

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/09*



held on Wednesday, 9 September 2009

The meeting commenced at 3.31 pm.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 9 September 2009

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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**COMMENCING AT:** 3.31 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  
Cllr L A C Whipper

**IN ATTENDANCE:**

Acting General Manager	Mr Scott Lee
Director Corporate Services	Mr Barry Paull
Director Infrastructure Services	Mr Michael Brearley
Manager Administration & Library 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 Jeremy Tonks of the Exeter Anglican Church.

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### APOLOGY

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*There were no apologies at this meeting.*

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### CONFIRMATION OF MINUTES

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

100/1

**MN 393/09**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 26 August 2009 MN 360/09 to MN 392/09 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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1. ICAC LEGISLATION

1420/5

Clr J Mauger referred to a General Business question that he had asked of the Mayor and the Directors regarding the ICAC legislation in relation to corruption, and noted that the reply provided in the Weekly Circular did not adequately answer the question that he had raised.

The Mayor Clr T D Gair advised that on his part there would be areas of the ICAC Legislation that he is unfamiliar with.

Clr Mauger asked if he could obtain a reply, through the Acting General Manager, in relation to the Directors.

The Acting General Manager, Mr Scott Lee advised that he could not reply on behalf of the other Directors but the response provided in the Weekly Circular will be reviewed and if there is additional information that is relevant, then that information can be provided.

Clr Mauger asked for the question to be answered along similar lines to the answer provided by the Mayor.

The Acting General Manager stated that he is aware of the provisions but he could not repeat them "chapter and verse".

Clr K Halstead referred to the item in the circular and considered that it did not adequately cover the issue and that it required further work.

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### 2. ROADSIDE VEGETATION ON FOUNTAINDALE ROAD, ROBERTSON

RD3612, 7810/10.1

Clr J Mauger referred to his question at the last Council meeting in relation to roadside vegetation on Fountaindale Road, Robertson, and noted the reply provided in the Weekly Circular advised that further investigations were required. Clr Mauger stated that considerable investigation had previously been carried out.

The Director Infrastructure Services, Mr Michael Brearley advised that there is a roadside management plan in place which sets out Council's procedures for managing roadside vegetation and this plan is required to be followed. He stated that the work is scheduled within the next six (6) weeks but there are a number of approvals that are to be obtained in that time.

Clr Mauger queried the further approvals required and how long it was going to take, if it was in-house or whether a consultant had to be obtained to get the information.

The Director Infrastructure Services advised that the approvals were in-house and reiterated that the work is scheduled within the next six (6) weeks.

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### DECLARATIONS OF INTEREST

101/3

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Clr J Mauger declared a pecuniary interest in Item o-IS3 – Paving of Paths Policy and Objections Received for Robertson Project – as he is a director of the company which owns the adjoining land. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

Clr J R Clark declared a non-pecuniary interest in Item o-IS1 – Resource Recovery Centre (RRC) Strategic Advisory Board – as he is acquainted with one of the persons nominated as a community representative on the Board. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### MAYORAL MINUTE

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#### MAYORAL MINUTE

##### c-MM1 OHS Excellence Award 2009

REF: DIS

7170, 7170/2, 700, 1607 (cc 102/5)

Reporting on Wingecarribee Shire Council winning the 2009 StateCover Local Government OHS Excellence award for its innovative induction procedures at the Southern Regional Livestock Exchange.

The Mayor Clr T D Gair acknowledged the work undertaken by Council's Manager Parks & Property, Mr Peter Bowmer and the Manager of the Southern Regional Livestock Exchange, Mr Andrew Murdoch, in producing the induction DVD launched for the saleyards. He also acknowledged the Board of the Southern Regional Livestock Exchange and staff members in the success achieved by winning the 2009 StateCover Local Government OHS Excellence award.

**MN 394/09**

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

**THAT the Council formally congratulate the staff, agents and everyone involved in developing the innovative induction procedures at Moss Vale's Southern Regional Livestock Exchange that led to Wingecarribee Shire Council being recognised with the 2009 StateCover Local Government OHS Excellence Award.**

**PASSED**

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#### OPEN COUNCIL

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107/10

**MN 395/09**

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

**THAT Council moves into Open Council to discuss various matters listed in the Agenda with the Mayor Clr Duncan Gair in the Chair.**

**PASSED**

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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 17 August 2009 and 31 August 2009.

**OC 115/09**

The Committee on a **MOTION** moved by Clr P B Tuddenham and seconded by Clr L A C Whipper **RECOMMENDED**:

**THAT the information relating to Development Consent Nos 1-9 Approved (Table 1), and 1-2 Refused (Table 2), 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 17/08/2009 to 31/08/2009, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 116/09**

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

**THAT the information regarding the List of Land Use Applications Nos 1-8 received by Council be received and noted.**

**PASSED**

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

1. DEVELOPMENT APPLICATIONS (DA's) RECEIVED 17/08/2009 TO 31/08/2009  
5302

Cllr L A C Whipper asked about the items in this list which do not state whether they are coming back to Council or being approved under delegation.

The Acting General Manager advised that there was a printing error and that items 3, 4 and 7 will come back to Council as indicated, while the other items being numbers 1, 2, 5, 6 and 8, which should be ticked, will be dealt with under delegated authority.

2. ITEM 3 – DEMOLISH AND RECONSTRUCT TIMBER/BRICK COTTAGE,  
RECONSTRUCT BRICK HOUSE WITH NEW ADDITION, 35 OLD HUME HIGHWAY,  
BERRIMA LUA09/0753

Cllr J R Clark referred to Item 3 – Demolish and Reconstruct Timber/Brick Cottage, Reconstruct Brick House with New Addition, 35 Old Hume Highway, Berrima (Heritage items within Berrima Conservation Area) – and asked if this matter will be referred to the Heritage Advisory Working Group as part of Council's process.

The Acting General Manager advised that it would be referred, as part of the protocol.

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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3. ITEM 2 – LOTS 1 & 2 SEC G DP 11838 GLEBE STREET, BOWRAL AKA LOTS 11 & 12 DP 787940 (LEASING PURPOSES) LUA09/0725

Clr L A C Whipper asked for clarification on Item 2 about the Bradman Oval Cricket Museum.

The Acting General Manager advised that this item is in relation to the lease and not additional development, but he will provide further information 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 & Planning for the month of August 2009.

#### **OC 117/09**

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

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

**PASSED**

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**o-EP4 Draft Policy For Dealing With Applications For A Liquor Licence**

REF: DBSM, RMC

5402, 5406/2

Reporting on the Draft Policy which sets out the manner in which Council would deal with applications for a liquor licence under the Liquor Act.

Council's Manager Development & Building Services, Mr Les Pawlak, addressed Council on this matter.

**OC 118/09**

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

1. **THAT Council adopt the revised Liquor Licensed Premises Policy, noting that it includes clauses dealing with "Existing Uses" which have been added as a consequence of notification/exhibition of the draft Policy AND THAT the word "continuing" in the third paragraph under "Existing Uses" be replaced with the word "continue".**
2. **THAT the hours for the sale of liquor for any new "on-premises" licence be 12 noon to 10.30pm on any day, provided that where an applicant considers that there are special circumstances for an extension of these hours, the matter will be referred to Council for determination AND THAT the Liquor Licenses Premises Policy be amended to reflect this change.**
3. **THAT a fee of \$100.00 be applied to the provision of information and a response to an application for a liquor licence where no further approvals from Council are needed.**

**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-EP5</b>	<b>Legal Issues</b>
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REF: DEP	107/22
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Reporting on legal issues.

Council's Acting General Manager, Mr Scott Lee, addressed Council on this matter.

**OC 119/09**

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

1. **THAT** the information contained in items 1, 2, 3 and 5 of the report be received and noted.
2. **THAT** in relation to the Request from Minister to Revoke or Amend the DCP for the OLSH site, Bowral (item 4 of the report), Council request written confirmation from the Department of Planning that the undated letter of advice from The Hon Kristina Keneally, MP, Minister for Planning, is a formal request to remove the DCP **AND THAT** the Department provide an original date to the letter.

**PASSED**

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**o-EP6 Offer of Donation to Bert Flugelman Public Sculpture Fund**

REF: DEP

1650/21

Reporting on the offer of a donation of \$15,000 from Peter and Helen Tyree to the Bert Flugelman public sculpture fund and submitting a recommendation that Council determine whether to accept the offer.

**OC 120/09**

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

***THAT the offer of a donation to the Bert Flugelman Public Sculpture Fund be deferred to the Ordinary Council Meeting 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	

**CORPORATE SERVICES DIVISION**

<b>o-CS1</b>	<b>Request for Lease of Part Pinkwood Park, Robertson</b>
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REF:	PO	6550/4
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Reporting on a request received from Robertson Environmental Protection Society that Council enter into a Lease of part of Pinkwood Park, Robertson from Australian Rail Track Corporation, the owner of the subject land.

**OC 121/09**

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

1. **THAT the Acting General Manager and Mayor be delegated authority to negotiate the terms and conditions of a Lease of part Lot 1 in Deposited Plan 734502, being part of Pinkwood Park, from Australian Rail Track Corporation.**
2. **THAT subject to satisfactory negotiations to finalise a lease, that the lease be executed under the Common seal of the Council.**
3. **THAT should negotiations be successful between Council and Australian Rail Track Corporation, funds be allocated in next financial year's budget (2010/2011) for:**
  - (a) **the ongoing maintenance and improvement of Pinkwood Park, Robertson;**
  - (b) **the annual lease fee, as negotiated.**

**PASSED**

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<b>o-CS2</b>	<b>Draft Plan of Management for Community Land Known as Berrima River Reserve</b>
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REF:	PO	6526/15.1
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Submitting the draft of Plan of Management for Berrima River Reserve, Berrima, for adoption by Council.

The Director Corporate Services, Mr Barry Paull, advised that the Director Infrastructure Services has requested that the wording for recommendation 2 be amended to reflect that the budget for works identified in the Management Plan be "considered" for inclusion in the 2009/2010 Infrastructure Recovery Strategy (IRS) programme. The Director Corporate Services highlighted that the works programme for 2009/2010 IRS programme will need to be reviewed by Parks & Property Branch with a revised programme to be presented to a future meeting of Council to identify funding for works detailed in the Plan of Management for the Berrima River Reserve.

**OC 122/09**

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

1. **THAT the draft Plan of Management for Community Land known as Berrima River Reserve, Berrima be adopted AND THAT this document be known as "Plan of Management for Berrima River Reserve".**
2. **THAT funding for the establishment, management and maintenance of the campsites and the management of the Berrima River Reserve be considered from the Infrastructure Recovery Strategy budget for 2009/2010 and annually thereafter.**
3. **THAT Council acknowledge the work undertaken by Mr Scott Hayes, Council's Assistant Property Manager, in the preparation of the Draft Plan of Management for Community Land Known as Berrima River Reserve.**

**PASSED**

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### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS3</b>	<b>Delegation of Authority</b>
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REF:	RMC
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800/10
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Reporting on the review of the Council Delegations Register, Section 380 of the Local Government Act 1993, requires that each Council must review all its delegations during the first twelve (12) months of each term of office.

#### **OC 123/09**

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

**THAT Council approve the delegations under the Local Government Act 1993 and other Acts to the position of the General Manager, Wingecarribee Shire Council, as detailed in Attachment 2 and 3 of the report.**

**PASSED**

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**o-CS4 Moss Vale Senior Citizens & Community Centre Management Committee Constitution**

REF: DCS, MALS

7216/1

Reporting on the review of the Moss Vale Senior Citizens & Community Centre Management Committee Constitution.

**OC 124/09**

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

1. **THAT Council adopts the Moss Vale Senior Citizens & Community Centre Management Committee Constitution incorporating Council's generic constitution adopted on 8 April 2009 and the following changes to the Membership and Quorum.**

2. **THAT Item 3.3.1 reads**

***The Committee will comprise the following ten (10) members:***

<b><i>Moss Vale Senior Citizens</i></b>	<b><i>2 representatives</i></b>
<b><i>Probus Club of Wingecarribee Inc</i></b>	<b><i>2 representatives</i></b>
<b><i>Moss Vale Hospital Auxiliary</i></b>	<b><i>2 representatives</i></b>
<b><i>Volunteering Wingecarribee Inc</i></b>	<b><i>2 representatives</i></b>
<b><i>Community Members</i></b>	<b><i>2 representatives</i></b>

3. **THAT item 3.3.14 reads**

***Five (5) members will comprise a quorum.***

4. **THAT the Moss Vale Senior Citizens & Community Centre Management Committee be notified of Council's determination.**

**PASSED**



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### REPORT OF DIRECTOR CORPORATE SERVICES

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<b>o-CS5 Wingecarribee Food Services Request for Donation</b>
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REF: DCS, MWS
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1855/16, 7502/7
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Reporting on a request from Wingecarribee Food Services Co-operative Ltd for Council to provide a donation towards its commercial waste collection charges.

**OC 125/09**

The Committee on a **MOTION** moved by Cllr P B Tuddenham and seconded by Cllr L A C Whipper **RECOMMENDED:**

**THAT Council provide a donation to the Wingecarribee Food Services Co-operative of 50% of the fees from Council's donations vote AND THAT this donation be reviewed annually.**

**PASSED**

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**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS6</b>	<b>Local Government Association re One Association to Represent Local Government in NSW</b>
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REF:	MALS
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203/4 & 203/1
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Reporting on a request from the Local Government Association of NSW concerning the issue of One Association to represent Local Government in NSW.

**OC 126/09**

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

**THAT** in relation to the Survey form submitted by the Local Government Association of NSW, Wingecarribee Shire Council supports the position of "One Association representing Local Government in NSW" by responding in the affirmative to Item No 1 of the Survey **AND THAT** Council wait for future models to be framed prior to considering the matter further.

**PASSED**

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**SUPPLEMENTARY REPORT**

<b>o-CS7</b>	<b>2008/09 Financial Year Results</b>
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REF:	DCS
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2105/09
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Submitting a report on the audit of the 2008/09 Financial Year Results.

Council's Director Corporate Services, Mr Barry Paull, addressed Council on this matter.

**OC 127/09**

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

1. **THAT Council adopt the 2008/09 Financial Reports.**
2. **THAT the Annual Financial Reports be put on public exhibition.**
3. **THAT the Annual Financial Reports be presented to the public at the Council meeting on Wednesday, 28 October 2009.**
4. **THAT Council's auditor be invited to a meeting of the Finance Committee on Wednesday, 18 November 2009 to discuss the 2008/09 Financial Reports.**
5. **THAT Council acknowledge the work carried out by Council's Financial Services Manager, Mr Doug Neville, in the preparation of the Annual Financial Report, noting that the Department of Local Government acknowledged that the work was completed ahead of time.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

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#### INFRASTRUCTURE SERVICES DIVISION

<b>o-IS1</b>	<b>Resource Recovery Centre (RRC) Strategic Advisory Board</b>
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REF: MRRC	7503/34
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Reporting on the Expressions of Interest for Community Representatives who would be interested in filling one of three (3) honorary Community Representative positions on the RRC Strategic Advisory Board.

**Interest:** Clr J Clark declared a non-pecuniary interest in this matter as he is acquainted with one of the persons nominated as a community representative on the Board. He left the chamber, took no part in the debate and refrained from voting thereon.

#### **OC 128/09**

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

1. **THAT** Council offer the honorary Community Representative positions on the Resource Recovery Centre Strategic Advisory Board to Carl Peterson, Geoff Byrne and Peter Reynolds.
2. **THAT** all applicants be thanked for their applications and advised in writing of the outcome.

#### **PASSED**

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#### **CHAIRPERSON**

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At this juncture, the time being 5.00 pm, the Mayor, Clr T D Gair, remained in the Chair to conduct the remainder of Council Business.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF DIRECTOR INFRASTRUCTURE SERVICES**

**o-IS2 Options Study - Provision of Indoor Swimming Facilities at Bowral  
Swimming Centre**

REF: PPM

6701/5

Report on the proposed study to investigate options for developing an indoor swimming facility at the Bowral Swimming Centre.

Clr J Clark returned to the Chamber at this juncture.

**MN 396/09**

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

1. **THAT** Council accept the proposal from Facility Design Group for the value of \$32,560 (GST incl) to undertake an options study for the provision of indoor swimming facilities at the Bowral Swimming Centre **AND THAT** Council refer the matter to the September quarterly budget review for consideration.
2. **THAT** a funding strategy to operate and maintain the existing four swimming centres to an acceptable standard be considered by Council in conjunction with the 2010/11 budget.
3. **THAT** a further report come back to Council prior to the end of 2009 outlining the options.

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

1. **THAT** the Brief to Facility Design Group to undertake an options study for the provision of indoor swimming facilities include the completion of community consultation.
2. **THAT** a funding strategy to operate and maintain the existing four swimming centres to an acceptable standard be considered by Council in conjunction with the 2010/11 budget.
3. **THAT** a further report come back to Council prior to the end of 2009 outlining the options.
4. **THAT** the costs and patronage be detailed on an annual basis for all pools.

**LOST**

**MOTION PASSED**



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**REPORT OF DIRECTOR INFRASTRUCTURE SERVICES**

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**o-IS3 Paving of Paths Policy and Objections Received for Robertson Project**

REF: DIS

6690/15, 7810/5

Reporting on objections received regarding Council's Paving of Path policy associated with Stage 1 of the shared path along the Illawarra Highway, Robertson.

Interest: Clr J Mauger declared a pecuniary interest in this matter as he is a director of the Company which owns the adjoining land. He left the chamber, took no part in the debate and refrained from voting thereon.

**MN 397/09**

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

**THAT the Paving of Paths Policy and Objections Received for Robertson Project be deferred until the Ordinary Council Meeting on Wednesday, 23 September 2009 AND THAT a further Information Session be held for Councillors on Wednesday, 23 September 2009 at 2.15 pm in relation to Council's policy with regard to contributions towards Paving of Paths.**

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

1. THAT Council confirms its policy regards contributions towards Paving of Paths.
2. THAT affected residents be advised accordingly.

**LOST**

**MOTION PASSED**

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Clr J Mauger returned to the Chamber at this juncture.

**QUESTIONS FROM THE PUBLIC**

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1. NOISE POLLUTION IN BUNDANOON

PN1445601, PN1445602, 5456/4, 5500/6

Mr Les Rundle from Bundanoon asked if Council could notify him in writing of any results of investigations regarding the 24 hour a day noise created by a neighbour's geese, roosters and ducks.

The Acting General Manager advised that investigations are being carried out and Mr Rundle will be notified in writing once the investigations have been concluded.

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2. FOOTPATH POLICY

7810/5, 751

Mr Peter Smyth asked if Council has considered that it could stipulate on any future DA's not currently bound by an existing footpath a "levy" to be set aside so at least going forward the footpath argument will not be applicable as it has already been contributed to prior to construction by Council and funds held for that construction.

The Mayor Clr T D Gair advised that consideration will be given to Mr Smyth's suggestion.

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3. EMPLOYMENT OF MAINTENANCE CONTRACTORS

7120/9

Mr Peter Smyth asked the following questions:

- (i) Why does Council not employ specific maintenance people, ie, electrical fitters/mechanical fitters, and possibly apprentices, and set a budget for maintenance that is pro-active and part replacement friendly not total replacement orientated, and stated that the existing pools may last longer than consultants suggest if indeed excellent maintenance is performed by in-house gangs not contractors.

The Mayor Clr T D Gair advised that Council does set aside moneys for maintenance of the pools and that as it is not now going to build a leisure centre, it will have to undertake replacement of pumps which have worn out.

The Director Infrastructure Services advised that Council has two (2) fitters and an apprentice in the Water & Sewer division and that is part of pro-active maintenance. He advised that Council has also engaged a local plumber (who is now on staff) so that future plumbing services and maintenance will be done in-house.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 9 September 2009

### REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

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4. OPTIONS STUDY – PROVISION OF INDOOR SWIMMING FACILITIES AT BOWRAL SWIMMING POOL 6701/5

Mr Peter Smyth asked if Council is considering advising the people compiling the report on this matter that Council actually has qualified people in-house now?

The Mayor Clr T D Gair advised “Yes”.

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5. OPTIONS STUDY – PROVISION OF INDOOR SWIMMING FACILITIES AT BOWRAL SWIMMING POOL 6701/5

Mr Peter Smyth asked if the Mayor feels that most of the Councillors are “vague” as to what the pool reports are asking for and is Council scared of asking for reports that are not specific enough as Council may get answers to the wrong questions?

The Mayor Clr T D Gair advised that the recent information session in relation to the pools was extremely comprehensive and that the Councillors were made aware of the faults and the failings of the three (3) major pools. He stated that Councillors have inspected the structural repairs required at the pools, so they are quite aware of what is required.

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6. GENERAL MANAGER’S CONTRACT AND REMUNERATION 503/60

Mr Ian Scandrett advised that he had previously requested information on the following items, noting that he did receive a response from Council on 1 April 2009, and asked the following questions:

- (i) Has the former General Manager’s contract been completed and paid out?

The Mayor Clr T D Gair advised that as far as he is aware it has but referred the question to the Director Corporate Services.

The Director Corporate Services advised “Yes”.

- (ii) Will Council now release a copy of the former General Manager’s contract?

The Director Corporate Services advised that as this is information relating to individual personnel of the Council, that information is not released.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

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7. COUNCILLORS' INTERNET ACCESS 101/13

Mr Ian Scandrett asked the following questions in relation to Councillors' internet access:

- (i) Is it correct that a Councillor who is being provided internet access by Council is logging in via Council's servers for both email document and internet access?

The Director Corporate Services advised he will take this matter on notice and confirm the request with the Information Services Manager.

- (ii) Does Council mirror (ie, keep copies simultaneously and through back-ups) all documents, emails and internet browsing for such remote logins as it does for staff?

The Director Corporate Services advised that it is his understanding that Council now has a piece of software in place that archives all software communications which traffic between Council staff, between Council staff and external communications to Council staff but the email addresses that have been provided to Councillors under the WSC domain are not part of that archiving process at the specific request of Council.

- (iii) Please explain the "mirroring" procedure?

The Mayor Clr T D Gair advised that Councillors had an information session in relation to the issuing of computers and Councillors requested that their personal information is not part of the system. He stated that Councillors privacy is maintained in the areas that are not part of the Council's domain and that Mr Scandrett will receive a reply in writing to his questions.

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8. CONSTRUCTION OF SHARED RECREATIONAL PATH – ILLAWARRA HIGHWAY, ROBERTSON 6690/15

Mr Charlie Johns advised that he does not fully understand why the PAMP study prepared for the pathway does not give numbers expected to use the pathway and asked if he could have a copy of the PAMP.

The Director Infrastructure Services advised that a copy of the study would be made available to Mr Johns.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 9 September 2009

### NOTICE OF MOTION

#### NOTICE OF MOTION

**c-NRM1 05/2009 – Notice of Rescission of Resolution - Robertson Inn, Robertson**

REF: DEP

100/5, LUA07/0958

“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, 12 August 2009 be **rescinded**. (Reference OC107/09)

*THAT* LUA07/0958 for boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops (two with flats on first floor) at the Robertson Inn, Lot 2, DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson, be approved subject to the conditions being approved by the Director Environment & Planning following a discussion of interested Councillors regarding the conditions of approval.

Dated 26 August 2009  
Signed Clr L Whipper  
Clr J Clark  
Clr G McLaughlin”

**MN 398/09**

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

**THAT** the Rescission Motion in relation to the Robertson Inn be adopted.

**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	



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 9 September 2009

### NOTICE OF MOTION

**c-NM1 16/2009 – Notice of Motion – Robertson Inn, Robertson**

REF: DEP

100/4, LUA07/0958

Clrs Larry Whipper, James Clark and Graham McLaughlin have given notice that should the above Notice of Motion of Rescission be passed it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday, 9 September 2009:

1. THAT Councillors meet with Council's Heritage Advisor to seek advice in relation to the Robertson Inn additions.
2. THAT the Robertson Inn be re-exhibited so that the wider community of Robertson are not excluded from making comment should they wish.
3. THAT the Director Environment & Planning provide an explanation as to why the Robertson Inn has not been listed in our Heritage Inventory.

**MN 399/09**

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

1. **THAT Councillors meet with the Applicant or his representative within the next two (2) weeks to discuss the application in detail, taking into consideration the advice of Council's Heritage Adviser, Dr Peter Kabaila, as follows:**
  - (i) ***Staggered frontage and variation of cladding material to be introduced to the shop row, to break up the monolithic visual character of the building/s, and to introduce a village scale.***
  - (ii) ***Roof pitches to be re-drawn to better reflect traditional buildings in the village (steeper roof pitches).***
  - (iii) ***Roofs and roof drainage to be galvanised, not Colorbond.***
  - (iv) ***External colour scheme to be provided for comment.***
  - (v) ***Landscape plan be amended to include shade trees in the car park (not pear trees, which have a narrow vertical habit).***
  - (vi) ***Rear wall of shops 1 and 2 to be adjusted to avoid the drip line of the existing tree shown to be retained.***
2. **THAT all interested Councillors be invited to attend the meeting with the Applicant.**

**PASSED**

.....Cont'd



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 9 September 2009

### NOTICE OF MOTION

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.....Cont'd

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

<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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**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.

**MN 400/09**

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

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

1. **Hill Top Community Centre Management Committee and Annual General meeting held on Thursday 20 August 2009.**
2. **Yerrinbool Hall Committee held on Tuesday 18 August 2009.**
3. **Mittagong Centre Management Committee and Annual General meeting held on Thursday 13 August 2009.**
4. **Mittagong Memorial Hall Management Committee and Annual General meeting held on Thursday 6 August 2009.**
5. **Welby Hall Management Committee held on Monday 14 July 2009.**
6. **Yerrinbool Hall Committee Annual General meeting held on Monday 29 June 2009.**
7. **Jurd Park Management Committee held on Tuesday 12 May 2009.**

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Finance Committee</b>
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REF:	DCS
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Submitting minutes of the Finance Committee held on Wednesday 19 August 2009.

***MN 401/09***

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

***THAT the recommendations FC 01/09 – FC 05/09 as detailed in the minutes of the Finance Committee meeting held on Wednesday 19 August 2009 be adopted.***

***PASSED***

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## GENERAL BUSINESS

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1. PROCESS OF REFERRING DEVELOPMENT APPLICATIONS TO THE HERITAGE  
ADVISORY WORKING GROUP 107/16, 5302

Clr J R Clark asked if the process of referring development applications to the Heritage Advisory Working Group can be reviewed as a number of applications with significant heritage matters, inherent to their determination, have not been notified to members of the Working Group. Clr Clark asked that referrals to the Working Group not be limited to heritage listed properties as many significant properties in the Shire are yet to be listed.

The Acting General Manager advised that the system has worked quite well for the listed buildings but there is a 'grey area' where there may be some heritage issues associated with developments on properties that are not listed. He stated that he is happy to bring this back for further discussion to the next Working Group.

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2. CONSTITUTIONS OF COUNCIL'S COMMITTEES 107

Clr L A C Whipper advised that he was recently informed that when Council restructured the Corporate Plan, Council's Committees are no longer bound by constitutions and asked if this is correct as previously there were constitutions that were specific to each of the committees?

The Director Corporate Services advised that the Committees do have 'Terms of Reference'.

Clr Whipper asked for further information to be provided in the Weekly Circular in relation to this matter.

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3. NOISE POLLUTION IN GREY GUM LANE, BUNDANOON  
PN1445601, PN1445602, 5456/4, 5500/6

Clr K Halstead referred to the matter earlier in the meeting (refer Item 1 in Questions from the Public) and advised that he had received a letter from Mr Les Rundle which he would hand up. Clr Halstead asked if the Acting General Manager will bring forward a report to Council on the 'ongoing' noise problem being experienced by the Rundle family at Grey Gum Lane, Bundanoon, from adjacent rural pursuits. He noted that the report should include reference to the recently introduced Noise Controls for Local Government.

The Mayor Clr T D Gair advised that he had also received a letter from Mr Rundle and the matter would be dealt with as previously advised.

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4. DISPOSING OF ABANDONED VEHICLES

5509/2

Clr K Halstead asked if the Mayor can indicate whether he is 'concerned' with the apparent mismanagement of the procedure for disposing of 'abandoned' vehicles since 2005, having regard to the report of the former General Manager dated 1 June 2009; and is the Mayor of the opinion that procedures now in place address 'due process' and probity. Clr Halstead asked if all of the information (or lack of it) was made available to ICAC to enable its investigation which was the issue referred to in the ICAC letter dated 27 February 2009 and the Mayor's subsequent press release on the matter.

The Mayor Clr T D Gair advised that "Yes" the procedures in place do address due process, "No" he is not happy and the matter will be addressed in a report to the next meeting of Council.

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5. ROBERTSON SHARED PATH

6690/15, 7810/5

Clr K Halstead asked if the Mayor would confirm that his use of the word 'charity' at the Council Meeting on Wednesday, 12 August 2009 in relation to the construction of the shared footpath at Robertson did not refer to Clr Mauger, as any objective consideration of the tape recording suggested it to be otherwise.

The Mayor Clr T D Gair responded that a better choice of words may have been more appropriate at the time.

Clr Halstead asked if the Mayor did not in any way refer to Clr Mauger.

The Mayor replied "No", and stated that even with the people of Robertson he probably should not have used the word 'charity'.

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6. PINE TREES AT THE CORNER OF YEAN STREET, BURRADOO

7813/1, RD1929

Clr J G Arkwright asked if an inspection could be conducted of large radiata pine trees on the left hand side of Yean Street situated near Nerang Street (proceeding from Bowral), as two (2) of these very large mature trees have formed dangerous separated V-shaped trunks.

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7. BUSINESS WOMENS LUNCH 2 SEPTEMBER 2009

1860/8

Clr J G Arkwright advised of her attendance at the above function hosted by the Business Women's Association and chaired by Cathy Barnsley. Clr Arkwright advised that she had the honour of being seated next to the American Consul-General, Ms Judith Fergin, who in the absence of an appointed Ambassador for the USA, is the most senior American diplomat in Australia.

The Mayor Clr T D Gair thanked Clr Arkwright for her attendance at this function.

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8. ABANDONED VEHICLES

5509/2

Clr J Mauger asked about a "Volvo" vehicle parked in Valetta Street, Moss Vale which has been parked in the same position for two (2) weeks. Clr Mauger did acknowledge that this vehicle may not be 'abandoned' but asked if it could be investigated.

The Mayor Clr T D Gair advised that this matter will be referred to the Police or Council's rangers for investigation.

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9. EGRESS FROM THE GIB IN CASE OF A FIRE

6527/15, 6439

Clr G McLaughlin asked about a letter he had received from a constituent in Soma Avenue, Bowral, who is concerned about fire problems and egress from the Mt Gibraltar in case of a fire, and asked if the matter could be investigated. Clr McLaughlin advised that he would pass the letter to the Director Infrastructure Services.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 9 September 2009

### REPORT OF DIRECTOR CORPORATE SERVICES

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#### CORPORATE SERVICES DIVISION

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

At this juncture, the time being 6.34 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.

Mr Ian Scandrett raised the issue of local business and that this matter was worthy of being considered in Open Council.

The Mayor Clr T D Gair advised that tenders and Council staff matters are dealt with in Closed Council.

Clr K Halstead advised that this is a matter that should be dealt with in Closed Council as it deals with the Trade Practices Act, but he did acknowledge that people would think that this is a matter which could be dealt with in Open Council but that Council is not protected if it does hear it in that forum.

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**MN 402/09**

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

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 **WATER AND SEWER BUILDING PAINTING MAINTENANCE SERVICES 2009-2016 TENDER ASSESSMENT** 6330/10.1

**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 business under Clause 10A(2)(c) of the Local Government Act.*

**Brief Description**

*Presenting details of tenders for the provision of painting maintenance services over a seven year maintenance cycle associated with thirteen Water and Sewer facility buildings. Tenders were structured to provide an annual sum for each facility taking into account net total cost.*

**Public Interest**

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

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

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 9 September 2009

### CLOSED COUNCIL

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### CLOSED COUNCIL

<b>c-GM1</b>	<b>Water and Sewer Building Painting Maintenance Services 2009-2016 Tender Assessment</b>
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REF:	WSM	6330/10.1
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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 business under Clause 10A(2)(c) of the Local Government Act.

#### Brief Description

Presenting details of tenders for the provision of painting maintenance services over a seven year maintenance cycle associated with thirteen Water and Sewer facility buildings. Tenders were structured to provide an annual sum for each facility taking into account net total cost.

#### Public Interest

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

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

1. **THAT contract number 10/1 for the water and sewer building painting maintenance services be awarded to Programmed Maintenance Services for a period of seven (7) years between 2009 and 2016 at an annual amount of \$22,668 (excluding GST).**
2. **THAT the contract number 10/1 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, 9 September 2009

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### OPEN COUNCIL

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**MN 403/09**

107/10

**MOTION** moved by Clr K Halstead 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.

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### ADOPTION OF CLOSED COUNCIL

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**MN 404/09**

107/9

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

**THAT** the recommendations of the Closed Council held on Wednesday, 9 September 2009 (Item c-GM1) be adopted.

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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**MN 405/09**

107/10

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

**THAT** the recommendations of the Open Council held on Wednesday, 9 September 2009 being OC 115/09 to OC 128/09, 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, 9 September 2009

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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.40 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 9 September 2009 numbered M/N 393/09 to M/N 405/09, were signed by me hereunder at the Council Meeting held on Wednesday, 23 September 2009.

\_\_\_\_\_  
CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 23 SEPTEMBER 2009

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER