

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/08



held on Wednesday, 12 November 2008

The meeting commenced at 3.34 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008

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Moss Vale on Wednesday, 12 November 2008

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008

COMMENCING AT: 3.34 pm

PRESENT: Clr T D Gair (Mayor) in the Chair, Clr J G Arkwright, Clr J R Clark,
Clr K Halstead (Deputy Mayor), Clr J Mauger, Clr G McLaughlin,
Clr D Stranger, Clr L A C Whipper

IN ATTENDANCE: General Manager, Director Corporate Services, Director
Environment & Planning, Director Technical Services, Manager
Administration Services and Administration Officer (AOE)

PRAYER

100/1

The meeting was opened in prayer led by Pastor Joshua Miller of the Christian Centre, Moss Vale.

APOLOGY

PERS

MN 390/08

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

THAT the apology of Clr P B Tuddenham be accepted and leave of absence granted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 22 OCTOBER 2008

100/1

MN 391/08

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 22 October 2008 MN 383/08 to MN 389/08 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON THURSDAY, 30 OCTOBER 2008

100/08

MN 392/08

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

THAT the minutes of the Extraordinary Meeting of Council held on Thursday, 30 October 2008, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008

DECLARATIONS OF INTEREST

101/3

Clr D Stranger declared a pecuniary interest in Item v-EP2 Proposed Seniors Housing, Suttor Road, Moss Vale (Old SCEGGS Site) as his business sold the property to the applicant. 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 G McLaughlin declared a non-pecuniary interest in Item c-TS1 Tender for the Supply & Delivery of the Sprayed Bituminous Surfacing and Associated Services for the 2008/09 Contract as he has a friendship with the manager of a business that submitted a tender. 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 T D Gair declared a non-pecuniary interest in Item o-CS3 Proposed Licence To Depasture Livestock On Vacant Council Land, Lot 15, Section D, Deposited Plan 192732, Lots 20, 21, 22 Deposited Plan 1128117 And Part Lot 23 And 24 DP 1128117 Off Shepherd Street, Bowral off Shepherd Street, Bowral as he is Chairman of the Livestock Selling Centre Advisory Board which tendered for the leasing of this property. He stated that he will remain in the chamber, discuss the matter and vote on it.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008

MAYORAL REPORT

5800, LUA07/1364

MEETING WITH THE MINISTER FOR PLANNING, THE HON KRISTINA KENNEALLY ON WEDNESDAY 12 NOVEMBER 2008 AT 12.00 NOON

**Attending: Clr T D Gair, Clr L A C Whipper, Clr G McLaughlin and the Director
Environment & Planning Scott Lee**

Clr T D Gair reported briefly on a Meeting that was held with the Minister for Planning, the Hon Kristina Kenneally, MP, through an introduction arranged by the Member for Goulburn, Ms Pru Goward, MP.

Discussions took place on Senior Living and Disability Housing within the Shire.

The other issue raised was the Southern Highlands Regional Shooting Complex at Hill Top. The Minister advised she will be attending an inspection of the site, including the road networks in relation to Hill Top.

An Invitation was extended to the Minister through Council to visit Senior Living areas and sites within the Shire.

The feedback received from the Minister was encouraging and Council will await the outcome of the invitation.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008

OPEN COUNCIL

MN 393/08

107/10

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Cllr L A C Whipper in the Chair.

PASSED

Cllr L A C Whipper acknowledged the traditional custodians of the land on which Council meets and paid his respects to the D'harawal and Gundungurra elders past and present.



VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 PROPOSED DOG BREEDING KENNELS, 12 DRAPERS ROAD, COLO VALE)

REF: DCM

LUA08/0280

Reporting on proposed Dog Breeding Kennels – Lot 6 DP 10008, 12 Drapers Road, Colo Vale.

Mr John Williams addressed the meeting, on behalf of the objectors, in this matter.

OC 278/08

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

THAT the matter be deferred pending an inspection of the site to be carried out on the next shire inspection.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr L A C Whipper

Voting Against the Motion: Nil



v-EP2 PROPOSED SENIORS HOUSING, SUTTOR RD, MOSS VALE (OLD SCEGGS SITE)

REF: DCM

LUA08/0707

Reporting on proposed Seniors Housing at Lot 3 DP 873240 Suttor Road, Moss Vale.

A representative of the objectors was invited to address Council. Mrs J Wadsworth provided a written objection, but did not wish to address Council.

Mr Robert McGuinness from Innovation Planning Australia, acting for the Applicant, Abret Pty Ltd, addressed the Council on this matter.

Interest: Clr D Stranger declared a pecuniary interest in the matter of Proposed Seniors Housing, Suttor Road, Moss Vale (Old SCEGGS Site) as his business had sold the property to the Applicant. He left the chamber, took no part in the debate and refrained from voting thereon.

OC 279/08

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

1. **THAT Development Application LUA08/0707 for a seniors housing development at Lot 3 DP873240, Suttor Road, Moss Vale be refused for the following reasons:**
 - (a) ***Proposed development is contrary to the provisions of the Sydney/Canberra Corridor Regional Strategy 2008, Illawarra Regional Environmental Plan No 1, exhibited Draft LEP 2007 and Wingecarribee Our Future Strategic Plan 2002.***
 - (b) ***Proposed development is prohibited within the Rural 1(a) zone under Wingecarribee Local Environmental Plan 1989***
 - (c) ***Proposed development does not satisfy the objectives of the Rural 1(a) zone as set out in the WLEP 1989***
 - (d) ***Unacceptable visual impact of the development within a rural landscape setting during both day and night.***
 - (e) ***The proposed medium density scale and form of the proposal within rural separation buffer area between Burradoo and Moss Vale is unacceptable***
 - (f) ***Proposed development is contrary to the S.88B restriction burdening the site, preventing the use of the site for the purpose of a dwelling house.***
 - (g) ***The site is physically remote from the established urban area of Moss Vale, and residents would not enjoy a satisfactory pedestrian and community connectivity from this site.***
 - (h) ***The site will become increasingly isolated with the establishment of the northern bypass road planned to service the Moss Vale enterprise zone and the increased flow of traffic on Suttor Road.***
 - (i) ***The high density residential development potentially conflicts with the adjoining industrial uses.***



- (j) *The proposed wholesale tree and hedge removal, with a new suburban development being placed into a well-vegetated, scenic landscape is contrary to the Heritage values of the site and to Clause 31B of the Wingecarribee Local Environmental Plan 1989*

2. **THAT** *those who made submissions be advised of Council's decision*

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

*Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauer,
Clr L A C Whipper*

Voting Against the Motion:

Nil



TECHNICAL SERVICES DIVISION

Environment and Sustainability

v-TS1	WHITES CREEK FLOOD STUDY
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REF:	DPM	8100/6
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Report on the flood study prepared for Council by URS Australia for the Whites Creek catchment area in Moss Vale.

Mr Robert Lewis, the Project Manager for this matter and Mr Dominic Lucas, the Design & Projects Manager, joined the meeting and gave a short briefing on the matter.

OC 280/08

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

1. **THAT the flood study for the Whites Creek catchment be adopted.**
2. **THAT Council proceed with calling quotations for the Floodplain Risk Management Study and Plan subject to the approval of DECC and availability of two-third grant from the NSW Floodplain Mitigation Program.**
3. **THAT the charge for purchase of the study and the associated electronic files is included in Council's adopted fees and charges at \$1,100 (GST inclusive).**
4. **THAT Council nominates three Councillors for the Whites Creek Floodplain Management Risk Committee AND THAT the Design and Projects Manager is the contact officer.**

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

o-EP1 Development Consents Under Delegated Authority

REF: DCM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 14/10/2008 and 03/11/2008.

OC 281/08

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

THAT the information relating to Development Consent Nos 1-14 under Delegated Authority be received and noted.

PASSED

o-EP2 List Of Land Use Applications Received By Council

REF: DCM 5302

Submitting list of development applications which have been received between 14/10/2008 and 03/11/2008, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 282/08

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

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

PASSED



Matters Arising from Development Applications Received by Council

1. 2 x DWELLINGS & BOUNDARY ADJUSTMENT - PART LOT 49, 50, 51 DP 10115
CHURCH STREET, BUNDANOON (NEAR CORNER GOVERNORS STREET
LUA08/1059

Clr J R Clark referred to Item 8 on page 36 and questioned whether the blocks adjoin the Norlex development or whether they are on the other side of the road.

The Director Environment & Planning stated that he will provide a site plan in Weekly Circular.

2. ENDOTA DAY SPA & SIGNAGE & LIGHT BOX & SANDWICH BOARD & 2ND
STOREY WINDOW – LOT 1 DP 534397, 267 BONG BONG STREET, BOWRAL
(NEXT TO SHANGHAI CHINESE RESTAURANT)
LUA08/1107

Clr L A C Whipper referred to Item 4 on page 35 and requested further information in the Weekly Circular regarding this matter.

The Director Environment & Planning advised that he will provide information in the Weekly Circular.

o-EP3	Land Use Applications Determined
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REF:	DCM	5302
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Submitting list of Land Use applications determined under delegated authority of the Director of Environment & Planning for the month of October 2008.

OC 283/08

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

THAT the information regarding the List of Land Use Applications Received by Council for the month of October 2008, be received and noted.

PASSED



Environment & Sustainability

o-EP4	Proposed demolition of garage & erection of new garage, gym, entertaining area and jetty at 'BUNYA HILL' Golden Vale Road, Sutton Forest
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REF:	DCM
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LUA08/1026

Reporting on proposed demolition of a garage and erection of new garage, gymnasium, entertaining area and jetty at Lot 1 DP 995642 Golden Vale Road, Sutton Forest. Applicant: ACN 132 022 621 Pty Ltd.

It was noted that the Applicant was incorrectly recorded in the Agenda and it should read ACN 132 022 621 Pty Ltd.

OC 284/08

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

THAT development application LUA2008/1026 for the demolition of the existing garage, construction of a gymnasium, triple garage, entertaining area and jetty on Lot 1 DP995642, "Bunya Hill", Golden Vale Road, Sutton Forest, be approved subject to standard conditions of consent deemed appropriate by the Director Environment and Planning **AND THAT** the Special Conditions as set out Attachment 3 in the report be addressed..

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr L A C Whipper

Voting Against the Motion: Nil

o-EP5 Proposed alterations & additions to dwelling and replacement of secondary existing dwelling at 'CLOVER HILL' Illawarra Highway, Sutton Forest

REF: DCM

LUA08/0898

Reporting on proposed alterations and additions to dwelling and replacement of secondary existing dwelling at Lot 1 DP 56241, Illawarra Highway, Sutton Forest. Applicant: John R Webb & Associates.

The Applicant, Mr John Webb, was present at the Meeting and was available to answer any questions on the proposal.

OC 285/08

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

1. **THAT Council endorses the Conservation Management Plan for Clover Hill prepared by Charlotte and Chris Webb dated June, 2008.**
2. **THAT development application LUA2008/0898 for alterations and additions and replacement of existing (secondary) dwelling, and erection of a swimming pool and tennis court on Lot 1 DP 56241, "Clover Hill", Illawarra Highway, Sutton Forest, be approved subject to the particular conditions as set out in the report and standard conditions of consent deemed appropriate by the DEP.**

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr L A C Whipper

Voting Against the Motion: Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6 Proposed Section 96 Modification to 3 storey motel at Boronia Street, Bowral

REF: DCM

LUA05/1340

Reporting on proposed S96 modification at existing 3 storey motel and Clubhouse at Lots 3 & 4 DP 238798, Boronia Street, Bowral.

OC 286/08

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

THAT after receipt of Rural Fire Service advice, that the Director Environment and Planning determine the S.96 modification to LUA05/1340 for an 81 rooms motel on lots 3 & 4 DP 238798, Boronia Street, Bowral.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

**Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr L A C Whipper**

Voting Against the Motion:

Nil



Environment & Sustainability

o-EP7 Proposed dwelling at Lot 133 DP 751267 Hill Top/Colo Road, Hill Top (BODOR)

REF: DCM

LUA 02/0995

Reporting on proposed Dwelling House Colo-Hill Top Rd – Lot 133 DP 751267 (Mrs Bodor).

OC 287/08

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

1. **THAT the Rural Fire Service be requested as a matter of urgency to advise Council as to what exceptional circumstances exist such as to warrant the provision of Asset Protection Zones on the adjoining property, as this would appear to be inconsistent with “Planning for Bushfire”.**
2. **THAT authority be delegated to The Director Environment & Planning to determine the development application for the erection of a dwelling house on Lot 133, DP 751267 Hill Top/Colo Road, Hill Top, it being noted that, if a satisfactory response is received from the Rural Fire Service, then a deferred commencement consent be issued.**
3. **THAT the Land & Environment Court be advised accordingly.**

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr L A C Whipper

Voting Against the Motion: Nil



Lifestyle and Community

o-EP8	Proposed Remaining Council Owned Land Identified for Reclassification from Community to Operational
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REF:	SPM	5900
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The purpose of this report is to provide the new Council with an opportunity to determine whether or not to proceed with all, some or none of the remaining parcels of land identified to be reclassified from Community to Operational under the Draft Wingecarribee LEP 2007 before it is re-exhibited.

OC 288/08

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

THAT the proposed remaining Council owned land identified for reclassification from Community to Operational be deferred to a future Council meeting pending the outcome of the LEP Steering Committee on Wednesday, 3 December 2008.

PASSED

VOTING ON THE MOTION:

Voting for the Motion:

***Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr J R Clark, Clr G McLaughlin, Clr J Mauger,
Clr D Stranger, Clr L A C Whipper***

Voting Against the Motion:

Nil

CHAIRPERSON

At this juncture, the time being 5.01 pm, The Mayor, Clr T D Gair resumed the Chair to conduct the remainder of Council Business.

CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1	Committee Appointments & Resignations
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REF:	MAS	107/1 7208/1
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Reporting on Management Committee Appointments and Resignations.

MN 394/08

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

1. **THAT** Alan Orr be appointed to the East Bowral Community Centre Management Committee and that Alan Orr be notified of Council's determination.
2. **THAT** the East Bowral Community Centre Management Committee be notified of Council's determination.

PASSED

o-CS2	Review of Councillors' Payment of Expenses and Provision of Facilities to the Mayor and Councillors
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REF.	MAS	101/5
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Submitting Councillors' Payment of Expenses and Provision of Facilities to the Mayor and Councillors policy for review in accordance with the Department of Local Government Guidelines.

MN 395/08

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

1. **THAT** Council amend its Policy for the payment of Expenses and Provision of Facilities to the Mayor and Councillors with the inclusion of additional items 2.2.10 Corporate clothing and 2.2.11 Council equipment as follows:-

2.2.10 Corporate clothing

That each Councillor be provided with a council tie and scarf.

2.2.11 Council Equipment

- (i) ***That each Councillor be provided with appropriate equipment at their residence to ensure the workings of Council – ie pens, paper, filing cabinet and contents etc***
-

- (ii) *That each Councillor be provided with a briefcase, up to the value of \$150.00*

2. **THAT Council amend its policy for the payment of expenses and Provision of Facilities of item 1.2.3 Travel as follows:-**

1.2.3 (i) **Travel by Vehicle**

- (a) *where a Councillor uses a private vehicle, the Councillors shall be reimbursed on a per kilometre basis at the rate of \$0.59 cents per kilometre for vehicles with an engine capacity less than 2.5L and \$0.68 cents per kilometre for vehicles with an engine capacity greater than 2.5L. Wherever possible to minimise such costs Councillors may use Council vehicles and share with other Councillors and staff where appropriate.*

Subject to the provisions of 1.2.3(i)(a), a Councillor's private vehicle can be used for

A - travel to/from Council and Council Committee meetings.

B - travel to/from authorised inspections and information sessions.

C - travel to/from Council authorised workshops, courses, seminars or conferences.

- (b) *Reimbursement will not be paid for any expense incurred through attending to the needs of constituents except as provided by this policy.*

- (c) *Travel other than by private Vehicle (ie taxi, train or other public transport) shall be reimbursed on an actual cost.*

3. **THAT in accordance with the Local Government Act 1993 and the Department of Local Government Guidelines issued by the Department of Local Government dated September 2006, a copy of the adopted Policy be forwarded to the Department to Local Government by 30 November 2008.**

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

1. **THAT Council amend its Policy for the payment of Expenses and Provision of Facilities to the Mayor and Councillors with the inclusion of additional items 2.2.10 Corporate clothing and 2.2.11 Council equipment as follows:-**

2.2.12 **Corporate clothing**

That each Councillor be provided with a council tie and scarf.

2.2.13 **Council Equipment**

- (iii) *That each Councillor be provided with appropriate equipment at their residence to ensure the workings of Council – ie pens, paper, filing cabinet and contents etc*

- (iv) *That each Councillor be provided with a briefcase, up to the value of \$150.00*

2. **THAT Council amend its policy for the payment of expenses and Provision of Facilities of item 1.2.3 Travel as follows:-**

1.2.3 (i) Travel by Vehicle

- (d) where a Councillor uses a private vehicle, the Councillors shall be reimbursed on a per kilometre basis at the rate of \$0.59 cents per kilometre. Wherever possible to minimise such costs Councillors may use Council vehicles and share with other Councillors and staff where appropriate.

Subject to the provisions of 1.2.3(i)(a), a Councillor's private vehicle can be used for

A - travel to/from Council and Council Committee meetings.

B - travel to/from authorised inspections and information sessions.

C - travel to/from Council authorised workshops, courses, seminars or conferences.

- (e) Reimbursement will not be paid for any expense incurred through attending to the needs of constituents except as provided by this policy.

- (f) Travel other than by private Vehicle (ie taxi, train or other public transport) shall be reimbursed on an actual cost.

3. THAT in accordance with the Local Government Act 1993 and the Department of Local Government Guidelines issued by the Department of Local Government dated September 2006, a copy of the adopted Policy be forwarded to the Department to Local Government by 30 November 2008.

LOST

MOTION PASSED

o-CS3	Proposed Licence To Depasture Livestock On Vacant Council Land, Lot 15, Section D, Deposited Plan 192732, Lots 20, 21, 22 Deposited Plan 1128117 And Part Lot 23 And 24 DP 1128117 Off Shepherd Street, Bowral off Shepherd Street, Bowral
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REF:	PO	7120/2 PN1071000
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Reporting on a request for the renewal of a Licence Agreement which expired in July 2008.

MN 396/08

MOTION moved by Clr J Mauger and seconded by Clr D Stranger.

1. **THAT Council accept the Expression of Interest of Moss Vale Livestock Selling Centre for the licence of Council land being Lot 15 Section D, Deposited Plan 192732, Lots 20, 21, 22 Deposited Plan 1128117 and part Lot 23 and 24 Deposited Plan 1128117 off Shepherd Street, Bowral.**
2. **THAT it is noted that the purpose of the Licence is to depasture livestock for a period of up to five (5) years on the usual terms and conditions.**
3. **THAT the licence fee in the first year is \$1,100.00 (including GST).**
4. **THAT the licence fee in the second and subsequent years be increased annually by 5% of the previous year's rental or CPI whichever is the greater.**
5. **THAT the Licence Agreement be executed under the Common Seal of the Council.**
6. **THAT the Moss Vale Livestock Selling Centre will pay 10% of the nett profit from the production of silage on the land to Council.
(Note: It is estimated that the nett profit in an average year would equal approximately \$1200.00 which could potentially increase the revenue on the land).**

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

1. **THAT Council accept the Expression of Interest of Robert Harris for the licence of Council land being Lot 15 Section D, Deposited Plan 192732, Lots 20, 21, 22 Deposited Plan 1128117 and part Lot 23 and 24 Deposited Plan 1128117 off Shepherd Street, Bowral.**
2. **THAT it is noted that the purpose of the Licence is to depasture livestock for a period of up to five (5) years on the usual terms and conditions.**
3. **THAT the licence fee in the first year is \$2,230.00 (including GST).**
4. **THAT the licence fee in the second and subsequent years be increased annually by 5% of the previous year's rental or CPI whichever is the greater.**



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008
REPORT OF DIRECTOR CORPORATE SERVICES

5. THAT the Licence Agreement be executed under the Common Seal of the Council.

LOST

MOTION PASSED

o-CS4	Council & Committee Meeting Dates 2008/2009
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REF.	MAS, GM-SEC, MM
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100/1, 107

Reporting on proposed changes to Council meeting dates for December 2008 and January 2009.

MN 397/08

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

1. **THAT** the Ordinary Council meeting scheduled to be held on Wednesday, 24 December 2008 be transferred to Wednesday 17 December 2008.
2. **THAT** the Information Sessions (if required) scheduled to be held on Wednesday, 17 and 31 December 2008 be cancelled.
3. **THAT** the Information Sessions (if required) scheduled to be held on Wednesday 7 and 21 January 2009 be cancelled.
4. **THAT** the Ordinary Council meeting scheduled for Wednesday 14 January 2009 be cancelled
5. **THAT** the Ordinary Council meeting scheduled for Wednesday 28 January 2009 be held and will be the first Ordinary Council meeting of the year 2009.

PASSED



TECHNICAL SERVICES DIVISION

Environment & Sustainability

o-TS1	Boneseed - Application For Noxious Weed Declaration Change
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REF:	PPM	6910/2, 6900/1
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Seeking Council support to change the classification of the Noxious Weed Boneseed.

MN 398/08

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

THAT Council supports the application by other member Councils in the Southern Tablelands to change the declaration of Boneseed, from a Class 5 (restricted plant) to a Class 2 (regionally controlled plant) under the Noxious Weeds Act 1993, subject to a funding commitment being made by the Department of Primary Industries to share in the control costs.

PASSED

Lifestyle and Community

o-TS2	Poll Results & Swimming Centre Strategy
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REF:	PPM	6700
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The purpose of this report is to report the results of the September poll and provide information for the future direction of Council's outdoor swimming centres.

MN 399/08

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

- THAT Council not proceed with the construction of the proposed Leisure Centre at Eridge Park at this time.**
 - THAT Council consider the Development Application for the construction of the proposed Leisure Centre at Eridge Park in order to complete the work undertaken to 10 December 2008.**
 - THAT Council undertakes a condition assessment of the four existing outdoor swimming centres to determine the state of the existing infrastructure and develop asset management strategies for the swimming centres AND THAT funding for this work is taken from the Property Development Reserve.**
-



4. **THAT Council develops a draft management plan for the future operation of the swimming centres for discussion with existing user groups and the general community to determine suitable longer term management for the swimming centres.**
5. **THAT Council prepare a current report on the option of covering Bowral Pool for the purpose of an all year swimming facility AND THAT the cost of the preparation of this report be allocated from the Entrepreneurial Fund.**
6. **THAT the General Manager be requested to prepare a report for Council in relation to point 5 above concerning the cost of covering the Bowral Pool.**

PASSED



QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. BOWRAL COUNTRY GOLF CLUB LEASE 6612/1.1, PN215900

Mr Ian Scandrett of Community Independents advised that he forwarded an email to the General Manager last Sunday evening seeking a copy of the proposed lease to Bowral Country Living, noting that he had not received a copy.

The General Manager advised that he had not seen the application and this may have been because his secretary was currently on annual leave.

2. PAINTING OF CIVIC CENTRE 7100/1

Mr Ian Scandrett of Community Independents noted that on coming into the Civic Centre this afternoon it was being painted by Programmed Maintenance Services and asked if Council could use local companies where possible.

The Director Technical Services advised that quotations were received for the work and that this company rated higher in the selection criteria.

2. WILSON DRIVE, HILL TOP 5456, 7624

Ms Jan Baker from Hilltop advised of a smell approximately 100 metres from Colo Vale at the end of Wilson Drive which could be sewerage or blue/green algae. She noted that the smell appears after periods of warm weather and queried whether Council could investigate the matter.

The Director Technical Services advised that the matter will be investigated.

3. MITTAGONG RIVULET FLOOD STUDY 8100/4

Mr Terry Oakes-Ash referred to a previous question in relation to this matter and enquired when the final report of the Mittagong Rivulet Flood Study would be made public?

The Director Technical Services advised that a date had yet to be allocated for release of the report, however, it will now be early in 2009.

4. BOWRAL COUNTRY GOLF CLUB LEASE 6612/1.1, PN215900

Mrs Jan Hainke from Sutton Forest asked who had called the Extraordinary General Meeting on 30 October 2008 and why was it needed?

The Mayor Clr T D Gair advised that he had called the meeting in consultation with the Councillors and the nine Councillors were present when the meeting was called.



QUESTIONS FROM THE PUBLIC

5. NOXIOUS WEEDS (PATTERSONS CURSE) ON ROADSIDE NEAR THE BRIARS
ON MOSS VALE ROAD 6930/1, 6920/9

Mrs Jan Hainke from Sutton Forest advised that she had reported the Pattersons Curse growing on the roadside near the Briars and questioned why it had taken two (2) weeks for mowing to take place, noting that permission had to be granted by the RTA by which time the Pattersons Curse would have gone to seed.

The Director Technical Services advised that he will research the matter and contact Mrs Hainke accordingly.

6. ABORIGINAL CULTURE AND HERITAGE PROTECTION 1826, 5800/8

Mr Peter Falk from Bundanoon asked if Council can include within the draft LEP a section to cover Aboriginal Culture and Heritage Protection.

The Director Environment & Planning advised that Council is restrained by the provisions of the LEP and what provisions are acceptable to the Department of Planning and the Director advised that he will contact Mr Falk in relation to this matter.

7. BOWRAL COUNTRY GOLF CLUB LEASE 6612/1.1, PN215900

Mr Peter Falk from Bundanoon stated that as the Bowral Country Golf Course is a continuation of Gibbergunyah, will it require an Aboriginal Cultural and Heritage Survey to be carried out if the property is to be sold or any buildings to be put on it?

The Mayor Clr T D Gair advised that this question will be taken on notice.

8. SOUTHERN HIGHLANDS REGIONAL SHOOTING COMPLEX AT HILL TOP
1826, LUA07/1364, PN1580700

Mr Peter Falk from Bundanoon questioned whether anyone had raised his previous concerns regarding Aboriginal sites on the property on which the Southern Highlands Regional Shooting Complex is proposed?

Clr L A C Whipper advised it was raised directly with Minister of Planning today.

9. DEVELOPMENT APPLICATION, VINE LODGE, EXETER LUA08/1042, 1826

Mr Peter Falk from Bundanoon noted that the property at Vine Lodge, Exeter has significant Aboriginal sites and questioned whether a full Aboriginal Cultural Heritage Archaeology Survey has to be carried out?

The Mayor, Clr T D Gair advised that this question will be taken on notice.



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 400/08

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

THAT the information relating to Local Government Weekly Circular No 42/08 and 43/08 and Council Weekly Circular No 42/08 and 43/08 be noted.

PASSED

Matters Arising from Weekly Circulars

1. PLANNING REFORMS 5800

Clr K Halstead referred to Item No 3 in Weekly Circular 44/08 and requested more time to absorb the information contained in this item and requested an information session to consider the matter. It is noted that this item will be "flagged" for the next Council meeting.

The Director Environment & Planning responded that an information session on planning reform would be worthwhile as not all information on the legislation has been received.

To be brought forward to the next meeting.

OTHER MATTERS

NOTICE OF MOTION

CORPORATE SERVICES

c-NRM1 37/2008 – Notice of Motion of Rescission – Bowral Country Golf Club

REF: MAS

6612/1.1 PN 215900

Reference – Ordinary meeting of Council Wednesday 22 October 2008 (OC 274/08)

“We hereby give notice of our intention to move at the next meeting of Council that the following motion be passed at the Ordinary Meeting of Council held on 22 October 2008 **be rescinded**:

1. ***THAT** Council informs the Minister of its intention to consider rescinding the motion of the approval to the proposed leaseholder of the Bowral Country Golf Club.*
2. ***THAT** the General Manager be directed not to sign the lease.*
3. ***THAT** a report be brought to the Council on the chronology of events leading up to the proposed leasing agreement of the Bowral Country Golf Club.*
4. ***THAT** legal advice in relation to the above matter be sought.*

Dated 22 October 2008
Signed Clr P Tuddenham
Clr J Arkwright
Clr D Stranger”

MN 401/08

MOTION moved by Clr J G Arkwright and seconded by Clr D Stranger.

THAT the following motion passed at the Ordinary Meeting of Council held on 22 October 2008 be rescinded:

1. ***THAT** Council informs the Minister of its intention to consider rescinding the motion of the approval to the proposed leaseholder of the Bowral Country Golf Club.*
2. ***THAT** the General Manager be directed not to sign the lease.*
3. ***THAT** a report be brought to the Council on the chronology of events leading up to the proposed leasing agreement of the Bowral Country Golf Club.*
4. ***THAT** legal advice in relation to the above matter be sought.*

PASSED



c-NM2 38/2008 – Notice of Motion – Bowral Country Golf Club

REF: MAS

6612/1.1 PN215900

Clrs Arkwright, Tuddenham and Stranger 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 12 November 2008:

1. THAT this Council advise the Minister for Local Government that it wishes to proceed with the lease of public golf course Centennial Road Bowral to Bowral Country Living.
2. THAT the lease for the public golf course Centennial Road Bowral be signed under the Common Seal of the Council.

MN 402/08

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

1. **THAT Council upon reviewing the proposed lease of the Bowral Country Club to Bowral Country Living endorse the following changes:**
 - (a) ***The lease fee is to be reviewed at seven (7) year intervals (ie, year 7 and 14).***
 - (b) ***The lease fee is to be increased from \$16,500 to \$20,000 per annum.***
 - (c) ***That the lease require the lessee to be responsible for all tree maintenance requirements on the site and the lessee be required to spend up to a maximum of \$10,000 per annum (indexed to CPI) on tree maintenance in accordance with an agreed maintenance plan to be negotiated with Council on an annual basis. Any expenditure above \$10,000 in any one year to be offset by a rental rebate.***
 - (d) ***The lessee to be required to manage noxious weeds on the site and be required to spend a minimum of \$2,500 per annum (indexed to CPI). Note: No rent relief to apply if additional expenditure is required to meet obligations to control and manage noxious weeds.***
 - (e) ***The lessee is required to provide a bank guarantee equivalent to the first three (3) years rent, to be held until such time as all works required under the course improvement plan are completed.***
2. **THAT Council notify the Minister for Local Government of these changes as agreed.**
3. **THAT Council request Ms Pru Goward, MP, The Member for Goulburn, and the Mayor, Clr T D Gair, to make representation to the Minister for Local Government to help expedite proceedings.**

4. **THAT the lease for the public golf course Centennial Road Bowral be signed under the Common Seal of the Council.**

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

THAT Council hold an information session urgently to further discuss the proposed lease of the Bowral Country Golf Course, and the information obtained at the facilitated discussions held on Monday 10 November 2008, with a view to determining appropriate lease conditions if it is the wish of Council to proceed with the lease to Bowral Country Living.

LOST

FURTHER AMENDMENT moved by Clr D Stranger and seconded by Clr K Halstead:

1. THAT Council upon reviewing the proposed lease of the Bowral Country Club to Bowral Country Living endorse the following changes:
 - (a) The lease be offered for a fifteen (15) year period with the fee to be reviewed during the term of the lease at five (5) year intervals (ie, year 5 and 10) to full market review.
 - (b) The lease fee is to be increased from \$16,500 to \$20,000 per annum.
 - (c) That the lease require the lessee to be responsible for all tree maintenance requirements on the site and the lessee be required to spend up to a maximum of \$10,000 per annum (indexed to CPI) on tree maintenance in accordance with an agreed maintenance plan to be negotiated with Council on an annual basis. Any expenditure above \$10,000 in any one year to be offset by a rental rebate.
 - (d) The lessee to be required to manage noxious weeds on the site and be required to spend a minimum of \$2,500 per annum (indexed to CPI). Note: No rent relief to apply if additional expenditure is required to meet obligations to control and manage noxious weeds.
 - (e) The lessee is required to provide a bank guarantee equivalent to the first three (3) years rent, to be held until such time as all works required under the course improvement plan are completed.
2. THAT Council notify the Minister for Local Government of these changes as agreed.
3. THAT Council request Ms Pru Goward, MP, The Member for Goulburn, and the Mayor, Clr T D Gair, to make representation to the Minister for Local Government to help expedite proceedings.
4. THAT the lease for the public golf course Centennial Road Bowral be signed under the Common Seal of the Council.

The General Manager advised that should the term of the lease be amended, it was his understanding that the lease would have to be re-exhibited.

LOST



CORRESPONDENCE FOR ATTENTION

c-CA1	Letter from Election Funding Authority
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REF.	MAS	101 105
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Reporting on letter received advising new Councillors of their obligations under the Election Funding and Disclosure Act 1981 with respect to bi-annual reporting conditions.

MN 404/08

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

THAT the correspondence from the Election Funding Authority be received and noted.

PASSED



QUESTIONS WITH NOTICE

QUESTIONS WITH NOTICE

c-QWN1	QWN 02/08 – Public Golf Course, Centennial Road, Bowral
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REF.	GM	101/2, 6612/1.1, PN 215900
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To: General Manager
From: Clr L A C Whipper
Received: 2 November 2008

Subject: Public Golf Course, Centennial Road, Bowral

Question:

1. What is the current value of the Bowral Golf Course Land?
2. Were the general public denied access to Bowral Golf Course when the course was closed on the weekend of 25/26 October?
3. Can I please receive clarification of how \$275 rental for the Bowral Golf Course will benefit the 45,000 or so residents of the Shire?

Answer:

1. The public golf course at Centennial Road Bowral has not been valued, formally or otherwise, as the course has not been the subject of any proposal to rezone, reclassify and potentially develop and/or sell.

The land is community land and is zoned 6(b) Open Space (Private Recreation) under the 1989 LEP and therefore would have little monetary value under its current classification and zoning.

2. So far as Council staff are aware, the public were not denied access to the golf course over the weekend of 25 and 26 October 2008. The clubhouse on the land owned by Gibraltar Park Pty Limited however was apparently closed.

Council received no formal notification from Gibraltar Park Pty Limited or the Administrator.

3. The rental as negotiated with Bowral Country Living, being \$16,500.00 per annum, will form part of Council's Entrepreneurial income. Bowral Country Living was to also pay all land and water rates with respect to the golf course (excluding water access charges – estimated at \$155 per annum). Bowral Country Living will also be required to contribute \$7,500 towards weed eradication and tree maintenance works on the site. It is noted that Council is responsible for works relating to maintenance of trees under the existing lease.
-

QUESTIONS WITH NOTICE

The rental is therefore only part of the return to the community, additionally there will be a significant contribution to residents of the shire via the other contributions required under the lease, as follows.

The benefit is two-fold: firstly that by the lease being in place the land will continue operation as a golf course for public recreation which is in line with what the community indicated it wanted (via submissions received during the exhibition period for the draft lease) and secondly that Council will not be paying the \$300,000.00 to \$400,000.00 per annum estimated expense of maintaining the golf course *at its current standard*. These annual costs will be borne, for each and every year of the term of the lease, by Bowral Country Living.

Further, through the lease the golf course would not only continue operations but the course would be significantly improved. Bowral Country Living in its negotiations with Council for the lease of the public golf course have committed to a course improvement program (which program forms part of the lease). Should Bowral Country Living breach the lease by not undertaking the contractual obligation to improve the course, Council has the right to terminate the lease for breach of the terms and receive, by way of compensation, full payment of the first three (3) years' rental together with G.S.T., interest and any other charges incurred.

It was noted that the heading Bowral Golf Course was incorrect and should have been Public Golf Course, Centennial Road, Bowral.

MN 405/08

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

THAT the information in relation to the Public Golf Course, Centennial Road, Bowral, be received and noted.

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports	107
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Submitting minutes of six (6) Committee meetings that will be tabled for information.

MN 406/08

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

THAT the information contained in the Committee Reports be noted.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Wingecarribee Aboriginal Advisory Committee 2 June 2008
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REF.	ALO	1826/4
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Submitting minutes of the Wingecarribee Aboriginal Advisory Committee held 2 June 2008.

Clr J G Arkwright referred to Recommendation C on page 140 and item 6.4 on page 141 and asked for clarification of HNCMA and IACBWG.

Clr L A C Whipper explained that HNCMA referred to Hawkesbury Nepean Catchment Management Association and IACBWG referred to Illawarra Aboriginal Community Based Working Group.

MN 407 /08

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

THAT the recommendations as detailed in the minutes of the Wingecarribee Aboriginal Advisory Committee held 2 June 2008 be adopted.

PASSED



c-CR3	Minutes of the Wingecarribee Aboriginal Advisory Committee 27 October 2008
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REF.	ALO	1826/4
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Submitting minutes of the Wingecarribee Aboriginal Advisory Committee held 27 October 2008.

Clr L A C Whipper referred to Recommendation A at item 4 on page 144 of the Agenda and advised that he wished to amend that recommendation.

MN 408/08

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

THAT the recommendations as detailed in the minutes of the Wingecarribee Aboriginal Advisory Committee held 27 October 2008 be adopted, with the exception of Recommendation A at item 4 on page 144 of the Agenda.

PASSED

- | | | |
|----|---|--------|
| 1. | <u>STEERING COMMITTEE FORMED AT ABORIGINAL COMMUNITY MEETING FRIDAY 12 SEPTEMBER 2008 – RE RECOMMENDATION A</u> | 1826/4 |
|----|---|--------|

MN 409/08

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

THAT Recommendation A under the heading “Steering Committee formed at Aboriginal Community Meeting formed Friday 12-09-08” be amended as follows:

THAT Wingecarribee Aboriginal Advisory Committee (WAAC) and Council staff investigate opportunities for a facility to provide a meeting place two (2) days per week to accommodate volunteers from the Aboriginal Community being available to provide referrals and work together to set up a Community and Cultural Centre taking into consideration availability, costs and locations.”

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008

GENERAL BUSINESS

GENERAL BUSINESS

There was no General Business at this Meeting.

CORPORATE SERVICES DIVISION

CS1	Closed Council	
REF.	DCS	107/9

To consider moving into Closed Council.

At this juncture, the time being 7.45 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 objected to moving into Closed Council as he believed Council has to increase transparency. He advised that he had stood for Council on Clr Mauger's ticket at the elections on the basis of open and accountable Council and that he had not had the opportunity of perusing the proposed lease with the Ulianas, to which he had no objection. He urged Councillors that unless matters are extremely confidential then Council should stay in open Council.

The Mayor, Clr T D Gair advised that Council only goes into Closed Council on very sensitive matters, or where the Local Government Act determines, and usually the Councillors will raise the issue themselves about going into Open or Closed Council and Council is very aware of the transparency that the public require. The matters to be discussed in Closed Council are the Lehman Brothers matter and a matter of tendering and under the Local Government Act it is necessary for tenders to be discussed in Closed Council. The public are given as much information as is possible and we do not want to jeopardise the chances of recouping our losses.

Clr Halstead indicated that he had no objection about moving into Closed Council on tenders as you can breach the Trade Practices Act, 1974, but objected to moving into Closed Council on the Lehman Brothers matter and indicated that he would not participate in any discussions on the matter and would leave the chamber.

MN 410/08

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

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-CS1 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA 107/9, 2104

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

Brief Description

Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

c- TS1 TENDER FOR THE SUPPLY & DELIVERY OF THE SPRAYED BITUMINOUS SURFACING AND ASSOCIATED SERVICES FOR THE 2008/09 CONTRACT
6330/09.2

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for the annual sprayed bituminous surfacing and associated services contract (Contract No. 02/09) for the current financial year with an option to extend a further 12 months subject to satisfactory performance by the contractor.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

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

AMENDMENT moved by Cllr K Halstead and seconded by Cllr J Mauger.

THAT Item c-CS1 being an update on Lehman Brothers Australia be considered in Open Council and that Item c-TS1 Tender for the Supply & Delivery of the Sprayed Bituminous Surfacing and Associated Services for the 2008/09 Contract be conducted in closed Council.

LOST

MOTION PASSED

REPORT OF TECHNICAL SERVICES DIVISION

c-TS1	Tender for the Supply & Delivery of the Sprayed Bituminous Surfacing and Associated Services for the 2008/09 Contract.
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REF:	RTM	6330/09.2
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Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for the annual sprayed bituminous surfacing and associated services contract (Contract No. 02/09) for the current financial year with an option to extend a further 12 months subject to satisfactory performance by the contractor.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

Interest: Clr G McLaughlin declared a non-pecuniary interest in Item c-TS1 Tender for the Supply & Delivery of the Sprayed Bituminous Surfacing and Associated Services for the 2008/09 Contract as he has a friendship with the manager of a business that submitted a tender. He left the chamber, took no part in the debate and refrained from voting thereon.

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

1. **THAT the Schedule of Rates Tender of SRS Roads Pty Ltd be accepted for the annual Sprayed Bituminous Surfacing and Associated Services Contract.**
2. **THAT the Mayor and General Manager be granted authority to execute the contract documents between Wingecarribee Shire Council and SRS Roads Pty Ltd under the Common Seal of the Council.**

PASSED

At this juncture, the time being 7.55 pm, Clr K Halstead retired from the meeting.

REPORT OF CORPORATE SERVICES DIVISION

c-CS1	Update on Lehman Brothers Australia
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REF.	DCS	107/9, 2104
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Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

Brief Description

Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

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

THAT the information provided in relation to WSC V Lehman Brothers Australia be received and noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008
OPEN COUNCIL

OPEN COUNCIL

107/10

MN 411/08

MOTION moved by Clr J Mauger 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.

ADOPTION OF CLOSED COUNCIL

107/9

MN 412 /08

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

THAT the recommendations of the Closed Council held on Wednesday, 12 November 2008 (Items c-CS1 and c-TS1) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 413/08

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

THAT the recommendations of the Open Council held on Wednesday, 12 November 2008 being OC 278/08 to OC 288/08 be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 12 November 2008
OPEN COUNCIL

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.20 PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 12 November 2008 numbered M/N 390/08 to M/N 413/08, were signed by me hereunder at the Council Meeting held on Wednesday, 26 November 2008.

CHAIRMAN

READ AND CONFIRMED THIS 26TH DAY OF NOVEMBER 2008

CHAIRMAN

PUBLIC OFFICER