans St	420m	\$400,000

2. **THAT** a further report be presented prior to the end of the 2009/10 Financial Year advising of status of these works and to determine projects for inclusion in future work programs.

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

### OTHER MATTERS

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#### OTHER MATTERS (CONT)

<b>c-NRM1</b>	<b>03/2009 – Notice of Motion of Rescission - Parking Restrictions on Argyle Street, Moss Vale</b>
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REF:	TE	7460/26
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"We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on Wednesday, 27 May 2009 be rescinded. (*Reference Traffic Committee Meeting held on 20 April 2009, item 6 page 2*)

1. THAT the plan of the proposed interim parking restrictions and channelisation on Argyle Street (HW25) from Railway Street to Arthur Street, Moss Vale be endorsed;
2. THAT Council's Design and Projects Branch investigates a dedicated right turn lane and channelisation on Argyle Street at the Kirkham Street junction in Moss Vale.

Dated 28 May 2009  
Signed Clr P Tuddenham  
Clr L Whipper  
Clr J Mauger"

**MN 234/09**

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

**THAT** the Rescission Motion in relation to Parking Restrictions on Argyle Street, Moss Vale 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, 10 June 2009

### OTHER MATTERS

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<b>c-NM1</b>	<b>07/2009 – Notice of Motion – Parking Restrictions on Argyle Street, Moss Vale</b>
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REF:	TE
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7460/26
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Clr Paul Tuddenham has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday, 10 June 2009:

THAT the parking restrictions on Argyle Street Moss Vale be referred back to the Traffic Committee for further consideration and that Mr B Whyte be invited to the meeting to discuss the matter together with the President of the Moss Vale Chamber of Commerce.

**MN 235/09**

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

1. **THAT** the parking restrictions on Argyle Street Moss Vale be referred back to the Traffic Committee for further consideration and that Mr B Whyte be invited to the meeting to discuss the matter together with the President of the Moss Vale Chamber of Commerce.
2. **THAT** the Traffic Committee make representations to the State Rail Authority to consider re-opening the underpass between Lackey Road and McCourt Road, Moss Vale.

**PASSED**

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<b>c-NRM2</b>	<b>04/2009 – Notice of Motion of Rescission - Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon</b>
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REF:	DEP
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LUA08/1280
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This matter was considered by Council earlier in the meeting (*refer M/N 208/09*).

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<b>c-NM2</b>	<b>08/2009 – Notice of Motion – Commercial Units and Light Industrial Warehouse at Anzac Parade, Bundanoon</b>
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REF:	DEP
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LUA08/1280
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This matter was considered by Council earlier in the meeting (*refer M/N 209/09*).

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

### OTHER MATTERS

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<b>c-NM3</b>	<b>09/2009 – Notice of Motion – Council Policies</b>
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REF: DEP, PPM
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1671/3
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Clr Larry Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday, 10 June 2009:

1. THAT Council review its policies in relation to events conduction and/or organised by Council.
2. THAT as part of this review Council set a clear policy statement in relation to endorsement and promotion of 'product' at Council events and/or on Council land AND THAT Council also reiterate its policy on smoking on Council land.

*Note from Director Environment & Planning:*

*It is noted that this matter will be referred to the next Youth Council Meeting to be held on Wednesday, 17 June 2009 for further consideration.*

**MN 236/09**

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

1. **THAT** Council review its policies in relation to events conducted and/or organised by Council.
2. **THAT** as part of this review Council set a clear policy statement in relation to endorsement and promotion of 'product' at Council events and/or on Council land **AND THAT** Council also reiterate its policy on smoking on Council land.

**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, 10 June 2009

### OTHER MATTERS

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<b>c-NM4</b>	<b>10/2009 – Notice of Motion – Joint Regional Planning Panels Nominations</b>
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REF: DEP
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5300
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Councillors Whipper, Clark and Gair have given notice that it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday, 10 June 2009:

1. THAT Council suspend all nominations for the Joint Regional Planning Panels (JRPP) in response to recent calls from the Local Government Association.
2. THAT Council seek further advice on this matter from the Local Government Association before submitting nominations

#### ***MN 237/09***

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

1. ***THAT*** Council suspend all nominations for the Joint Regional Planning Panels (JRPP) in response to recent calls from the Local Government Association.
2. ***THAT*** Council seek further advice on this matter from the Local Government Association before submitting nominations.
3. ***THAT*** Council remove *Clr K Halstead* as a temporary nomination from the JRPP.

***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 seven (7) Committee meetings that will be tabled for information.

Clr L A C Whipper left the Chamber.

***MN 238/09***

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

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

- 1. Hill Top Community Centres Management Committee held on Thursday 19 March 2009.***
- 2. Hill Top Community Centres Management Committee held on Thursday 21 May 2009.***
- 3. Robertson Community Centre Management Committee held on Wednesday 13 May 2009.***
- 4. Mittagong Community Centre Management Committee held on Thursday 14 May 2009.***
- 5. East Bowral Community Centre Management Committee held on Tuesday 26 May 2009.***
- 6. Welby Community Hall 355 Management Committee held on Monday 6 April 2009.***
- 7. Bicycle Working Group Meeting held on Friday 1 May 2009.***

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Minutes of the Wingecarribee Aboriginal Advisory Committee</b>
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REF:	ALO	1826/4
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Submitting minutes of the Wingecarribee Aboriginal Advisory Committee meeting held on Monday, 18 May 2009.

Clr L A C Whipper returned to the Chamber at this juncture.

**MN 239/09**

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

**THAT** the recommendations as detailed in the minutes of the Wingecarribee Aboriginal Advisory Committee meeting held on Monday, 18 May 2009 be adopted with the exception of Item 2 – Discussion re Aboriginal Cultural Heritage Planning and Protocol Matters.

**PASSED**

1. **ITEM 2 - DISCUSSION RE ABORIGINAL CULTURAL HERITAGE PLANNING AND PROTOCOL MATTERS**

It was noted that this matter required further discussion with all Councillors.

**MN 240/09**

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

**THAT** discussion concerning Aboriginal Cultural Heritage Planning and Protocol Matters be forwarded to Council for further consideration after consultation with all Councillors.

**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, 10 June 2009

### GENERAL BUSINESS

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### GENERAL BUSINESS

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The Mayor, Cllr T D Gair suspended General Business at this meeting due to time constraints.

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**CORPORATE SERVICES DIVISION**

**c-CS1 Closed Council**

**107/9**

To consider moving into Closed Council.

At this juncture, the time being 8.05 pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is the opinion of the General Manager that publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

No objections were received from the members of the public.

The Mayor advised that there would be discussion in relation to Lehman Brothers Australia Limited following an Information Session held earlier in the day and that it was agreed that this matter be heard in open Council.

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

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 with the exception of c-CS1 Briefing on Current Status of Legal Matter WSC v Lehman Brothers Australia:**

**c-GM1 TENDER FOR THE CONSTRUCTION OF AMENITIES AT EXETER PARK**

**Relevant Legal Provision**

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

**Brief Description**

***The purpose of the report is for Council to consider tenders received for the construction of a new amenities block at Exeter Park.***

**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.**
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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

### CLOSED COUNCIL

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#### **c-GM1 Tender for the Construction of Amenities at Exeter Park**

REF: PPM

6330/09.7

#### Relevant Legal Provision

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

#### Brief Description

The purpose of the report is for Council to consider tenders received for the construction of a new amenities block at Exeter Park.

#### 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 P B Tuddenham and seconded by Cllr L A C Whipper:*

***THAT the Tender for the Construction of Amenities at Exeter Park be deferred to the next Meeting of Council to be held on Wednesday, 24 June 2009.***

**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, 10 June 2009

**OPEN COUNCIL**

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**OPEN COUNCIL**

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***MN 241/09***

107/10

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

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

**PASSED**

No members of the public were present in the Chamber.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

### OPEN COUNCIL

#### OPEN COUNCIL (CONT)

#### CORPORATE SERVICES DIVISION

#### c-CS1 Update on Lehman Brothers Australia

REF.	DCS	107/9, 2104
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Considering an update on the current status of legal matter WSC –v- Lehman Brothers Australia Limited.

The Director Corporate Services held discussions with Council's legal advisers late in the afternoon while Council was sitting and provided a verbal up-date in relation to the matter.

**MN 242/09**

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

1. **THAT** Council enter into a Litigation Funding arrangement with IMF Australia Ltd to manage all litigation conducted on behalf of Council relating to actions to protect and recover financial investments held by Council in Collateralised Debt Obligations.
2. **THAT** Council confirms that due to the urgent nature of action required to protect Council's interests, and given the limited availability of specialist providers with the financial capacity, the expertise and track record to project manage this type of complex litigation, that these extenuating circumstances preclude Council from achieving a more satisfactory result by going to tender for these services and may in fact put Council's assets at additional risk due to significant delays if Council were to proceed with a full tender process.

*In this respect, Council is proceeding in this manner under the "exemption" provisions of Section 55 of the Local Government Act, 1993, namely "extenuating circumstances".*

3. **THAT** a sub-committee of available Councillors (Clrs J G Arkwright, T D Gair and G McLaughlin and any other available Councillors) meet on Friday, 12 June 2009 with delegated authority to agree to the entering into the Deed of Agreement with IMF Australia Ltd.
4. **THAT** recommendations 1 and 3 be subject to Council obtaining legal advice in relation to the agreement with IMF Australia Ltd, and issues relating to the legal challenge against the deed of company arrangement for Lehman Brothers Australia Limited **AND THAT** this advice be referred to the sub-committee for consideration, and that Council does not proceed to sign the funding agreement unless the legal advice confirms that there is no disadvantage to Council from proposed legal actions under the funding agreement.

**PASSED UNANIMOUSLY**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

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### ADOPTION OF CLOSED COUNCIL

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**MN 243/09**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 10 June 2009 (Item c-GM1) be adopted.

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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**MN 244/09**

107/10

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

**THAT** the recommendations of the Open Council held on Wednesday, 10 June 2009 being OC 74/09 and OC 75/09, 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, 10 June 2009

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

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 10 June 2009 numbered M/N 205/09 to M/N 244 /09, were signed by me hereunder at the Council Meeting held on Wednesday, 24 June 2009.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 24 JUNE 2009

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CHAIRMAN

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PUBLIC OFFICER



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 10 June 2009

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