

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 13 October 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, 13 October 2010

CONTENTS

CONFIRMATION OF MINUTES	4
VISITOR ITEM	6
v-EP1 S96(1a) Modification to LUA08/1042: 25 lot subdivision, Lot 1 DP596495, Lot A DP927745 and Lot 4 DP660174, "Vine Lodge", Exeter Road, Exeter.....	6
OPEN COUNCIL	8
ENVIRONMENT & PLANNING DIVISION	8
o-EP1 Development Consents Determined by way of Approval under Delegated Authority	8
o-EP2 List of Land Use Applications Received By Council	8
o-EP3 Land Use Applications Determined.....	9
o-EP4 Proposed Commercial and Retail Use of the Former Bunnings Site, Lot 1 DP943268, No. 603 Argyle Street, Moss Vale	10
o-EP5 Draft Northern Gateway Local Environmental Plan	12
o-EP6 Bowral Memorial Hall Refurbishment.....	15
o-EP7 Draft New Berrima and Medway Villages Development Control Plan	16
o-EP8 Section 96 Application, "The Intersection", Corner Bowral and Station Streets, Bowral ..	17
o-EP9 Settlement of Contamination Matter – Estate of Mr Lance Gotting	19
CORPORATE SERVICES DIVISION	20
o-CS1 Governance Resources	20
o-CS2 Draft Wingecarribee 2031+	21
o-CS3 Draft Plan of Management for Community Halls and Children's Services in the Wingecarribee Shire.....	22
o-CS4 Southern Councils Group.....	23
o-CS5 Pecuniary Interest Returns as at 30 September 2010.....	24
o-CS6 Courier Service Tender.....	25
o-CS7 Waste Disposal Contracts.....	26
INFRASTRUCTURE SERVICES DIVISION	27
o-IS1 Southern Regional Livestock Exchange Selling Centre – Roof Project	27
COUNCIL MATTERS	28
GENERAL MANAGER'S REPORTS	28
c-GM1 Request for Leave of Absence – Clr Larry Whipper	28
SUPPLEMENTARY REPORT	29
c-GM2 Friendship Visit to Kaifeng City Henan Province China – October 2010.....	29
COMMITTEE REPORTS ATTACHED	30
c-CR1 Minutes of the Integrated Planning & Reporting Committee.....	30
c-CR2 Minutes of the Finance Committee	30
c-CR3 Minutes of the Internal Audit Committee.....	31
c-CR4 Minutes of the Resource Recovery Centre Strategic Advisory Board	31
QUESTIONS FROM THE PUBLIC	32
GENERAL BUSINESS	34
CLOSED COUNCIL	37
GENERAL MANAGER	37
c-CS1 Closed Council	37
CLOSED COUNCIL	40
c-GM1 Tender for Provision of Courier Services	40
c-GM2 Waste Disposal Contracts.....	40
c-GM3 Saleyard Roof Project	41
c-GM4 Legal Issues	42



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

COMMENCING AT: 3.30 pm

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

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
Assistant to Mayor	Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Mayor Clr K Halstead opened the meeting and welcomed members of the public and the press, and requested Clr L A C Whipper to undertake Acknowledgement of Country.

Clr L A C Whipper 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

100/1

The meeting was led in prayer by Chaplain John Walker, Transport for Christ.

LEAVE TO ADDRESS COUNCIL

100/1

Clr D Stranger sought leave to address Council and advised that he has now resigned from the Liberal Party. Clr Stranger advised that he will continue to work for the community as an Independent.

Clr J G Arkwright advised that she continued to represent the Liberal Party and foreshadowed that she would be moving a motion in relation to the voting for the Mayor and Deputy Mayor of the Council. Clr Arkwright advised that although the Local Government Act has been complied with in the Wingecarribee Shire Council, the method used in voting for the Mayor and Deputy Mayor does not in any way reflect the popular will of the people.

The Mayor Clr K Halstead advised that all processes for the election of the Mayor and Deputy Mayor followed the Local Government Act and Regulations.

Clr L A C Whipper advised that he will not be present at the next Council Meeting to be held on Wednesday, 27 October 2010, and he asked Clr Arkwright if she would be prepared to leave her Notice of Motion for consideration at the meeting to be held on Wednesday, 10 November 2010 as it is, in his opinion, important that all Councillors be present to debate the issue.



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PUBLIC FORUM

100/1

Mr Dennis Newby requested and was granted approval to speak on the following matter in the agenda:

Item o-EP4 – Proposed Commercial and Retail Use of the Former Bunnings Site, Lot 1 DP 943268, No 603 Argyle Street, Moss Vale.

The Mayor Clr K Halstead thanked Mr Newby for his comments.

APOLOGY

PERS

M/N 410/10

MOTION moved by Clr P B Tuddenham and seconded by Clr T D Gair:

THAT the apology of Clr G McLaughlin be accepted and leave of absence granted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
22 SEPTEMBER 2010

100/1

MN 411/10

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 22 September 2010 MN 385/10 to MN 409/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

There was no business arising from the Minutes of the Meeting held on Wednesday, 22 September 2010.

DECLARATIONS OF INTEREST

101/3.1

Clr L A C Whipper declared a non-pecuniary interest in Item o-EP5 – Draft Northern Gateway Local Environmental Plan - as the report contains details of a submission from the Sydney Catchment Authority (SCA) and he is a member of the Board of the SCA. He stated that he would remain in the chamber, take part in the debate and vote on the matter.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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OPEN COUNCIL

MN 412/10

107/10

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr Jim Clark in the Chair.

PASSED



VISITOR ITEM

v-EP1 S96(1a) Modification to LUA08/1042: 25 lot subdivision, Lot 1 DP596495, Lot A DP927745 and Lot 4 DP660174, "Vine Lodge", Exeter Road, Exeter

REF: MEA LUA08/1042

This report is about a Section 96 application to modify the development consent for the "Vine Lodge" subdivision by deleting requirements for:

1. Certain landscaping works;
2. The provision of a footpath to Exeter Park;
3. The concrete construction of that footpath; and
4. A new vehicular access to Exeter Park via a road from the subdivision.

The applicant and owner indicated that they would not address Council as they were satisfied with the recommendation as set out in the report.

The Manager Environmental Assessment addressed Council on this matter.

OC 207/10

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

THAT development consent no. LUA2008/1042 for the 25 lot subdivision of Lot 1 DP596495, Lot A DP927745 and Lot 4 DP660174, "Vine Lodge", Exeter Road, Exeter be modified in the following manner:

- (a) **Condition 10 is to be modified by the deletion of "The landscape plan shall also include a mix of mid-storey and groundcover species at a rate of 3:1 for every tree provided."**
- (b) **Condition 41(b)(ii)(a), which states "An access road 6m wide is to be provided to Exeter Oval, approximately 40m from Exeter Road along the proposed subdivision Road and to link with the existing subdivision road" is to be deleted in full.**

PASSED

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

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

REF: MEA 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 16 September 2010 to 5 October 2010.

OC 208/10

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

THAT the information relating to Development Consent Determined Nos 1-6 under Delegated Authority be received and noted.

PASSED

o-EP2 List of Land Use Applications Received By Council

REF: MEA 5302

Submitting list of development applications which have been received between 16 September 2010 to 6 October 2010, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

OC 209/10

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

THAT the information regarding the List of Land Use Applications Nos 1-11 received by Council be received and noted.

PASSED



o-EP3 Land Use Applications Determined

REF: MEA 5302

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 September 2010.

OC 210/10

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

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

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP4	Proposed Commercial and Retail Use of the Former Bunnings Site, Lot 1 DP943268, No. 603 Argyle Street, Moss Vale
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REF:	MEA
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LUA10/0511, LUA10/0512

This report is about two-staged development applications, which have been lodged pursuant to s83B of the *Environmental Planning and Assessment Act* (EP and A Act) for the use of existing buildings and the site by:

- AWB Landmark as commercial premises, showroom and warehouse; and
- by an unnamed operator as a motor showroom.

The Director Environment & Planning addressed Council on this matter.

OC 211/10

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

THAT Council grant Staged Development Consents to LUA10/0511 for commercial premises, showroom and warehouse for AWB Landmark, and LUA10/0512 for the display and sale of caravans, motor homes and camper vans on Lot 1 DP943268 at No 603 Argyle Street, Moss Vale, subject to conditions in each consent as follows:

- This development consent authorises the use of the land and premises for a maximum period of sixteen (16) years commencing from the date on which the uses commences.***
- This development consent does not authorise any use of the land nor any works to be undertaken and a separate development application must be lodged for any such use or works.***
- The separate development application must contain full details of the proposed development and demonstrate a minimal capital investment in establishing and maintaining the proposed use for the period described in Condition (a).***
- No new or additional buildings are approved by this consent.***

PASSED

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP5 Draft Northern Gateway Local Environmental Plan

REF: MSCD

5901/1

To report on the public exhibition of the draft Northern Gateway Local Environmental Plan (LEP).

Interest: Clr L A C Whipper declared a non-pecuniary interest in this matter as the report contains details of a submission from the Sydney Catchment Authority (SCA) and he is a member of the Board of the SCA. He stated that he would remain in the chamber, take part in the debate and vote on the matter.

The Manager Strategic and Community Development addressed Council and advised the following additions to Attachment 2 to the report under the heading "Specific Controls", which are highlighted by bold print:

"Specific Controls

Notwithstanding any other provisions of this Plan, the following controls apply to future development of Lots 5 and 6, DP 10008, located on the western side of Drapers Road as indicated on the map below.

- a) The minimum area for development of the subject site for industrial land use shall be four (4) hectares.
- b) Permissible industrial development shall be of a type that will not adversely impact on the adjoining residential area. Council will give most favourable consideration to the following forms of land use - aquaculture (pond or natural water-based), landscape and garden supplies, rural supplies, light industries and self storage premises.
- c) A minimum thirty (30) metre buffer zone **measured from the property boundary shall be provided incorporating mounding of a minimum height of 2 metres for the full length of any building on the site plus 5 metres beyond the front and rear setback of the building and which is graded to provide easy maintenance.**
- d) **A 2 metre high acoustic sound wall is to be erected along the top ridge of the mound.**
- e) Landscaping of the buffer zone shall require planting with mature native trees and **bushes** at a density of one (1) **plant** per square metre **so as to provide a dense screening of the building.**
- f) **The Development of the site is required to be supported by a landscape plan and an acoustic report prepared by suitably qualified persons."**

.....Cont'd

.....Cont'd

OC 212/10

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

1. **THAT Council endorse the draft LEP included in the report as Attachment 1 and prepare a report to the NSW Department of Planning.**
2. **THAT Council resolve to exhibit draft amendments to the Industrial Lands DCP as set out in Attachment 2 to this report, including the amendments under the heading "Specific Controls" which now reads as follows:**

"Specific Controls

Notwithstanding any other provisions of this Plan, the following controls apply to future development of Lots 5 and 6, DP 10008, located on the western side of Drapers Road as indicated on the map below.

- (a) **The minimum area for development of the subject site for industrial land use shall be four (4) hectares.**
- (b) **Permissible industrial development shall be of a type that will not adversely impact on the adjoining residential area. Council will give most favourable consideration to the following forms of land use - aquaculture (pond or natural water-based), landscape and garden supplies, rural supplies, light industries and self storage premises.**
- (c) **A minimum thirty (30) metre buffer zone measured from the property boundary shall be provided incorporating mounding of a minimum height of two (2) metres for the full length of any building on the site plus five (5) metres beyond the front and rear setback of the building and which is graded to provide easy maintenance.**
- (d) **A two (2) metre high acoustic sound wall is to be erected along the top ridge of the mound.**
- (e) **Landscaping of the buffer zone shall require planting with mature native trees, bushes and under-storey vegetation at a density of one (1) plant per square metre so as to provide a dense screening of any building and to compliment existing native vegetation in this locality.**
- (f) **The Development of the site is required to be supported by a landscape plan and an acoustic report prepared by suitably qualified persons.**
- (g) **Industrial buildings shall be a maximum of eight (8) metres in height on the southern most side of the site.**

.....Cont'd



.....Cont'd

- (h) **Industrial buildings shall be designed from non-reflective materials in colours which are recessive in the landscape.**
 - (i) **The walls of buildings on the southern most side of the subject site shall be constructed from noise-inhibiting materials, or the building shall be in some other way insulated to prevent noise impacts on adjoining residential development.**
 - (j) **Car parking and areas for the movement and parking of any vehicles associated with the development shall be located towards the northern side of the site.**
 - (k) **There shall be one (1) vehicular access to the site from the northern most end of the site."**
3. **THAT Council resolve to review the Northern Villages DCP to ensure that controls adequately address concerns raised through the exhibition period.**
4. **THAT submission makers be advised of Council's decisions.**

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



o-EP6	Bowral Memorial Hall Refurbishment
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REF: DEP

7225

The purpose of this report is to make recommendations in relation to the public exhibition of the concept plan for the refurbishment of the Bowral Memorial Hall with additional information to be included relating to options for the loading dock.

The Manager Strategic and Community Development addressed Council on this matter.

OC 213/10

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

1. ***THAT the concept plan for the redevelopment of the Bowral Memorial Hall, comprising the architect's plan commissioned by Mr Richard Ruhfus, the consultant's report commissioned by the Arts and Culture Board Working Group and the consultant's revised proposal for the loading dock be put on public exhibition at the Civic Centre in Moss Vale, at Council Libraries and on Council's website, from 20 October 2010 to 27 November 2010.***
2. ***THAT submissions be invited from the general community, potential users of such a facility (performers and audience), existing users of the hall and managers/owners of other venues in the Shire.***
3. ***THAT comments be invited in regard to the need for this type of performance venue in the Shire, this specific proposal, need to refurbish the hall/issues in using the hall in its existing condition, affect on existing uses/alternative venues for existing users and any other matters relating to the proposal.***
4. ***THAT a further report be prepared for Council's consideration in December 2010 incorporating the community input.***

PASSED



o-EP7 Draft New Berrima and Medway Villages Development Control Plan

REF: MSCD

5700/76

The purpose of this report is to submit the Draft New Berrima and Medway Development Control Plan (DCP) following the public exhibition period and recommend adoption of the Draft DCP.

OC 214/10

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

1. **THAT Council adopt the New Berrima and Medway Development Control Plan as exhibited.**
2. **THAT Council implement the New Berrima and Medway Development Control Plan in accordance with the provisions of the Environmental Planning and Assessment Regulation, 2000.**

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP8	Section 96 Application, "The Intersection", Corner Bowral and Station Streets, Bowral
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REF: DEP

LUA05/0732

Reporting on the latest Section 96 application lodged in respect of a number of development consent conditions at "The Intersection" development at Lot 100 DP 1144699 Station Street Bowral.

It was noted that 39 (b) (x) (a)(d)(f) in recommendation 1 should read 39 (b) (x) (a)(b)(f).

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

OC 215/10

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

1. **THAT Council not modify condition numbers 19A, 39 (b)(ii), 39 (b)(vi), 39 (b)(x)(a), 39 (b)(x)(b) and 39 (b)(x)(f) of development consent No LUA2005/0732 for "The Intersection" Corner Bowral and Station Streets, Bowral.**
2. **THAT Council modify condition 61 of development consent No LUA2005/0732 for "The Intersection" Corner Bowral and Station Streets, Bowral. with the wording "Prior to the occupation of Stage Two of the development" replacing "Prior to the occupation of the development".**
3. **THAT Council negotiate with the applicant to amend the Section 96 application to include condition 47 of the development consent and to provide a credit on Section 94 contributions for the dedication of splay corners on the North East corners of the Laneway and Station Street and Bowral/Station Street to the value of \$17,720.64 and to refund this money.**
4. **THAT Council negotiates with the applicant to amend the Section 96 application to include condition 62 of the development consent as modified to enable an amendment to the Section 94 contributions listed in the condition and to refund the \$415.80 to the owner if paid.**
5. **THAT for a period of twenty one (21) days Council offer the applicant the sum of \$70,000 contribution (over and above the sum detailed in 3 above) towards his costs AND THAT delegated authority be granted to the Deputy Mayor and General Manager to finalise the matter.**

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.

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



o-EP9 Settlement of Contamination Matter – Estate of Mr Lance Gotting

REF: DEP PN1764480

Reporting on the settlement of the contamination matter of the estate of Mr Lance Gotting.

The Director Environment & Planning addressed Council on this matter.

It was noted that the “Conclusion” as detailed in the report has no relevance to the matter.

OC 216/10

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

1. **THAT the offer from those representing the Estate of Lance Edward Martin Gotting to transfer all rights, Title and interest of Lot 1 DP 5774590 to Council, be declined.**
2. **THAT Council endorse the proposed wording for inclusion on any Section 149(5) Planning Certificate issued in respect of Lot 1 DP 5774590.**
3. **THAT those representing the Estate be advised of Council’s decision.**

PASSED



CORPORATE SERVICES DIVISION

o-CS1	Governance Resources
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REF:	DCS
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2102/3

Reporting on a proposal to engage additional resources to support and enhance governance activities of Council.

The Director Corporate Services addressed Council on this matter.

OC 217/10

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

1. **THAT Council confirm its allocation of resources in the 2010/11 budget to fund the positions of Legal Officer and Internal Audit/Compliance Officer.**
2. **THAT action to recruit these two (2) positions be given a high priority.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2	Draft Wingecarribee 2031+
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REF:	CP	500/2.4
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Reporting on the *Draft Wingecarribee 2031+* to commence the exhibition period.

OC 218/10

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

1. **THAT** Council adopt the *Draft Wingecarribee 2031+* to commence the exhibition period commencing Thursday, 14 October 2010 and concluding Friday, 12 November 2010.
2. **THAT** Council offer its congratulations and thanks to the Corporate Planner, Council staff and the community for their efforts in the preparation of the *Draft Wingecarribee 2031+*.

PASSED



o-CS3	Draft Plan of Management for Community Halls and Children's Services in the Wingecarribee Shire
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REF:	PO	7124/1
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Submitting the Draft Plan of Management for Community Halls and Children's Services premises within the Wingecarribee Shire for adoption by Council.

The Director Corporate Services addressed Council on this matter.

OC 219/10

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

1. **THAT** the Draft Plan of Management for Community Land, Children's Services and Community Halls as per Attachment 1 of the report be adopted **AND THAT** this document be known as "Plan of Management for Children's Services and Community Halls in Wingecarribee Shire".
2. **THAT** community identified building upgrades be referred to the 2011/2012 management planning process.

PASSED



o-CS4	Southern Councils Group
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REF:	MG	205
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Reporting on appointment of delegates to the Southern Councils Group.

OC 220/10

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

1. **THAT Councillor Ken Halstead as Mayor of the Day be appointed as Council's delegate on the Southern Councils Group.**
2. **THAT the General Manager be reaffirmed as the second delegate on the Southern Councils Group.**
3. **THAT Clr Juliet G Arkwright be confirmed as Council's Alternate Delegate on the Southern Councils Group.**

PASSED



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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS5 Pecuniary Interest Returns as at 30 September 2010

REF: DCS	101/3
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Tabling Register of Pecuniary Interest Declarations as at 30 September 2010.

OC 221/10

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

THAT the information be received and noted.

PASSED



o-CS6 Courier Service Tender

REF: MG 6330/10.18

Reporting on the evaluation of the Tender for Courier Services and subsequent recommendations.

OC 222/10

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

1. **THAT Ralph L Clark be selected as the preferred tender to provide Council's courier services for a three (3) year period at a commencing price of \$50,770 per annum to be reviewed annually in accordance with the terms of the contract.**
2. **THAT the contract be executed under the Common Seal of the Council.**

PASSED

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

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

OC 223/10

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

THAT a letter, under the Mayor's signature, be forwarded by Council to Mr Ralph Clark thanking him for the excellent service he had provided to Councillors during his previous Contract.

PASSED



o-CS7	Waste Disposal Contracts
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REF: MR	7501/20
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Report is to update Council on the Contract between WSN Environmental Solutions (WSN) and South Western Sydney Councils Resource Recovery Project (SWSCRRP).

OC 224/10

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

THAT the matter be noted and considered as part of c-GM2 and be dealt with in Closed Council.

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Southern Regional Livestock Exchange Selling Centre – Roof Project

REF: MBU

7170/13

Continuation of the Tendering process for the roof construction over the Southern Regional Livestock Exchange Selling Centre.

OC 225/10

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

THAT the matter be noted and considered as part of c-GM3 and be dealt with in Closed Council.

PASSED

CHAIRPERSON

At this juncture, the time being 5.05 pm, the Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Request for Leave of Absence – Clr Larry Whipper

REF: MG

101/1, PERS

Reporting on a request from Councillor Larry Whipper for leave of absence.

MN 413/10

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

THAT Councillor Larry Whipper be granted leave of absence from the Ordinary Meeting of Council to be held on Wednesday, 27 October 2010.

PASSED



SUPPLEMENTARY REPORT

c-GM2 Friendship Visit to Kaifeng City Henan Province China – October 2010

REF: MG 600/26

Reporting on the impending visit by Council's delegation to Kaifeng City, Henan Province, China.

The General Manager referred to his Supplementary Report in relation to this matter and requested that it be treated as a matter of urgency, as the trip to China is on Saturday, 16 October 2010.

MN 414/10

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

THAT the General Manager's Supplementary Report in relation to the Friendship Visit To Kaifeng City Henan Province China – October 2010 be considered as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

MN 415/10

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

THAT as a matter of urgency Council considers the General Manager's Supplementary Report in relation to the Friendship Visit To Kaifeng City Henan Province China – October 2010.

PASSED

MN 416/10

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

1. **THAT the report in relation to the Friendship visit to Kaifeng City be noted.**
2. **THAT Council endorse the allocation of \$1,000 from the Kaifeng City "Sister City Fund" of appropriate Australian library books towards the Kaifeng Middle School.**

PASSED



COMMITTEE REPORTS ATTACHED

c-CR1 Minutes of the Integrated Planning & Reporting Committee

REF: CP 500/2.4, 107/36

Submitting minutes of the Integrated Planning & Reporting Committee held Wednesday, 8 September 2010.

The General Manager addressed Council on this matter.

MN 417/10

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

THAT the information as detailed in the minutes of the Integrated Planning & Reporting Committee held Wednesday, 8 September 2010 be noted.

PASSED

c-CR2 Minutes of the Finance Committee

REF: DCS 107/21

Submitting minutes of the Finance Committee held on Wednesday, 22 September 2010.

MN 418/10

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

THAT the recommendations as detailed in the minutes of the Finance Committee held Wednesday, 22 September 2010 be adopted.

PASSED



c-CR3 Minutes of the Internal Audit Committee

REF: DCS 2102/31

Submitting minutes of the Internal Audit Committee held on Monday, 27 September 2010.

The General Manager and Director Corporate Services addressed Council on this matter.

MN 419/10

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

THAT the recommendation as detailed in the minutes of the Internal Audit Committee meeting held on Monday, 27 September 2010 be adopted.

PASSED

c-CR4 Minutes of the Resource Recovery Centre Strategic Advisory Board

REF: MRR 7503/34

Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held on Monday, 20 September 2010.

The General Manager addressed Council on this matter.

MN 420/10

MOTION moved by Clr J R Clark and seconded by Clr J Mauger:

THAT the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board held on Monday, 20 September 2010 be adopted.

PASSED

QUESTIONS FROM THE PUBLIC

1. DEPARTMENT OF PLANNING – PLANNING REFORM FUNDING PROGRAM 5300

Mr Barry Anstee asked if Council had made a submission to the Department of Planning under the Planning Reform Funding Program to assist Council in preparation of its proposed Demographic and Housing Supply Study, noting that applications closed today.

The Director Environment & Planning advised that Council has made a submission.

2. THE MELBOURNE CUP 1900

Mr Barry Anstee noted that the Melbourne Cup is currently on display in the Shoalhaven area and asked if Council is doing anything in relation to this given that the winner of last year's Melbourne Cup came from within the Shire. Mr Anstee stated that there would be an advantage in terms of tourism.

The General Manager advised that this question will be taken on notice.

3. TOURIST / RV PARK WITHIN THE SHIRE 5300/12, 7141

Mr Peter Smyth asked:

- (i) If Council has proceeded in any way or communicated with the local business chambers on the possibility of a tourist park within the Shire.

Clr T D Gair advised that the Moss Vale Show Society has indicated an interest in this matter.

The General Manager advised that the Campervan and Motor Home Club of Australia has shortlisted Wingecarribee Shire Council as the venue for its annual rally in 2013

- (ii) If Council would consider forming a working group, in conjunction with chamber delegates, tourist representatives and the economic development officer in relation to this issue.

The General Manager advised that this question will be taken on notice for consideration when Council has appointed an Economic Development officer and the Economic Development and Tourism Working Group is in place.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

QUESTIONS FROM THE PUBLIC

4. PURCHASE OF "SUCKER TRUCK"

504/10

Mr Peter Smyth asked if Council has recently purchased a "sucker truck" and, if so, is this truck to be utilised as a separate business unit or is it just for Council's use internally and what were the fees paid for this truck's services prior to its purchase when it was an outsourced service to the Shire.

The General Manager advised that the unit has been purchased for Council's own purposes but at some stage Council will consider hiring it out externally. He advised that in relation to the costs of using the truck, the Director Infrastructure Services would provide a detailed response to Mr Smyth.

The Director Infrastructure Services advised that the purpose for purchasing the "sucker truck" (combination jetting and vacuum recovery machine which is commonly known in the waste water industry as a 'Combo Unit') was to enable Council to do proactive clearing and cleaning of sewer mains to avoid blockages rather than fixing problems after the event.

The Mayor Clr K Halstead asked if a report can come before Council for Councillors' information in relation to purchase of the "sucker truck".

The General Manager advised that staff undertake this request.

5. SUBDIVISION DATA

5300/10

Mr Ian Scandrett asked when answers to his questions regarding detailed subdivision data, which were emailed in March, April, May and July, will be provided.

The General Manager advised that this question will be taken on notice but suggested that Mr Scandrett make an appointment to meet with the Director Environment & Planning to discuss exactly what he requires, noting the changes to GIPA which requires that certain information is provided on the Internet. He stated that he believed Mr Scandrett's questions had been previously answered, but that a meeting with the Director Environment & Planning may clarify his questions.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

GENERAL BUSINESS

GENERAL BUSINESS

1. CLARENCE STREET, MOSS VALE CAR PARK RD3329, 7460/26

Clr J R Clark referred to traffic movement in the Clarence Street, Moss Vale Car Park and the ongoing difficulties with conflict between reversing vehicles, including multi vehicle accidents, and asked what progress has been made for the formulation of alternative traffic arrangements. Clr Clark asked if the matter could be referred to the Traffic Committee.

The General Manager advised that the Moss Vale Chamber of Commerce has also raised this issue, and that Council needs to review the master plan of the Moss Vale CBD with a view to fixing the traffic problems in this area.

The Mayor Clr K Halstead advised that he has also noted two vehicles recently entering the car park through the exit to get to vacant car spaces, which could have resulted in head on collisions causing serious injuries.

Clr P B Tuddenham suggested that the Moss Vale Chamber of Commerce and community should be involved in an attempt to resolve the issues that affect the car park.

Clr T D Gair advised that he had recently attended a meeting with members of the Moss Vale Chamber of Commerce, which was also attended by the Design Engineer and that he understands a grant is being sought to undertake the same traffic study that was done in Bowral and then after that an ongoing plan can be prepared which hopefully will deal with the traffic problems.

2. DUCKS CROSSING ROADS WITHIN THE SHIRE 7415/3, 7415

Clr L A C Whipper referred to a letter recently in the Southern Highland News where a young girl witnessed some ducks being run over by a vehicle, which was quite stressful for this young girl. Clr Whipper asked if Council could re-consider the introduction of duck crossing warning signs within the Shire. He asked if this matter could be referred to Council's Traffic Committee.

The General Manager advised that he has requested to the Director Infrastructure Services to re-visit this matter to determine how the signs can be introduced within the Shire.

Clr P B Tuddenham advised that this matter will be included on the agenda for consideration by the Traffic Committee.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

GENERAL BUSINESS

3. HIGHLANDS SOURCE PROJECT

7790/20

Clr L A C Whipper referred to Council's submission in relation to the Highlands Source Project and noted that a response has been received, and asked if Council is going to form a working group with Goulburn Mulwaree Council. He also asked about a public meeting to be held with affected landowners before any resumption of land has taken place.

The Mayor Clr K Halstead suggested that Wingecarribee Council should form its own working group to assist with the processes of implementation of the pipeline.

4. DRAIN AT THE CORNER OF WATTLE AND IVY STREETS, COLO VALE

8110, RD2230, RD2217

Clr P B Tuddenham advised that he has been contacted by a resident of Colo Vale with concern about a drain at this corner, where roadworks have just been carried out, as the drain is overgrown with the additional problem of snakes, and asked if the vegetation could be cleared to allow the water to flow.

The General Manager advised that staff will investigate this request.

5. HIGHLANDS SOURCE PROJECT

7790/20

Clr D Stranger referred to the minutes of the meeting of the Highlands Source Committee noting on page 11 thereof the easement acquisitions to date. Clr Stranger asked the following questions:

- (i) If the pipeline is for emergency use only?
- (ii) Has Council been informed by the Project Officer of the landowners within the Shire who are affected by the proposed acquisition?
- (iii) Has Council requested a list of affected landowners within the Shire?

Clr Stranger noted the installation of valves above ground level which Council had not previously advised about.

The General Manager advised that staff share the same concerns as Councillors on this issue and that Council has been "sidelined". He advised that this is not necessarily an issue that staff can fix but it requires the political weight of the Council, through the Mayor, to raise it with the Mayor of Goulburn/Mulwaree (or even at a higher level). He advised that he will be meeting the General Manager of Goulburn/Mulwaree to discuss the difficulties associated with the project.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

GENERAL BUSINESS

6. ROAD MAINTENANCE TEAMS

7810/3

Clr J Mauger asked if Councillors can be advised of where the road maintenance teams are working at the present time as there are many roads that require maintenance, and this applies to both surface grading and roadside clearance.

The General Manager advised that staff will investigate this matter.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

CLOSED COUNCIL

CLOSED COUNCIL

GENERAL MANAGER

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 6.10 pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

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

Mr Terry Oakes-Ash requested that Council, when discussing Item c-GM3 – Southern Regional Livestock Exchange Selling Centre Roof Project in Closed Council check the design codes for the wind speed.

MN 421/10

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

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 TENDER FOR PROVISION OF COURIER SERVICES 6330/10.18

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A (2)(d) of the Local Government Act, 1993, as it contains commercial information of a confidential nature that would, if disclosed:

- (i) ***prejudice the commercial position of the person who supplied it; or***
- (ii) ***confer a commercial advantage on a competitor of the Council, or***
- (iii) ***reveal a trade secret.***

Brief Description

Reporting on the tenders received for the provision of courier services.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature that would, if disclosed:

- (i) ***prejudice the commercial position of the person who supplied it; or***
- (ii) ***confer a commercial advantage on a competitor of the Council, or reveal a trade secret.***

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

CLOSED COUNCIL

.....Cont'd

c-GM2 WASTE DISPOSAL CONTRACTS

7501/20

Relevant Legal Provision

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

Brief Description

Purpose of this report is to update Council on the Contract between WSN Environmental Solutions (WSN) and South Western Sydney Councils Resource Recovery Project (SWSCRRP).

Public Interest

It would be contrary to the public interest to consider this information in Open council because it contains information which could confer a commercial advantage.

**c-GM3 SOUTHERN REGIONAL LIVESTOCK EXCHANGE SELLING CENTRE
ROOF PROJECT**

7170/13

Relevant Legal Provision

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

Brief Description

Council has called for Tenders for the construction of a Roof over the Southern Regional Livestock Exchange (SRLX) and the report provides assessment details to determine the successful tender.

Public Interest

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

c-GM4 LEGAL ISSUES

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 month of September 2010.

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

CLOSED COUNCIL

.....Cont'd

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

CLOSED COUNCIL

CLOSED COUNCIL

c-GM1	Tender for Provision of Courier Services
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REF:	RMC
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6330/10.18

This matter was dealt with earlier in the meeting (refer to OC 222/10).

c-GM2	Waste Disposal Contracts
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REF:	GM
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7501/20

The General Manager advised that he had attended a meeting yesterday afternoon with WSN and other Councils and addressed Council in relation to the outcome of that meeting.

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

THAT the information in relation to Waste Disposal Contracts be noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

CLOSED COUNCIL

c-GM3 Saleyard Roof Project

REF: MBU

7170/13

The Manager Business Units addressed Council on this matter.

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

1. **THAT Council not accept any conforming tenders for the construction of the Roof as per Council's Saw Tooth Design.**
2. **THAT Council accepts National Buildplan Alternate Tender (Option 1) for \$2,439,469 (GST exclusive) to construct a Single Span Roof with one central row of columns AND THAT the General Manager and Project Manager be authorised to negotiate with the Tenderer to finalise an option for inclusion of Kingspan roofing, downturn purlins, solar panels and any other requirements and/or minor variations, which will provide significant value adding to the project in accordance with Grant Conditions under the Federal Stimulus Funding for Regional Grants.**
3. **THAT the General Manager or his delegate be granted delegated authority to advise the Department of Infrastructure of the changes to the project for approval.**
4. **THAT the Mayor and General Manager be granted authority to execute the contract documents under the Common Seal of the Council.**

PASSED

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

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

CLOSED COUNCIL

c-GM4	Legal Issues
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REF: DEP

107/22

The Director Environment & Planning addressed Council on this matter.

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

1. **THAT information relating to ongoing legal cases be received and noted.**
2. **THAT upon lodgement of the construction certificate application Council seek immediate legal advice on its prospects of defending a decision to refuse such an application.**
3. **THAT the Development and Building Services Compliance register, Environment and Health Ranger Court register and legal cost information be received and noted.**

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

OPEN COUNCIL

107/10

MN 422/10

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

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 423/10

MOTION moved by Clr T D Gair and seconded by Clr P B Tuddenham:

THAT the recommendations of the Closed Council held on Wednesday, 13 October 2010 (Items c-GM2 to c-GM4) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 424/10

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

THAT the recommendations of the Open Council held on Wednesday, 13 October 2010 being OC 207/10 to OC 225/10, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 October 2010

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.10 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 13 October 2010 numbered M/N 410/10 to M/N 424/10, were signed by me hereunder at the Council Meeting held on Wednesday, 27 October 2010.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 27 OCTOBER 2010

CHAIRMAN

PUBLIC OFFICER