

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 11 August 2010

The meeting commenced at 3.30 pm.



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010

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**COMMENCING AT:** 3.30 pm

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

**IN ATTENDANCE:**

General Manager	Mr Jason Gordon
Director Environment & Planning	Mr Scott Lee
Director Infrastructure Services	Mr Michael Brearley
Acting Manager Administration & Library Services	Mrs Sharon Hauptberger
Personal Assistant to Director	
Corporate Services	Mrs Bobbie-Jo Gordon
Administration Officer	Ms Liz Johnson

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### OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Cllr T D Gair opened the meeting and acknowledged country:

*"We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today."*

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### PRAYER

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100/1

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

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**APOLOGY**

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***M/N 327/10***

PERS

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

***THAT the apology of Cllr David Stranger be accepted and leave of absence granted.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 28 JULY 2010

100/1, 6330/10.11, 7650, LUA09/0585

**MN 328/10**

**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, 28 July 2010 MN 291/10 to MN 326/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the exception of Recommendation 1 of c-GM1 - Tender for Operation of Wingecarribee Animal Shelter AND THAT in relation to Item o-EP1 Development Consents Determined by Way of Approval under Delegated Authority – No 4 : Boundary Adjustment, Bellfarm, 100 Missingham Parade, Robertson – Lots 1-2 DP 879958, Lot 900 DP 1110888, Lots 1-2 DP 1110887 (Coal Rights) Clr J Mauger was incorrectly recorded as voting on the Motion but confirming that he had declared an interest in the matter and refrained from voting thereon AND THAT Clr J Mauger asked that his dissenting vote be recorded in relation to Item v-IS1 – Robertson Sewerage Scheme – Treatment Plant Access.**

**PASSED**

1. c-GM1 - TENDER FOR OPERATION OF WINGECARRIBEE ANIMAL SHELTER  
6330/10.11

Clr L A C Whipper referred to Recommendation 1 of c-GM1 - Tender for Operation of Wingecarribee Animal Shelter and advised that the recommendation does not truly reflect the motion that he moved. Clr Whipper asked that Recommendation 1 be corrected.

**MN 329/10**

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

1. **THAT The Lost Dog's Home be selected as the preferred tender to provide the required services as per Option 2 as set out in the report and adhering to Council's guidelines to minimal euthanasia for surrendered and/or unclaimed companion animals, for a three (3) year period, with the option for a one (1) year extension, at a price of \$270,000 (inclusive of GST) per annum plus the income from the sale of impounded animals estimated at \$40,000 per annum.**
2. **THAT it be noted that the Lost Dog's Home tender is recommended notwithstanding it was the only tender received as it is considered that the tender will provide a "value for money" outcome in a service area where there is a very limited number of service providers.**

.....Cont'd

.....Cont'd

3. **THAT the Contract be executed under the Common Seal of Council.**
4. **THAT a supplementary vote of \$18,000 be provided at the September Budget Review to fund the additional costs of the animal shelter contract.**
5. **THAT at the commencement of the arrangement Council meet with The Lost Dog's Home to formulate a policy in regard to the fostering of homeless animals, the first meeting to be held within one month AND THAT the policy to be formulated before the end of the year.**

**PASSED**

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

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

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**BUSINESS ARISING**

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*There was no business arising from the Minutes of the Meeting held on Wednesday, 28 July 2010.*

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**DECLARATIONS OF INTEREST**

101/3

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

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**OPEN COUNCIL**

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**MN 330/10**

107/10

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

**THAT** Council moves into Open Council to discuss various matters listed in the Agenda with the Mayor Clr Duncan Gair remaining 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: MDBS 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 21 July 2010 to 2 August 2010.

**OC 152/10**

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

**THAT the information relating to Development Consent Determined Nos 1 - 13 under Delegated Authority and Development Consents Refused (Nil) be received and noted.**

**PASSED**

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

REF: MDBS 5302

Submitting list of development applications which have been received between 21 July 2010 to 2 August 2010, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

**OC 153/10**

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

***THAT the information regarding the List of Land Use Applications Nos 1- 11 received by Council be received and noted, with the exception of Item No 7 – 5 Lot Staged Subdivision, Lot 11 Sec 7 DP 792 and Lot 12 Sec 7 DP 792, 29 Willow Street, Willow Vale.***

**PASSED**

1. ITEM NO 7 – 5 LOT STAGED SUBDIVISION, LOT 11 SEC 7 DP 792 AND LOT 12 SEC 7 DP 792, 29 WILLOW STREET, WILLOW VALE LUA10/0711

Clr L A C Whipper requested that this matter be brought before Council for consideration and determination.

**OC 154/10**

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

***THAT Item No 7 – 5 Lot Staged Subdivision, Lot 11 Sec 7 DP 792 and Lot 12 Sec 7 DP 792, 29 Willow Street, Willow Vale, be brought before Council for consideration and determination.***

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



<b>o-EP3    Land Use Applications Determined</b>
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REF:        MDBS	5302
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Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment and Planning for the month of July 2010.

**OC 155/10**

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

**THAT the information regarding the List of Land Use Applications Determined by Council for the month of July 2010, be received and noted.**

**PASSED**

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**o-EP4 Proposed Modification to Development Consent for Subdivision and Easements for Access and Services, "Retford Park", Lot 1 DP860647 and Lot 20 DP100806, RN 1325 Old South Road and Mansfield Road, Bowral**

REF: MDBS

LUA09/0534.01

This report is about an application lodged under section 96 of the EP and A Act requesting modifications to conditions of development consent relating to the preservation of "Retford Park" house and garden, and the construction of an access driveway.

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

**OC 156/10**

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

***THAT development application LUA09/0534.01 for Proposed Modification to Development Consent for Subdivision and Easements for Access and Services, "Retford Park", Lot 1 DP860647 and Lot 20 DP100806, RN 1325 Old South Road and Mansfield Road, Bowral, be deferred subject to discussions being held between the General Manager and Council's Solicitor Mr Bohdan Bilinsky and the matter being referred to a subsequent information session for Councillors, within the next two (2) weeks.***

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**o-EP5 Section 81A Review of Determination, Lot 1 DP1038911, Lots 1 and 2  
Section 6, DP758098, No 38 Jellore Street, Berrima**

REF: MDBS

LUA09/1023

This report is about an application under S82A of the EP and A Act for a review of Council's determination to refuse a development application for additions to an existing dwelling-house.

**OC 157/10**

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

**THAT pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, development application LUA2009/1023, for additions to a dwelling-house on Lot 1 DP 1038911 and Lots 1 and 2, Section 6, DP 758098 at No 38 Jellore Street, Berrima be approved subject to conditions as set out in Attachment 3 to this report.**

**PASSED**

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

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



<b>o-EP6</b>	<b>Customer Service Charter for Wingecarribee Shire Council</b>
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REF: DEP
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5100/6
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Reporting on the adoption of a Customer Service Charter for Wingecarribee Shire Council.

Council's General Manager addressed Council on this matter.

**OC 158/10**

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

1. **THAT Council adopt the Wingecarribee Shire Council Customer Service Charter as set out in Attachment 1 to this report.**
2. **THAT the Wingecarribee Shire Council Customer Service Charter be made available to the public and displayed prominently at appropriate locations within Council buildings and work areas.**
3. **THAT the induction process for new staff include an introduction to the Wingecarribee Shire Council Customer Service Charter.**
4. **THAT all existing staff attend an information session to introduce them to the Wingecarribee Shire Council Customer Service Charter.**
5. **THAT the work of the Customer Service Review group continue and in particular utilise the principles of the adopted Charter to establish particular service levels.**

**PASSED**

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<b>o-EP7</b>	<b>Nominations for Membership of the Community Services Advisory Committee</b>
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REF:	SPM, AOE	1800/17
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Reporting on nominations for Community representatives for the Community Services Advisory Committee which is chaired by Clr Clark.

**OC 159/10**

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

**THAT Council appoint the following persons to the Community Services Advisory Committee:**

1. ***Kate Partington representing Wingecarribee Community Health Care***
2. ***Kym Hill – Independent Community member and involved in Children’s Services***
3. ***Alan Hunt – Independent Community member***
4. ***Annette Dubokovich – Independent Community member***

**PASSED**

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**o-EP8 Proposed Planning Proposal To Rezone Various Sites Across The Shire**

REF: SPM

5901/4

The purpose of this report is to recommend that Council proceed with the preparation of a Planning Proposal to commence the rezoning process of a number of sites across the Shire including several sites which were deferred from rezoning by Council when adopting Wingecarribee LEP 2010.

Council's Director Environment & Planning addressed Council on this matter.

**OC 160/10**

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

**THAT** in relation to a Proposed Planning Proposal to Rezone Various Sites Across the Shire, Council resolve to deal with each individual item (Sites 1 to 10 as set out in the report) in *seriatim*.

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

**OC 161/10**

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

**THAT** in relation to Site 1 Council resolve to prepare a Planning Proposal in accordance with the Department of Planning's Gateway Process to amend Wingecarribee Local Environmental Plan 2010 to rezone Lots 9, 10 and 11, DP 975386, part of 15 Parkes Road, Moss Vale, to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup>.

**PASSED**

.....Cont'd

.....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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

**OC 162/10**

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

**THAT** in relation to Site 2 Council resolve to prepare a Planning Proposal in accordance with the Department of Planning's Gateway Process to amend Wingecarribee Local Environmental Plan 2010 to rezone 171-207 Lackey Road, 2-8 Garrett Street and 1 Innes Road Moss Vale, to B4 Mixed Use with a maximum building height of 10 metres.

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

.....Cont'd



.....Cont'd

**OC 163/10**

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

**THAT** in relation to Site 3 Council resolve to prepare a Planning Proposal in accordance with the Department of Planning's Gateway Process to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot B DP 161550, Lot 100, DP 1037724 Argyle Street, Lot 34 DP 1046863, Lot 1 DP 37492, Yarrowa Street, Moss Vale, to B4 Mixed Use with a maximum building height of 7.5 metres.

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

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**OC 164/10**

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

**THAT** in relation to Site 4 Council resolve to prepare a Planning Proposal in accordance with the Department of Planning's Gateway Process to amend Wingecarribee Local Environmental Plan 2010 to rezone the portion of Lot 3 DP 1114582 Station Street from SP2 Infrastructure (Local Road) to B2 Local Centre and with a maximum building height of 15 metres.

**PASSED**

.....Cont'd

.....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.

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

**OC 165/10**

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

**THAT** in relation to Site 5 Council resolve to prepare a Planning Proposal in accordance with the Department of Planning's Gateway Process to amend Wingecarribee Local Environmental Plan 2010 to amend Schedule 1 by including development for the purpose of a two (2) lot subdivision of Lot 5 DP 233035 No 368 Exeter Road, Sutton Forest with no dwelling house allowed on the newly created lot.

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

.....Cont'd



.....Cont'd

**OC 166/10**

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

**THAT** in relation to Site 6 - Dwelling House Entitlement for Lots 71 and 72, DP 13350, 34-36 Old Jamberoo Road, Robertson - this site be subject to a Council inspection and based on that inspection the matter be referred back to Council for consideration.

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

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**OC 167/10**

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

1. **THAT** in relation Site 7 - Mount Misery Extractive Resource Area - this site be subject to a Council inspection and based on that inspection the matter be referred back to Council for consideration **AND THAT** it be subject to further information being received from the Department of Planning and confirmation from the Department of Mineral Resources.
2. **THAT** a letter be written to Boral in relation to the possibility of this site becoming a wind generation farm in the future.

**PASSED**

.....Cont'd

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

**OC 168/10**

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

**THAT in relation to Site 8 - Boundary adjustment of IN3 Heavy Industrial and the E3 Environmental Management Zone on Lot 2 DP 873240, McCourt Road, Moss Vale - this site be subject to a Council inspection and based on that inspection the matter be referred back to Council for consideration.**

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

.....Cont'd



.....Cont'd

**OC 169/10**

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

**THAT** in relation to Site 9 Council resolve to prepare a Planning Proposal in accordance with the Department of Planning's Gateway Process to amend Wingecarribee Local Environmental Plan 2010 to amend Schedule 1 by including development for the purpose of a two (2) Lot Subdivision of Lot 1000057, 74-75 Beaconsfield Road, Moss Vale.

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

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**OC 170/10**

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

**THAT** in relation to Site 10, the previous decision of Council at its meeting of 9 December 2009 to alter the planning controls to allow a restaurant to be built on Lot A, DP 162073, 180 Argyle Street, Moss Vale in association with the adjoining Lots C & D, be included in a Planning Proposal in accordance with the Department of Planning's Gateway Process to amend Wingecarribee Local Environmental Plan 2010.

**PASSED**

.....Cont'd



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010  
**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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

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**o-EP9 Draft Rural Lands Development Control Plan**

REF: SPM 5700/61

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

Clr L A C Whipper requested that the comments of the Hawkesbury-Nepean Catchment Management Authority (HNCMA) in relation to Endangered Ecological Communities be further considered during the initial 12 months prior to the review of the DCP.

**OC 171/10**

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

1. **THAT Council adopt the Draft Rural Lands Development Control Plan, incorporating proposed changes as shown in the attached document.**
2. **THAT Council implement the Rural Lands Development Control Plan in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000.**
3. **THAT Council inform those persons and organisations who made submissions of its decision.**
4. **THAT any identified potential changes that arise in the first twelve (12) months of the implementation of the Development Control Plan be referred to Council for consideration.**
5. **THAT the Wingecarribee Tree Book be referred to the Environment & Sustainability Committee for consideration prior to it being placed on Council's website.**

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**o-EP10 Draft Rural Small Holdings Development Control Plan**

REF: SPM

5700/74

The purpose of this report is to advise the outcome of the exhibition of the Draft Rural Small Holdings Development Control Plan (DCP).

Clr L A C Whipper requested that the comments of the Hawkesbury-Nepean Catchment Management Authority (HNCMA) in relation to Endangered Ecological Communities be further considered during the initial 12 months prior to the review of the DCP.

**OC 172/10**

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

1. **THAT Council adopt the Draft Rural Living Development Control Plan, incorporating proposed changes as shown in the attached document.**
2. **THAT Council implement the Rural Living Development Control Plan in accordance with the provisions of the Environmental Planning & Assessment Regulation 2000.**
3. **THAT Council inform those persons and organisations who made submissions of its decision.**
4. **THAT any identified potential changes that arise in the first twelve (12) months of the implementation of the DCP be referred to Council for consideration.**
5. **THAT the Wingecarribee Tree Book be referred to the Environment & Sustainability Committee for further consideration prior to it being placed on Council's website.**

**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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
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, 11 August 2010

### REPORT OF DIRECTOR CORPORATE SERVICES

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#### CORPORATE SERVICES DIVISION

<b>o-CS1</b>	<b>Request for Endorsement of Transfer of Public Reserve, Lot 126 Deposited Plan 263356, Anembo Street, Moss Vale into Council's Ownership</b>
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REF	PO	PN30800
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Requesting Council endorse execution of a *Real Property Request* form to enable transfer of the Public Reserve known as Lot 126 Anembo Street, Moss Vale into the ownership of Council.

#### **OC 173/10**

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

1. **THAT the General Manager and Mayor be delegated authority to execute a Real Property Request form under the Common Seal of the Council to enable the Certificate of Title for Lot 126 DP263356 being Public Reserve, Anembo Street, Moss Vale to be transferred into Council's ownership.**
2. **THAT pursuant to Section 31 of the Local Government Act 1993, Lot 126 Deposited Plan 263356 be classified as 'operational' land.**

**PASSED**

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<b>o-CS2    Policy Review</b>
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REF:    RMC	104/5
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Report seeking to rescind a number of outdated policies as part of a major review of Council's policies.

Council's General Manager addressed Council on this matter.

**OC 174/10**

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

**THAT the policies detailed in Attachment 1 of the report be rescinded.**

**PASSED**

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**o-CS3 Committee Appointments and Resignations**

REF: A/MALS 7223/2, 7208/1, 6550/2.1

Reporting on Management Committee Appointments and Resignations.

**OC 175/10**

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

1. **THAT** Mr Ian Sheldrick; Ms Ann Anderson; Mrs Sylvia Jeffery; Ms Evie Williamson; Mr Clarence Jeffery; Ms Carol Degrassi; Mr David Bruggeman; Ms Thelma Robertson and Mrs Barbara Boag be appointed to the Wingello Mechanics Institute Management Committee **AND THAT** the resignation of Mr Robert Boag be accepted with regret.
2. **THAT** Mr Ian Sheldrick; Ms Ann Anderson; Mrs Sylvia Jeffery; Ms Evie Williamson; Mr Clarence Jeffery; Ms Carol Degrassi; Mr David Bruggeman; Ms Thelma Robertson; Mr Robert Boag and Mrs Barbara Boag be notified of Council's determination.
3. **THAT** Mr Fred Dawson; Ms Marika Schmidhofer; Ms Anne McMillan; Mr Joseph Arahill; Mr Joe Buhagiar; Mr Don Chapman; Mr Ian MacKinnon; Ms Margaret-Ann Mann; Mr David Thompson and Mr David Weatherall be appointed to the East Bowral Community Centre Management Committee **AND THAT** Mr Fred Dawson; Ms Marika Schmidhofer; Ms Anne McMillan; Mr Joseph Arahill; Mr Joe Buhagiar; Mr Don Chapman; Mr Ian MacKinnon; Ms Margaret-Ann Mann; Mr David Thompson and Mr David Weatherall be notified of Council's determination.
4. **THAT** Mr Robert Handley, Ms Jill Keft, Ms Pip Hammond, Ms Helen Tranter, Mr Damien Plain, Ms Louise Woods and Mr Aaron De Jager be appointed to the Hampden Park Management Committee **AND THAT** the resignation of Ms Anna Keft be accepted with regret.
5. **THAT** Mr Robert Handley, Ms Jill Keft, Ms Pip Hammond, Ms Helen Tranter, Mr Damien Plain, Ms Louise Woods, Mr Aaron De Jager and Ms Anna Keft be notified of Council's determination.
6. **THAT** the Wingello Mechanics Institute Management Committee, East Bowral Community Centre Management Committee and Hampden Park Management Committee be notified of Council's determination.

**PASSED**



**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1</b>	<b>Indoor Aquatic Strategy Committee</b>
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REF:	PPM, AOE
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7181/2.1
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Reporting on applications from interested community members regarding the Expressions of Interest for the Indoor Aquatic Strategy Committee Working Group.

**OC 176/10**

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

1. **THAT** Mrs Sally Beresford, Mr Scott Bidewell, Mr Doug Fry and Mr Justin Nyholm be appointed to the Indoor Aquatic Strategy Committee as community representatives **AND THAT** Mrs Sally Beresford, Mr Scott Bidewell, Mr Doug Fry and Mr Justin Nyholm be notified of Council's determination.
2. **THAT** Council notifies the unsuccessful applicants of Council's determination.
3. **THAT** the Committee Chairperson (Clr K Halstead) and Councillor representatives on the Indoor Aquatic Strategy Committee (Clr L A C Whipper, Clr D Stranger and Clr J Mauger) have the right to co-opt the assistance of persons who have particular skills or knowledge regarding covered/heated pools, as the Committee requires.

**PASSED**

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<b>o-IS2</b>	<b>Local Government Shires Association NSW 2010 Water Management Conference</b>
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REF:	DIS	600/8, 203/4, 7790
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Advising Council of the Local Government Shires Association NSW 2010 Water Management Conference to be held on Orange from Sunday 12 September to Tuesday 14 September 2010.

Council's Director Infrastructure Services addressed Council on this matter.

**OC 177/10**

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

**THAT Council authorises Clr L A C Whipper and Clr J G Arkwright to attend the Local Government Shires Association NSW 2010 Water Management Conference to be held in Orange from Sunday 12 September to Tuesday 14 September 2010.**

**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, 11 August 2010

### NOTICE OF MOTION

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#### COUNCIL MATTERS

#### NOTICE OF MOTION

#### c-NM1 13/2010 – Notice of Motion – Abandoned Vehicles

REF: A/MALS

100/4, 5509/2

Councillor Jim Mauger has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 14 August 2010:

1. THAT the two (2) documents considered confidential (in letter 5509/2 from Manager Administration & Library Services dated 14 July 2010) on the grounds it would not be in the public interest being:
  - a) Internal investigation into allegations concerning breaches to the processing of abandoned vehicles by Council rangers – final report dated 22 June 2007; and
  - b) Wollondilly Shire Council findings in relation to the investigation into the Council rangers at Wingecarribee Shire Council and associated paperwork including emails, personal diaries as per O.I.C. guidance for agencies May 2010.

be made available.

#### COMMENTS FROM GENERAL MANAGER

Councillor Mauger's ongoing requests for information on this matter have previously been dealt with under Section 12 of the *Local Government Act 1993*. With the introduction of the *Government Information Public Access Act 2009 (GIPA)*, as of 1 July 2010, this matter should now be handled in accordance with the *GIPA* legislation, and considered as an "Access Application".

Noting the above, Councillor Mauger has been advised by the assessment officer (Manager Administration & Library Services) that certain documents will not be made available as "*there is an overriding public interest against disclosure of the information*" for the following reasons.

- the information requested included significant information relating to personnel matters (individual staff)
- the information requested contains information received under a "Protected Disclosure" made in accordance with the *Protected Disclosures Act 1994*.

Subsequent to this Notice of Motion, Councillor Mauger has been advised of the options available under the *GIPA* legislation to seek a review of this decision by an internal review officer or alternatively, review by an external agency such as the Administrative Decisions Tribunal or the Information Commissioner.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010

### NOTICE OF MOTION

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Council's consideration of this matter will therefore need to take into account the provisions of the *Government Information Public Access Act 2009*, *Protected Disclosures Act 1994*, and the *Privacy and Personnel Information Protection Act 1998*, and should Council resolve to release the information that identifies individual staff and or individuals referenced to in the protected disclosure should be redacted.

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

**THAT** the two (2) documents considered confidential (in letter 5509/2 from Manager Administration & Library Services dated 14 July 2010) on the grounds it would not be in the public interest being:

- (a) Internal investigation into allegations concerning breaches to the processing of abandoned vehicles by Council rangers – final report dated 22 June 2007; and
- (b) Wollondilly Shire Council findings in relation to the investigation into the Council rangers at Wingecarribee Shire Council and associated paperwork including emails, personal diaries as per O.I.C. guidance for agencies May 2010.

be made available.

### **LOST**

#### **OC 178/10**

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

**THAT** the General Manager forward a report in relation to Abandoned Vehicles to a future Closed Committee of Council **AND THAT** the information held by Clr J Mauger in relation to the matter be made available to the General Manager.

### **PASSED**

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### CHAIRPERSON

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At this juncture, the time being 5.18 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010

**NOTICE OF MOTION**

**c-NRM1 05/2010 – Notice of Rescission of Resolution – Section 94 Contributions Plans**

REF: A/MALS

5701/24, 100/5

“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, 28 July 2010 **be rescinded.** (Reference MN 308/10)

- “1. *THAT the following Section 94 Contributions Plans be repealed as soon as practicable in accordance with Clause 33 of the Environmental Planning and Assessment Regulation 2000:*
  - a. *Beaconsfield Road Section 94 Contributions Plan*
  - b. *Public Car Parking in the Moss Vale Town Centre Section 94 Contributions Plan*
  - c. *East Bowral Incorporating Section 94 Contributions Plan*
  - d. *Community Facilities Contributions Plan 1993*
2. *THAT the remaining Section 94 money held in accounts be allocated as outlined in the report.”*

*Dated 4 August 2010  
Signed Clr Ken Halstead  
Clr Jim Mauger  
Clr David Stranger”*

**MN 331/10**

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

**THAT the Notice of Motion of Rescission – Section 94 Contributions Plan – be adopted.**

**PASSED**

**MN 332/10**

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

**THAT Council hold an information session within one (1) month to review the report presented to Council at its meeting on 28 July 2010 with a view to determining a position having regard to the ramifications of the total recommendation put before Council.**

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010

### QUESTIONS FROM THE PUBLIC

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### QUESTIONS FROM THE PUBLIC

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1. EAGLE NESTING SITE, "EAGLE RIDGE" MERYLA ROAD, MOSS VALE

LUA07/0910

Mrs Wendy Gorman asked if Council investigated nesting sites of bird life which would be affected and disturbed by development, and particularly referred to the approval for a helicopter pad and an aircraft hanger on a property known as "Eagle Ridge", Meryla Road, Moss Vale. Mrs Gorman noted that there was an Eagle nesting site on the property which is being disturbed by the intrusion of the development.

The Director Environment & Planning advised that this question will be taken on notice.

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**COMMITTEE REPORTS TABLED**

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF: A/MALS	107/1
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Submitting minutes of two (2) Committee meetings that will be tabled for information.

***MN 333/10***

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

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

- 1. Wingello Mechanics Institute Management Committee meeting held Wednesday, 12 May 2010.***
- 2. East Bowral Centre Management Committee Meeting held on Tuesday, 22 June 2010.***

***PASSED***

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**COMMITTEE REPORTS ATTACHED**

**c-CR2 Minutes of the Finance Committee**

REF: DCS

107/21

Submitting minutes of the Finance Committee held on Wednesday, 28 July 2010.

***MN 334/10***

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

***THAT*** the recommendations Nos FC 16/10 to FC 19/10, as detailed in the minutes of the Finance Committee held Wednesday, 28 July 2010, be adopted.

***PASSED***

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**c-CR3 Minutes of the Access Committee**

REF: CWAD

1828/3

Submitting minutes of the Access Committee held on Monday 21 June 2010.

***MN 335/10***

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

***THAT*** the recommendations as detailed in the minutes of the Access Committee held on Monday 21 June 2010 be adopted.

***PASSED***

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<b>c-CR4</b>	<b>Minutes of the Resource Recovery Centre Strategic Advisory Board Committee</b>
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REF: MRC	7503/34
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Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held on Monday 19 July 2010.

**MN 336/10**

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

1. **THAT** *the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board held on Monday 19 July 2010 be adopted, with the exception of the Nutripost Trial Site on page 129 of the Agenda, noting that all reference to this Trial Site should be deleted from the Minutes of the Meeting held on Monday 19 July 2010.*
2. **THAT** *a letter be forwarded to the Manager of the Resource Recovery Centre (RRC) congratulating him on the quality assurance certification for composting recently received by the RRC.*

**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, 11 August 2010

### GENERAL BUSINESS

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#### GENERAL BUSINESS

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1. OPEN DRAIN ALONG CAALONG STREET, ROBERTSON

8140, 7810/15, RD3645

Clr L A C Whipper referred to a letter he had received from the Robertson P & C Association in relation to an open drain along Caalong Street, Robertson, and advised that he would pass the letter to the Director Infrastructure Services.

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

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2. BOTTLE WATER FREE POLICY

5450/23

Clr J R Clark referred to the Bottle Water Free Policy and asked for an up-date on this matter.

The General Manager advised that a report in relation to the policy should come before Council in September and it will address guidelines for implementation of the policy.

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3. BRIDGE IN CENTENNIAL ROAD

7850/3

Clr G McLaughlin referred to the works being undertaken to the bridge on Centennial Road, Bowral, and noted that the side road requires grading.

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

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3. SERRATED TUSSOCK AND FIREWEED

6920/12, 6920/4

Clr J Mauer asked if Councillors can be provided with an explanation of why the country west of the Hume Highway has been allowed to become infested with Serrated Tussock, especially in view of the education programmes which have been held over recent years. Clr Mauer also asked if the problem with Fireweed can also be addressed, and that staff brief Councillors on the matter.

The General Manager advised that a report will be brought before Council on these issues.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010

### GENERAL BUSINESS

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#### 4. GENERAL BUSINESS QUESTIONS

100/1

Clr K Halstead asked how long before Councillors will be denied the opportunity to ask questions in General Business by the inept State Government.

The General Manager advised that the Code of Meeting Practice is to be reviewed but with the absence of the Manager Administration & Library Services who is currently on sick leave (and that he will be the officer responsible for conducting the review) it is going to take a while for the new Code of Meeting Practice to be implemented.

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#### 5. ROAD PAVEMENT IN KAREELA ROAD, PENROSE

RD1829, 7810/3

Clr K Halstead asked if an inspection of the road pavement in Kareela Road, Penrose between Sylvan Glen Golf Course and Wingello could be undertaken and arrangements made for appropriate maintenance.

The General Manager advised that staff will investigate this matter.

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**CLOSED COUNCIL**

**GENERAL MANAGER**

**cc-CS1 Closed Council**

To consider moving into Closed Council.

At this juncture, the time being 5:50pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

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

No objections were received from the members of the public.

**MN 337/10**

**MOTION** moved by Clr G McLaughlin and seconded by Clr 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 SECTION 96 APPLICATION TO MODIFY DEVELOPMENT CONSENT FOR  
"THE INTERSECTION", LOT 100 DP1144699, STATION STREET,  
BOWRAL LUA05/0732**

**Relevant Legal Provisions**

***This report is referred to Closed Committee under Clause 10A (2)(a) and Clause 10A 2(g) of the Local Government Act, 1993, as it contains personnel matters concerning particular individuals and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.***

**Brief Description**

***Reporting on a Section 96 application to modify the development consent for "The Intersection" development located at Lot 100 DP 1144699 Station Street Bowral.***

**Public Interest**

***It would on balance be contrary to the public interest to consider this information in Open Council because it contains personnel matters concerning particular individuals and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 11 August 2010

**REPORT OF GENERAL MANAGER**

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.....Cont'd

**c-GM2 LEGAL ISSUES REPORT**

107/22

**Relevant Legal Provisions**

*This report is referred to Closed Committee under Clause 10A (2)(a) and Clause 10A 2(g) of the Local Government Act, 1993, as it contains personnel matters concerning particular individuals and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*

**Brief Description**

*Reporting on legal issues arising in the past month.*

**Public Interest**

*It would on balance be contrary to the public interest to consider this information in Open Council because it contains personnel matters concerning particular individuals and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*

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, 11 August 2010

### CLOSED COUNCIL

### CLOSED COUNCIL

**c-GM1 Section 96 Application to Modify Development Consent for "The Intersection", Lot 100 DP 1144699 Station Street, Bowral**

REF: DEP

LUA05/0732

Council's General Manager addressed Council on this matter.

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

1. **THAT** Council receive a further report at the conclusion of the traffic Consultants review of the development consent LUA 05/0732 as amended and the current Section 96 application.
2. **THAT** Council staff advise the applicant it is not prepared to enter into any further consideration of the matter surrounding costs and responsibility for works until the traffic consultants review has been completed and a further report has been considered by Council.

### **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 G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
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, 11 August 2010

### CLOSED COUNCIL

#### c-GM2 Legal Issues Report

REF: DEP

107/22

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

Council's General Manager and Director Environment & Planning addressed Council on this matter.

1. **THAT Council defends the Class One appeal relating to refusal of a Multiple Occupancy development application at Lot 13 DP 857632 Darlington Drive Hill Top reference LUA 09/0189.**
2. **THAT Council defends the Class One appeal relating to refusal of a staged development application for a dwelling house at Lots 1 - 4 Sec 10 DP 758098 and Lots 1 – 7 Sec 11 DP 758098 - 21-41 Sutton Street, Berrima reference LUA09/1021.**
3. **THAT Council seek further legal advice in relation to enforcement of condition 34 of LUA 05/0634 relating to deficient car parking spaces.**
4. **THAT the Development and Building Services Compliance register, Environment and Health Ranger Court register and legal cost information be received and noted.**

#### **PASSED**

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	A	
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, 11 August 2010

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**OPEN COUNCIL**

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**MN 338/10**

107/10

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

**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 339/10**

107/9

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

**THAT the recommendations of the Closed Council held on Wednesday, 11 August 2010 (Items c-GM1 and c-GM2) be adopted.**

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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**MN 340/10**

107/10

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

**THAT the recommendations of the Open Council held on Wednesday, 11 August 2010 being OC 152/10 to OC 178/10, 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, 11 August 2010

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.20 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 11 August 2010 numbered M/N 327/10 to M/N 340/10, were signed by me hereunder at the Council Meeting held on Wednesday, 25 August 2010.

\_\_\_\_\_  
CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 25 AUGUST 2010

\_\_\_\_\_  
CHAIRMAN

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