

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 8 September 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, 8 September 2010

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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**COMMENCING AT:** 3.30 pm

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

**IN ATTENDANCE:**

General Manager	Mr Jason Gordon
Director Corporate Services	Mr Barry Paull
Director Environment & Planning	Mr Scott Lee
Director Infrastructure Services	Mr Michael Brearley
Manager Governance	Mr Peter Nelson
Mayor's Secretary	Ms Liz Johnson

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### OPENING OF MEETING, PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Clr 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."*

The Mayor then led the Meeting with the Civic Prayer.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### APOLOGY

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***M/N 352/10***

PERS

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

***THAT the apologies of Clr K Halstead and Clr J Mauger 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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100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
25 AUGUST 2010

**MN 353/10**

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

**THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 25 August 2010 MN 341/10 to MN 351/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.**

**PASSED**

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### BUSINESS ARISING

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There was no business arising from the Minutes of the Meeting held on Wednesday, 25 August 2010.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### DECLARATIONS OF INTEREST

101/3

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Clr L A C Whipper declared a non-pecuniary interest in Item c-NM1 – Notice of Motion – Youth Accommodation – as the youth agency named in the motion, Vinnie’s Youth Housing, is an agency that he works alongside in providing youth services in Wollondilly. He stated that he would remain in the chamber when this matter was discussed, take part in the debate but would refrain from voting thereon.

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The General Manager, Mr Jason Gordon, declared a pecuniary interest in Item v-EP1 – Planning Proposal to Rezone Land Known as “Sutherland Park”, Burradoo for Residential Purposes – as he owns a house adjacent to the property. He stated that he would leave the chamber when this matter was discussed.

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**MAYORAL MINUTE**

**c-MM1 Relocation Of The Temporary Aboriginal Community And Cultural Resource Centre**

REF: SPM

1826/14

Advising the Council of the need to relocate the temporary Aboriginal Community and Cultural Resource Centre.

The Strategic Planning Manager addressed Council on this matter.

**MN 354/10**

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

1. **THAT** Council support the relocation of the temporary Aboriginal Community and Cultural Resource Centre to the Council owned cottage at 556 Argyle Street, Moss Vale under an initial twelve (12) months licence.
2. **THAT** Council continue to pursue the establishment of a permanent Aboriginal Community & Cultural Resource Centre at the Mineral Springs Reserve as per Council's resolution of Wednesday, 14 July 2010 (MN 264/10).

**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, 8 September 2010

**OPEN COUNCIL**

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**OPEN COUNCIL**

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107/10

***MN 355/10***

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

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

***PASSED***

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**VISITOR ITEM**

**v-EP1 Planning Proposal to Rezone Land Known as "Sutherland Park", Burradoo for Residential Purposes**

REF: SPM

PN507400, 5902

The purpose of this report is to submit for Council consideration a Planning Proposal to rezone land known as "Sutherland Park" on Eridge Park Road, Burradoo for Residential Purposes recommending that Council not proceed with the Planning Proposal at this point in time.

**Interest:** The General Manager declared a pecuniary interest in this matter as he owns a house adjacent to the property. He left the Chamber.

The Director Corporate Services moved into the Chair vacated by the General Manager.

Mr Nick Dyer representing GASP was available in the Chamber to answer Councillors' questions.

Mr Geoff Cox, Managing Director of Crighton Properties addressed Council on behalf of the Applicant and Mr Peter Childs, Director of Planning from Crighton Properties answered Councillors' questions.

**OC 191/10**

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

1. **THAT Council resolve not to proceed with the preparation of a formal Planning Proposal to the Department of Planning in relation to the property known as 'Sutherland Park' Eridge Park Road Burradoo at this point in time.**
2. **THAT Council reaffirm its support for the inclusion of the Sutherland Park property for consideration for future rezoning in the preparation of the Local Planning Strategy for the Shire.**
3. **THAT the proponents be advised of Council's decision.**
4. **THAT Council advise the Department of Planning Southern Region Office of its decision and that a copy of the report be submitted to them for their information.**
5. **THAT the Go Away Sutherland Park (GASP) action group be advised of Council's decision.**

**PASSED**

.....Cont'd



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 September 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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

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**v-EP2 New Residence and Adaptive Re-use of Locally Listed Heritage Cottage –  
“Greenwood” for Short Term Tourist Accommodation, Lot 6 DP788363,  
RN 60 Old Mandemar Road, Berrima**

REF: DBSM

LUA10/0202

This report is about a development application for the erection of a contemporary residence to the rear of the property, and adaptive re-use of the historic farm house “Greenwood” for short stay accommodation.

The General Manager rejoined the Meeting.

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

Mr Jim Allman from Allman Johnston the Applicant was available in the Chamber to answer Councillors’ questions.

**OC 192/10**

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

***THAT LUA 2010/0202 for the new dwelling-house and adaptive re-use of heritage listed “Greenwood” buildings for tourist accommodation on Lot 6 DP788363, RN 60 Old Mandemar Road, Berrima be approved subject to conditions as described in Attachment 7 to the report, numbered 1 to 30 inclusive.***

**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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**v-EP3 Heritage Assessment for 'Girraween', 53 Telopea Road, Hill Top  
(Wingecarribee Interim Heritage Order No 5)**

REF: SPM PN1729010, PN1440100, 5650/4

The purpose of this report is to present to Council the results of the heritage assessment of 'Girraween', 53 Telopea Road, Hill Top, and to provide options to proceed toward determining the heritage status of the site.

Mr Greg Chalker, the owner of the property, addressed Council on this matter.

**OC 193/10**

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

1. **THAT Council proceed with an independent historical assessment of the property AND THAT funds of up to \$5,000 be allocated for the assessment.**
2. **THAT a final report be referred to the Ordinary Meeting of Council to be held on Wednesday, 10 November 2010.**
3. **THAT all persons involved in the matter be advised of Council's decision.**

**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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

**CHAIRPERSON**

At this juncture, the time being 4.40 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.



**INFRASTRUCTURE SERVICES DIVISION**

**v-IS1      Goulburn / Mulwaree Council - Highlands Source Project**

REF:      DIS

7790/20

The purpose of this report is for Council to consider submitting formal recommendations in response to the Highlands Source Project - Preferred Project and submission report, submitted to the Department of Planning.

The Director Infrastructure Services addressed Council on this matter.

Mr Chris Leah, the Project Manager for the Highlands Source Project and Mr Greg Horvath, from Goulburn Mulwaree Council, the Project Director for the Highlands Source Project, addressed Council on this matter.

**MN 356/10**

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

1. **THAT** Wingecarribee Shire Council prepare a submission to the Highlands Source Project **AND THAT** the following points be included:
    - (a) ***As part of the consent Council requests the Minister for Planning to require Goulburn/Mulwaree Council to form a working group with Wingecarribee Shire Council to facilitate clearer and meaningful communication between the two (2) Councils in regard to the project impacts within the Wingecarribee Shire.***
    - (b) ***The role of the working group be to develop an effective offset policy and implementation framework with consideration given to a “No Net Loss” for vegetation replacement in the Wingecarribee Shire and to ensure that the policy is in place before finalising the assessment of the project.***
    - (c) ***A greater number of the defined water course crossings in Wingecarribee Shire be constructed by horizontal directional drilling to minimise the potential for erosion following construction of the pipeline AND THAT this be done after consultation with appropriate agencies.***
  2. **THAT** copies of the submission made to the Highlands Source Project be forwarded to The Hon Frank Sartor, MP, Minister for Climate Change and the Environment, The Hon Phil Costa, MP, Minister for Water and Ms Pru Goward, MP, Member for Goulburn
  3. **THAT** Wingecarribee Shire Council endorses the Environment & Sustainability Committee to oversee the matter and second other agencies as required **AND THAT** any decision of the Environment & Sustainability Committee be endorsed by Council.
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**REPORT OF DIRECTOR INFRASTRUCTURE SERVICES**

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.....Cont'd

.....Cont'd

4. ***THAT the Environment & Sustainability Committee be involved in the development of offset policy and framework for any offsets within the Wingecarribee Shire Council local government area.***
5. ***THAT Council note concerns of Wingecarribee ratepayers affected by the Highland Source Project and request Goulburn Mulwaree Council to arrange a forum to field and address the concerns of these residents before any land acquisitions take place.***

**PASSED**

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

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

REF: DBSM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 16 August 2010 to 31 August 2010.

***MN 357/10***

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

***THAT the information relating to Development Consents Determined Nos 1 - 16 under Delegated Authority and Development Consent Refused No 1, be received and noted.***

***PASSED***

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

REF: DBSM	5302
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Submitting list of development applications which have been received between 16 August 2010 to 31 August 2010, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

Council's Director Environment & Planning addressed Council on this matter and advised that items 4, 5, 7, 11 and 12 will be the subject of further information in the Weekly Circular.

Clr P B Tuddenham asked if the applicant's name could also be included in the information provided in the Weekly Circular.

***MN 358/10***

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

***THAT the information regarding the List of Land Use Applications Nos 1-13 received by Council be received and noted.***

***PASSED***

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<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 August 2010.

***MN 359/10***

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

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

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS FROM THE PUBLIC

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#### QUESTIONS FROM THE PUBLIC

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1. GOULBURN/MULWAREE COUNCIL – HIGHLANDS SOURCE PROJECT 7790/20

Mr Allen Hunt advised that from discussions with neighbours and friends whose properties are affected by the Goulburn/Mulwaree pipeline, it has become apparent that different information is being given to those affected. He asked if Council could facilitate a landholders' forum or support such an event which he and others could organise.

The Mayor Clr T D Gair advised that the pipeline is not Wingecarribee Council's project and the question should be directed to the representatives from Goulburn/Mulwaree Council who could take this question on notice and advise Council accordingly.

Clr L A C Whipper referred to recommendation No 4 in the motion passed earlier, and suggested that Councillors and the General Manager should also be invited to the forum.

Mr Hunt advised that Councillors and the General Manager would be invited.

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2. DEMOGRAPHIC SURVEY 1470/4

Mr Allen Hunt asked when the terms of reference for the Demographic Study will become available for public comment.

The Director Environment & Planning advised that Council has made representations to demographers at the ANU and that Council is conscious of the possibility of receiving some funding from the Planning Reform Fund from the Department of Planning, and this project fitted some of the guidelines for the funding. He advised that when Council has a clearer indication of those guidelines then the brief can be finalised to the consultants. The Director Environment & Planning advised that he could not see any problem with extending an invitation to members of the public to make comments.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS FROM THE PUBLIC

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3. PLANNING PROPOSAL TO REZONE LAND KNOWN AS "SUTHERLAND PARK",  
BURRADOO FOR RESIDENTIAL PURPOSES PN507400, 5902

**Interest:** The General Manager declared a pecuniary interest as he owns a house adjacent to the property. He left the Chamber.

The Director Corporate Services moved into the Chair vacated by the General Manager.

Mr Allen Hunt asked if Council is aware of advice issued by the Department of Planning on 28 May 2010, that has been widely circulated, that states that the applicant has no avenue for by-passing Council and that the Practice Note clearly states that a residential re-zoning will not be considered of State significance.

The Director Environment & Planning advised that he was aware of the advice from the Department of Planning and those sentiments were expressed by the Department's representatives at the briefing given to Council some time ago. However, he advised that the legislation does allow certain decisions to be made by the Director General and/or the Minister, as was stated earlier in the meeting.

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The General Manager rejoined the meeting.

4. DEMOGRAPHIC SURVEY 1470/4

Mr Barry Anstee asked what process Council is intending for the demographic survey as the historical information may not reflect what the current trends are in relation to the real estate market. He stated that a more important ingredient would be where purchasers are coming from and vendors are going to, and that since the GFC occurred, what motivates people has changed dramatically.

The Director Environment & Planning advised that this is an excellent point raised and that is one of the reasons why, even at the risk of some criticism about being slow, Council has not rushed into formalise the brief because there is more to the issue than simply going to a demographer and asking for the growth scenarios to be reviewed. He advised that there are very important factors to be considered.

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**OPEN COUNCIL (CONT)**

**ENVIRONMENT & PLANNING DIVISION (CONT)**

**o-EP4 Purchase Offer on "Bethel Cottage", 38 Old Hume Highway, Mittagong**

REF: DEP

PN696100, 5901/3

The purpose of this report is to provide details on an offer to purchase 'Bethel Cottage', 38 Old Hume Highway, Mittagong, following Council's resolution of 23 June 2010.

**MN 360/10**

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

1. **THAT Council decline the exclusive offer to purchase the property at 38 Old Hume Highway, Mittagong, at a set price.**
2. **THAT Council decline the offer of a land swap proposal.**
3. **THAT the owner of the property and the applicant be notified accordingly.**

**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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**o-EP5 Proposed Modification to Development Consent for Subdivision and Easements for Access and Services, "Retford Park", Lot 1 DP 860647 and Lot 20 DP 100806, RN1325 Old South Road and Mansfield Road, Bowral**

REF: MDBS

LUA09/0534.01

This report is about an application lodged under section 96 of the Environmental Planning and Assessment Act (EP & 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.

**MN 361/10**

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

**THAT** development consent LUA2009/0534 for a subdivision to create 2 lots and easements for access and service in Lot 1 DP860647 and Lot 20 DP1001806, RN 1325 Old South Road and Mansfield Road, Bowral be modified in the following manner:

- **Condition 2** Preservation of Heritage Item Deleted
- **Condition 11(b)** Deleted
- **Condition 11(c)** New condition with wording as follows:

***Provision for construction, management and maintenance of the carriageway by the owner of Lot 22, with all costs to be borne by the owner of that lot, provided that:***

- i. the carriageway is 3 metres wide and it is surfaced to give a "soft" appearance to complement the landscape; and***
- ii. the construction is required by any approval granted by Council for the development of Lot 22.***

**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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**o-EP6 Proposed Subdivision (Boundary Adjustment) with SEPP 1 Objection, Lots 304 and 307 DP1040419, "Milton Park Country House Hotel", RN200 Horderns Road, Bowral**

REF: DBSM

LUA10/0462

Reporting on a staged development application by the operators of "Milton Park" for a subdivision involving a boundary adjustment.

**MN 362/10**

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

1. **THAT** Council support the objection pursuant to State Environmental Planning Policy No 1 for a departure from the 40 hectare development standard in clause 12 of Wingecarribee Local Environmental Plan 1989 to enable the creation of proposed Lot 312 with an area of about 12.31 hectares as proposed in Development Application LUA2010/0462.
2. **THAT** subject to the concurrence of the Director General, Department of Planning, authority be delegated to the General Manager to approve Development Application LUA 2010/0462 for a 2 lot subdivision (minor boundary adjustment) of Lots 304 and 307 DP1040419, "Milton Park Country House Hotel", RN 200 Horderns Road, East Bowral.

**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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**o-EP7 Wingecarribee Community Safety and Crime Prevention Plan 2011-2014**

REF: SPM

1800/32, 107/35

The purpose of this report is to present to Council the Draft Wingecarribee Community Safety and Crime Prevention Plan 2011-2014 for endorsement and recommend that the Draft Plan be placed on public exhibition for community comment.

**MN 363/10**

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

1. **THAT Council adopt the Draft Wingecarribee Community Safety and Crime Prevention Plan as circulated under separate cover.**
2. **THAT the Draft Wingecarribee Community Safety and Crime Prevention Plan be placed on public exhibition for eight (8) weeks and be available in Council's libraries, webpage, Customer Service Centre as well as villages and towns which do not have a library service AND THAT the Draft Plan be sent to the local business chambers, local resident associations throughout the Shire, local schools, transport providers and Local Members of Parliament for consideration and comment.**
3. **THAT a copy of the Draft Community Safety and Crime Prevention Plan 2011-2014 be forwarded to the Inspector of Police in Bowral, Mr Warboys, expressing Council's concern about police numbers in Moss Vale AND THAT a copy of the letter to the Inspector of Police be forwarded to the Local Members of Parliament.**

**PASSED**

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

REF: SPM

5901/4

The purpose of this report is to resubmit to Council three (3) sites where the preparation of a Planning Proposal to commence the process of altering the planning controls under Wingecarribee LEP 2010 over the sites is recommended.

The Director Environment & Planning addressed Council on this matter.

**MN 364/10**

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

1. ***THAT in respect of the three (3) sites deferred for inspection, Council resolve to include the sites in the Planning Proposal, as resolved to be prepared on 11 August 2010 in accordance with the Department of Planning's Gateway Process so as to amend Wingecarribee Local Environmental Plan 2010, as follows:***
  - (a) ***Amend Schedule 1 by including development for the purpose of a single dwelling house on a consolidated parcel of Lots 71 and 72, DP 13350 34-36 Old Jamberoo Road, Robertson.***
  - (b) ***Amend the Extractive Materials Maps under the Plan by removing the Extractive Materials notation from this site known as "Mount Misery".***
  - (c) ***Amend the zoning map and the lot size map under the Plan by moving the zone boundary between the IN3 Heavy Industrial and the E3 Environmental Management zones as indicated in the report.***
2. ***THAT in relation to 1(a) above for the future development of the site for a dwelling house, Council impose a S88B Instrument in conjunction with the consolidation of the two (2) allotments in order to protect the endangered/native vegetation.***

**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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**o-EP9 Adoption of Draft Assessment Policy for Section 94/94A and Section 64 Developer Charges**

REF: SPM 5701, 5701/7, 5701/8

This report discusses adopting Draft Assessment Policy for Section 94/94A and Section 64 Developer Charges to allow greater transparency in the assessment process of contributions, following public exhibition.

**MN 365/10**

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

1. **THAT Council adopt the Draft Assessment Policy for Section 94/94A Developer Contributions Plans and Section 64 Development Servicing Plans, circulated under separate cover AND THAT it becomes effective from the date of the notice in a newspaper as per item 2 below.**
2. **THAT a public notice be placed in a local newspaper informing of the adoption of the Policy.**

**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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



**CORPORATE SERVICES DIVISION**

**o-CS1 Pensioner Rate Rebate Write Off and Claim**

REF: FSM

2211/2009

Submitting a report on the details of amounts abandoned for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 September 2009 to 30 June 2010.

The Director Corporate Services advised of a correction to the report in that the figure that is shown for the Pensioner Rebates abandoned from 1 September 2008 to 31 August 2009 should be \$1,436,977.23, not \$1,065,867.20 as detailed in the report.

***MN 366/10***

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

- 1. THAT Council authorise the abandonment and write off of \$383,054.63 for Pensioner Rebates granted from 1 September 2009 to 30 June 2010.***
- 2. THAT \$210,680.05 be claimed from the State Government as part of Claim No 141 prior to 1 October 2010.***

***PASSED***

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<b>o-CS2</b>	<b>Proposed Lease to Wingecarribee Community Services Centre Incorporated, Part Lot 1 Deposited Plan 613114, (no street number) Queen Street, Moss Vale</b>
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REF:	PO	PN1214100, PN1214200, PN59600, PN59500, 1855/29
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Report requesting endorsement of terms of proposed Lease to Wingecarribee Community Services Centre Incorporated of part Lot 1 Deposited Plan 613114, (no street number) Queen Street, Moss Vale.

***MN 367/10***

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

***THAT*** Council's General Manager be delegated authority to negotiate with the Wingecarribee Community Services Centre Incorporated with respect to a Lease of the proposed Lot 1 in Plan of Subdivision of Lot 1 DP613114; Lot B DP159169; Lot 1 DP730743 and Lot 15 DP596832 for a term of twenty one (21) years ***AND THAT*** this matter be brought back to a future Ordinary Meeting of Council for endorsement of the Lease once the final terms of the Lease have been established.

***PASSED***

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**o-CS3 Committee Appointments and Resignations**

REF: MALS 7216/1, 7222/1, 6534/2.2, 7224/1, 6530/1.1, 7212/1, 6529/5.1

Reporting on Management Committee Appointments and Resignations.

**MN 368/10**

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

1. **THAT** Ms Catherine Davies, Mr Jim McRae, Mr Neville Smith, Mr Ken Pogson, Mr John Rose, Mrs Lillian Melrose, Ms Penny Barcicki and Ms Elizabeth Shepherd be appointed to the Moss Vale Senior Citizens & Community Centre Management Committee **AND THAT** Ms Catherine Davies, Mr Jim McRae, Mr Neville Smith, Mr Ken Pogson, Mr John Rose, Mrs Lillian Melrose, Ms Penny Barcicki and Ms Elizabeth Shepherd be notified of Council's determination.
2. **THAT** Council receives with regret the resignation of Mrs Joyce Wood from the Moss Vale Senior Citizens and Community Centre Management Committee **AND THAT** Mrs Joyce Wood be notified of Council's determination.
3. **THAT** Mr Rod Abbey be appointed to the Welby Community Hall Management Committee **AND THAT** Mr Ron Abbey be notified of Council's determination.
4. **THAT** Mr Gary Robertson, Ms Naomi Guy, Ms Robyn Sandor, Ms Jenny Quist, Ms Karen Revitt-Hannan, Mr John Geogantas, Ms Jenny Balla, Mr John Geogantas, Mr Matthew Stangar and Ms Michelle Lavat be appointed to the Jurd Park Management Committee **AND THAT** Mr Gary Robertson, Ms Naomi Guy, Ms Robyn Sandor, Ms Jenny Quist, Ms Karen Revitt-Hannan, Mr John Geogantas, Ms Jenny Balla, Mr John Geogantas, Mr Matthew Stangar and Ms Michelle Lavat be notified of Council's determination.
5. **THAT** Mr Peter Kruss, Ms Yvette Cotter, Ms Cheryl Sharp, Ms Lisbeth Henry, Mr Leigh Thomas, Ms Kim Overall, Mr Fergus Scott and Mr Peter Hellyer be appointed to the Yerrinbool Hall Management Committee **AND THAT** Mr Peter Kruss, Ms Yvette Cotter, Ms Cheryl Sharp, Ms Lisbeth Henry, Mr Leigh Thomas, Ms Kim Overall, Mr Fergus Scott and Mr Peter Hellyer be notified of Council's determination.
6. **THAT** Council receives with regret the resignations of Mr Fred Hambridge and Ms Frances Ryall from the Yerrinbool Hall Management Committee **AND THAT** Mr Fred Hambridge and Ms Frances Ryall be notified of Council's determination.
7. **THAT** Ms Ann Beaumont, Mr Allan Aston, Mr Phil Yeo, Ms Roslyn Allan, Ms Lyndal Breen and Mr Peter Falk be appointed to the Bong Bong Common Management Committee **AND THAT** Ms Ann Beaumont, Mr Allan Aston, Mr Phil Yeo, Ms Roslyn Allan, Ms Lyndal Breen and Mr Peter Falk be notified of Council's determination.

.....Cont'd



.....Cont'd

8. **THAT Council accepts with regret the resignation of Ms Linda Emery from the Bong Bong Common Management Committee AND THAT Ms Emery be notified of Council's determination.**
9. **THAT Mr Sid Jeffery, Ms Dot Hinschen, Mrs Merie Jeffery, Mr Peter Lee, Mr Tony Jagicic and Mr Stephen Chalker be appointed to the Hill Top Community Centre Management Committee AND THAT Mr Sid Jeffery, Ms Dot Hinschen, Mrs Merie Jeffery, Mr Peter Lee, Mr Tony Jagicic and Mr Stephen Chalker be notified of Council's determination.**
10. **THAT Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Dennis Day and Cameron Reid be appointed to the Bundanoon Oval & Ferndale Reserve Management Committee AND THAT Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Dennis Day and Cameron Reid be notified of Council's determination.**
11. **THAT the Moss Vale Senior Citizens & Community Centre Management Committee, Welby Community Hall Management Committee, Jurd Park Management Committee, Yerrinbool Hall Management Committee, Bong Bong Common Management Committee, Bundanoon Oval & Ferndale Reserve Management Committee and the Hill Top Community Centre Management Committee be notified of Council's determination.**

**PASSED**

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**o-CS4 Economic Development and Tourism – Future Direction**

REF: DCS

107/24

Reporting on deliberations by the Economic Development and Tourism Working Group on the future status and role of the Working Group and resourcing of Economic Development Services.

The General Manager addressed Council on this matter.

**MN 369/10**

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

**THAT** Council endorse the following recommendations of the Economic Development and Tourism Working Group:

1. **THAT** the Working Group endorse the change in the structure of the Economic Development and Tourism Working Group as follows:
    - Three (3) Councillors;
    - General Manager;
    - Director Corporate Services;
    - Director Environment & Planning
    - Economic Development Coordinator;
    - Tourism Manager;
    - Southern Highlands Business Chamber;
    - Manufacturing cluster;
    - Two (2) Tourism representatives;
    - Community representatives say 1 or 2;
    - appropriate Council staff as required;
    - Development Planner that would assist in economic activity; and
    - other people from time to time who may be required
  2. **THAT** upon members being reappointed or new members being appointed to Economic Development & Tourism Working Group, a strategic session be conducted looking at both Economic Development and Tourism strategic plans with a way to moving forward.
  3. **THAT** following completion of the Strategic session a review of the terms of reference of the Economic Development and Tourism Working group be undertaken.
  4. **THAT** the Working Group support the replacement of Mr Pemberton and Ms Taylor's position with two (2) separate economic development positions, one focusing on new business and one focusing on existing business **AND THAT** one of these positions be a senior position **AND THAT** the Working Group note that these positions report direct to the Director Corporate Services with a review in six (6) months.
2. **THAT** appointees be appointed upon adoption of the report.

**PASSED**



**o-CS5 Friendship Visit to Kaifeng City Henan Province China – October 2010**

REF: MG

600/26, 107/24.3

Reporting on impending visit by Council delegated to Kaifeng City China.

The General Manager addressed Council on this matter.

**MN 370/10**

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

1. ***THAT Council in conjunction with its previous resolution of Wednesday, 14 July 2010 (MN 279/10) approve Mr Peter Nelson, Manager Governance (or another staff member nominated by the General Manager) in lieu of the Economic Development Officer to attend Kaifeng City, Henan Province, China in October 2010 to participate in the Chrysanthemum Festival activities and assist the Mayor of the Day (or his nominee) and General Manager (or his nominee) to promote the cultural and economic benefits of Wingecarribee Shire Council.***
2. ***THAT should the General Manager not attend Kaifeng City, Henan Province, China in October 2010 to participate in the Chrysanthemum Festival activities, then his nominee to attend in his place may include either a staff member or Councillor, to be determined as appropriate by the Mayor and General Manager.***

**PASSED**

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**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1</b>	<b>CCTV Systems</b>
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REF:	PPM	1800/32, 1440/2, 1440/2.1, 107/35
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Reporting on research undertaken of various local Council CCTV systems to identify a system that would suit the landscape and distance between villages on Wingecarribee Shire.

The General Manager addressed Council on this matter.

**MN 371/10**

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

1. **THAT** Council review its policies and procedures over the next six (6) months, and update as required to include CCTV in line with NSW government policy.
2. **THAT** Council apply for the required License to own and operate a CCTV system.
3. **THAT** council model its CCTV system on that of the Orange City Council system and research various CCTV products to identify the best suited to the local area.
4. **THAT** Council identify the Assets department as the asset owner /operator **AND** **THAT** Council identify the Assets Manager, one (1) member of his staff and one (1) specific member of the Information Technology department as the only Council staff with authority to access the system.
5. **THAT** Council and the Local Area Command NSW Police identify the vulnerable sites it requires under surveillance for anti social behaviour and criminal activity.
6. **THAT** Council apply for grant funding towards this project and nominate it for consideration in the 2011/12 budget.

**PASSED**

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<b>o-IS2</b>	<b>2010 Highland Fling</b>
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REF:	DIS	6559/1, 7420/2, 6529/5
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Reporting on a correspondence received from the organisers of the 2010 Highland Fling regarding Sports Fields fees.

The Director Infrastructure Services addressed Council on this matter.

**MN 372/10**

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

1. **THAT** the fees applicable to the use of Council's sport fields for the Highland Fling for 2010 be the fee structure for 2009 plus CPI increase.
2. **THAT** subject to recommendation 1, Council fund the exemption or the difference in fees from the donations budget.
3. **THAT** a review of charges for the commercial use of Council's facilities for 2011 for events which have significant advantage to the community be held prior to the budget deliberations for 2011.

**PASSED**

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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 September 2010

### NOTICES OF MOTION

#### COUNCIL MATTERS

#### NOTICES OF MOTION

#### **c-NM1 14/2010 – Notice of Motion – Youth Accommodation**

REF: SPM 100/4, 5600/1, 1823/1

**Interest:** Clr L A C Whipper declared a non-pecuniary interest in this matter as the youth agency named in the motion, Vinnie's Youth Housing, is an agency that he works alongside in providing youth services in Wollondilly. He took part in part of the debate but left the Chamber and refrained from voting on the matter.

Councillor Jim Clark has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 8 September 2010:

1. THAT Council acknowledge the correspondence from St Vincent DePaul (Vinnie's Youth Housing) outlining the proposal negotiated in consultation with Bowral Youth refuge, Argyle Housing and Vinnie's Youth Housing.
2. THAT Council agree to the request to reallocate the \$13,000 annual contribution towards youth accommodation from Argyle Housing to St Vincent DePaul to fund this pilot project in the Wingecarribee Shire.
3. THAT Council meet again with Bowral Refuge, Argyle Housing and Vinnie's Youth Housing to evaluate this pilot project in May 2011 and to consider the transition of the project to a more permanent arrangement for medium to long term housing in the Shire.

**MN 373/10**

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

1. **THAT** Council acknowledge the correspondence from St Vincent DePaul (Vinnie's Youth Housing) outlining the proposal negotiated in consultation with Bowral Youth refuge, Argyle Housing and Vinnie's Youth Housing.
2. **THAT** Council agree to the request to reallocate the \$13,000 annual contribution towards youth accommodation from Argyle Housing to St Vincent DePaul to fund this pilot project in the Wingecarribee Shire.
3. **THAT** Council meet again with Bowral Refuge, Argyle Housing and Vinnie's Youth Housing to evaluate this pilot project in May 2011 and to consider the transition of the project to a more permanent arrangement for medium to long term housing in the Shire.

**PASSED**



**GENERAL MANAGER'S REPORTS**  
**SUPPLEMENTARY REPORT**

<b>o-GM1 Request for Leave of Absence – Clr Ken Halstead</b>
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REF: MALS	101, Pers
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Clr L A C Whipper rejoined the meeting.

Reporting on a request from Councillor Ken Halstead for leave of absence from the Ordinary Council meeting for Wednesday 8 September 2010.

The Mayor Clr T D Gair advised that as Councillor Halstead's request for leave of absence from today's Council Meeting was not received within the time prescribed, it would have to be dealt with as a matter of urgency.

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**MATTER OF URGENCY**

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1. REQUEST FOR LEAVE OF ABSENCE – CLR KEN HALSTEAD 101, Pers

The Mayor Clr T D Gair requested that Councillor Ken Halstead's request for leave of absence from today's Council Meeting be treated as a matter of urgency.

***MN 374/10***

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

***THAT*** *Councillor Ken Halstead's request for leave of absence from today's Council Meeting be considered as a matter of urgency.*

***PASSED***

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The Mayor ruled that this is a matter of urgency.

***MN 375/10***

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

***THAT*** *Councillor Ken Halstead be granted leave of absence from the Ordinary Council meeting to be held on Wednesday, 8 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, 8 September 2010

### COMMITTEE REPORTS

#### COMMITTEE REPORTS

#### COMMITTEE REPORTS TABLED

#### c-CR1 Management and Advisory Committee Reports

REF: MALS 107/1

Submitting minutes of thirteen (13) Committee meetings that will be tabled for information.

**MN 376/10**

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

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

1. ***Welby Community Hall Management Committee held Monday, 7 June 2010.***
2. ***Bong Bong Common Management Committee held Tuesday, 22 June 2010.***
3. ***East Bowral Community Centre Management Committee held Tuesday, 27 July 2010.***
4. ***East Bowral Community Centre Management Committee Annual General Meeting held Tuesday, 24 August 2010.***
5. ***Exeter Park Management Committee Annual General Meeting held Monday, 9 August 2010.***
6. ***Canyonleigh Hall Management Committee Annual General Meeting held Tuesday, 10 August 2010.***
7. ***Burrawang Park Management Committee held Wednesday, 11 August 2010.***
8. ***Mittagong Community Centre Management Committee Annual General Meeting held Thursday, 12 August 2010.***
9. ***Moss Vale Senior Citizens & Community Management Committee meeting held Monday, 16 August 2010.***
10. ***Moss Vale Senior Citizens & Community Management Committee Annual General Meeting held Monday, 16 August 2010.***
11. ***Yerrinbool Community Hall Management Committee held Monday, 23 August 2010.***
12. ***Bong Bong Common Management Committee Annual General Meeting held Tuesday, 24 August 2010.***
13. ***East Bowral Community Centre Management Committee held Tuesday, 24 August 2010.***

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 September 2010

### COMMITTEE REPORTS

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#### COMMITTEE REPORTS ATTACHED

<b>c-CR2</b>	<b>Minutes of the Integrated Planning &amp; Reporting Committee</b>
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REF: CP	500/2.4
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Submitting minutes of the Integrated Planning & Reporting Committee held Wednesday, 11 August 2010.

**MN 377/10**

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

**THAT** the information as detailed in the minutes of the Integrated Planning & Reporting Committee held Wednesday, 11 August 2010 be noted.

**PASSED**

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<b>c-CR3</b>	<b>Minutes of the Environment &amp; Sustainability Committee (Extraordinary)</b>
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REF: A/NRC	5465/29.01
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Submitting minutes of the Environment & Sustainability Committee (Extraordinary) held Wednesday, 4 August 2010.

**MN 378/10**

**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 Environment & Sustainability Committee (Extraordinary) held Wednesday, 18 August 2010 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, 8 September 2010

### COMMITTEE REPORTS

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#### **c-CR4 Minutes of the Environment & Sustainability Committee Meeting**

REF: A/NRC

5465/29.01

Submitting minutes of the Environment & Sustainability Committee Meeting held Wednesday, 18 August 2010.

***MN 379/10***

***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 Environment & Sustainability Committee held Wednesday, 18 August 2010 be adopted.

***PASSED***

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#### **c-CR5 Minutes of the Traffic Committee**

REF:

107/6

Submitting minutes of the Traffic Committee held Monday, 23 August 2010.

***MN 380/10***

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

***THAT*** the recommendations Nos TC 89/10 to TC 117/10 as detailed in the minutes of the Traffic Committee held Monday, 23 August 2010 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, 8 September 2010

### GENERAL BUSINESS

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#### GENERAL BUSINESS

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1. LEAVE OF ABSENCE 101, Pers

Clr G McLaughlin requested leave of absence from the Council Meetings to be held on Wednesday, 22 September 2010 and Wednesday, 13 October 2010.

The Mayor Clr T D Gair thanked Clr McLaughlin for his loyalty and support as the Deputy Mayor over the past twelve (12) months and for standing in as Mayor when required.

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2. PROPOSED ROUNDABOUT AT BUNDANOON & MIDDLE ROADS, EXETER  
7451/1

Clr J R Clark asked for further information in relation to the proposed roundabout at Exeter in the Weekly Circular.

The General Manager advised that he would instruct staff to undertake this request.

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3. NORLEX APPLICATION AT BUNDANOON LUA06/1081, 502/54

Clr J R Clark asked what conditions will be applied to this application now that Council has lost the recent Court action and does it go back to the original approval in 1995. Clr Clark advised that he has been asked by local residents to ensure that Council is vigilant on the approval conditions.

The Director Environment & Planning advised that option is now available to the applicant and the judgment was that that approval is still a valid one. He advised that there are not a lot of conditions attaching to the 2005 approval, however, the current position is that a further call-over is to be held on Friday, 10 September 2010, to do with the original matter of Council's refusal to issue the construction certificate, so Council will be making its case on Friday as to what should happen with that. The Director Environment & Planning noted that there is still a need for the applicant to obtain approval under the Roads Act for works within the road and Council will be looking to make a case that the standard of that work should be in accordance with what the Land & Environment Court had previously deemed to be acceptable.

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4. BUSHFIRE MANAGEMENT PLAN 6439/8

Clr L A C Whipper referred to his previous questions raised about the Bushfire Management Plan and particularly the concerns raised by the Nature Conservation Council and the Hawkesbury Nepean Catchment Management Authority. He asked if Councillors can be updated by way of a report to Council, as the matter seems to be taking a long time.

The General Manager advised that he would instruct staff to investigate this matter.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 September 2010

### GENERAL BUSINESS

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5. POPLARS RE-DEVELOPMENT

PN693700

Clr P B Tuddenham asked for an update in the Weekly Circular on the progress of the Poplars Motel re-development including when the D/A was lodged, the conditions imposed initially and the conditions outstanding.

The General Manager advised that he would instruct staff to undertake this request.

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6. REMOVAL OF TREE LOPPINGS IN RANGE STREET, BURRAWANG

7813/1, RD2014

Clr J G Arkwright referred to her question raised on 25 August 2010 about the removal of tree loppings by Integral Energy.

The Director Infrastructure Services advised that the tree loppings were due to be removed today.

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**CLOSED COUNCIL**

**GENERAL MANAGER**

**cc-GM1 Closed Council**

To consider moving into Closed Council.

At this juncture, the time being 6.43 pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

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

No objections were received from the members of the public.

The following confidential reports have been distributed separately:

c-GM1	CROMFORD PTY LTD – NON COMPLIANCE WITH DOUGLAS ROAD PLANNING AGREEMENT	5701/27
c-GM2	LEGAL ISSUES	107/22

**MN 381/10**

**MOTION** moved by Clr P B Tuddenham 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:**

<b>c-GM1</b>	<b>CROMFORD PTY LTD – NON-COMPLIANCE WITH DOUGLAS ROAD PLANNING</b>	<b>5701/27</b>
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Relevant Legal Provisions

***This report is referred to Closed Committee under Clause 10A 2(g) of the Local Government Act 1993 as it contains 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 the non compliance with Douglas Road Planning Agreement by Cromford Pty Ltd.***

.....Cont'd



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 September 2010

**REPORT OF DIRECTOR CORPORATE SERVICES**

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.....Cont'd

**Public Interest**

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

**c-GM2    LEGAL ISSUES**

**102/22**

**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 month of July 2010.*

**Public Interest**

*It would on balance be contrary to the public interest to consider this information in Open Council because it contains 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, 8 September 2010

### CLOSED COUNCIL

### CLOSED COUNCIL

<b>c-GM1</b>	<b>Cromford Pty Ltd – Non Compliance with Douglas Road Planning Agreement</b>
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REF:	SPM
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5701/27
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The Director Environment & Planning addressed Council on this matter.

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

1. **THAT Council undertakes legal proceedings to recover the replacement security from Cromford Pty Ltd and ensure general compliance with the Planning Agreement.**
2. **THAT Council engages Lindsay Taylor Lawyers to represent Council in legal proceedings against Cromford Pty Ltd.**
3. **THAT Council requires all legal cost incurred by Council enforcing the Voluntary Planning Agreement be paid by Cromford Pty Ltd, in accordance with Paragraph 18.2 of the Planning Agreement.**

### **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	A	
Clr J Mauger	A	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 September 2010

### CLOSED COUNCIL

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<b>c-GM2</b>	<b>Legal Issues</b>
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REF:	DEP
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107/22
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The Director Environment & Planning addressed Council on this matter.

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

1. **THAT information relating to ongoing legal cases, as detailed in the report, be received and noted.**
2. **THAT the Development and Building Services Compliance register, Environment and Health Ranger Court register and legal cost information be received and noted.**

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 8 September 2010

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**OPEN COUNCIL**

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107/10

**MN 382/10**

**MOTION** moved by Clr G McLaughlin 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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107/9

**MN 383/10**

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

**THAT the recommendations of the Closed Council held on Wednesday, 8 September 2010 (Items c-GM1 and c-GM2) be adopted.**

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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107/10

**MN 384/10**

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

**THAT the recommendations of the Open Council held on Wednesday, 8 September 2010 being OC 191/10 to OC 193/10, 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, 8 September 2010

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.00 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 8 September 2010 numbered M/N 352/10 to M/N 384/10, were signed by me hereunder at the Council Meeting held on Wednesday, 22 September 2010.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 22 SEPTEMBER 2010

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CHAIRMAN

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PUBLIC OFFICER