

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 23 February 2011

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, 23 February 2011

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**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 G McLaughlin  
Clr J Mauger  
Clr D Stranger  
Clr P B Tuddenham

**IN ATTENDANCE:** General Manager Mr Jason Gordon  
Director Corporate Services Mr Barry Paull (3.37 pm)  
Director Environment & Planning Mr Scott Lee  
Director Infrastructure Services Mr Michael Brearley  
Manager Governance Mr Peter Nelson  
Mayor's Assistant Ms Liz Johnson

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### OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Clr K Halstead opened the meeting and welcomed members of the public and the press, and requested Clr J Mauger to undertake Acknowledgement of Country.

Clr J Mauger acknowledged country:

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

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### PRAYER

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100/1

The meeting was led in prayer led by Chaplain John Wheeler of Transport for Christ.

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### APOLOGY

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*There were no apologies at this meeting.*

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
9 FEBRUARY 2011

100/1

**MN 28/11**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 9 February 2011 MN 01/11 to MN 27/11 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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#### **GENERAL BUSINESS QUESTIONS**

753, 750, 755, 800/1

Clr J Mauger asked when he would receive replies to his General Business questions that he had asked at the last Council meeting.

The Manager Governance advised that the questions had been referred to him for reply but that he needs to consult with the General Manager and a report may be required to go to Council for determination of Clr Mauger's request.

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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 o-EP11 – Continuation of the On-Site Sewage Management (OSSM) Program – as he is a Board Member of the Sydney Catchment Authority appointed by the Minister. He stated that he would remain in the Chamber when this matter was discussed, take part in the debate and vote thereon.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### MAYORAL MINUTE

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#### MAYORAL MINUTE

#### c-MM1 High Speed Rail

REF: DEP

102/5, 7302/10

Reporting on proposal for High Speed Rail (HSR).

The Director Corporate Services Mr Barry Paull joined the meeting at 3.37 pm.

#### **MN 29/11**

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

1. **THAT** Council immediately form a High Speed Rail Working Group (HSRWG) to prepare a preliminary submission to the Reference Group established under the High Speed Rail Terms of Reference.
2. **THAT** the HSRWG be Chaired by the Mayor, supported by the Deputy Mayor and any other interested Councillors, and the Chair of Council's Economic Development and Tourism Committee.
3. **THAT** Expressions of Interest from the community be received to assist in formulating any Council submission to the Reference Group **AND THAT** the Mayor, Deputy Mayor, Chair of Council's Economic Development and Tourism Committee and the General Manager be authorised to select three (3) community members from the received Expressions of Interest.
4. **THAT** the HSRWG report its proposed submission to the Reference Group to the full Council at its meeting of Wednesday, 22 June 2011 for endorsement.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 23 February 2011

### MAYORAL MINUTE

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<b>c-MM2 Request for Donation – Bundanoon Community Association</b>
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REF: MG
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102/5, 2155/1, 1602/4
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Reporting on a request from the Bundanoon Community Association for financial assistance towards costs associated with sending two (2) trucks with household goods to assist in the Queensland Flood Appeal.

**MN 30/11**

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

**THAT a Donation of \$1,200 be allocated to the Bundanoon Community Association in recognition of its contribution of sending two (2) trucks loaded with household goods to the people in Queensland affected by the recent Queensland Floods AND THAT the funds be allocated from Council's Donation Vote.**

**PASSED**

**MN 31/10**

**MOTION ARISING** moved by Clr J G Arkwright and seconded by Clr J Mauger:

**THAT a letter of condolence be forwarded to the Lord Mayor of Christchurch following the very serious earthquake on Tuesday, 22 February 2011.**

**PASSED**

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**PUBLIC FORUM**

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Ms Louise Horsley requested and was granted approval to speak on the following matter in the Agenda:

Item o-EP13 – Planning Proposal to Permit Tourist Accommodation and Conference Facilities at the Blue Metal Vineyard, Lot 18 DP 262971, 112 Crompton Park Road, Berrima

The Mayor thanked Ms Horsley for her comments and noted that the matter will be considered later in the meeting.

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**OPEN COUNCIL**

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**MN 32/11**

107/10

**MOTION** moved by *Clr T D Gair* and seconded by *Clr D Stranger*:

**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**

**ENVIRONMENT & PLANNING DIVISION**

**v-EP1 Proposed Road Names for the *Renwick* Subdivision, Bong Bong Road, Mittagong**

REF: MEA

LUA 2007/0946, 7810/2

Reporting on proposed road names for the *Renwick* subdivision.

Mr Richard Wood, Development Director of Landcom addressed Council on this matter.

The Director Environment & Planning addressed Council.

**OC 11/11**

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

**THAT the Proposed Road Names for the *Renwick* Subdivision, Bong Bong Road, Mittagong, be deferred pending the holding of a “special meeting” of the Wingecarribee Aboriginal Liaison Committee in consultation with Landcom AND THAT a report be referred to the next available Meeting of Council thereafter.**

**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 J G Arkwright	x	
Clr J R Clark	x	
Clr T D Gair	x	
Clr K Halstead	x	
Clr G McLaughlin	x	
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 Environment and Planning between 28 January to 15 February 2011.

**OC 12/11**

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

1. ***THAT the information relating to Development Consent Determined Nos 1 - 5 under Delegated Authority and Development Consent Refused No 1, be received and noted.***
2. ***THAT it be noted that Development Consent Determined No 6 has not been approved and is still being assessed by staff.***

**PASSED**

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**Matters Arising from Development Consents Determined by way of Approval Under Delegated Authority**

1. **ITEM NO 6 – DEMOLITION OF REDUNDANT MANUFACTURING PLAN & STRUCTURES, LOT 1 DP 17008, MINING LEASES 603 & 604, 475 BERRIMA ROAD, NEW BERRIMA** LUA10/1230

Clr J R Clark referred to this item, noting that the Heritage Committee is considering the application and enquired whether the application has been withdrawn.

The Manager Environmental Assessment advised a consent was prepared, but was not sent, and that it was included in error in the list of Consents Determined. He advised that Councillors will be informed via the Weekly Circular as to the progress of this application.

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### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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

REF: MEA 5302

Submitting list of development applications which have been received between 29 January and 15 February 2011, some of which will be dealt with under delegated authority of the Director Environment and Planning.

#### **OC 13/11**

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

**THAT** the information regarding the List of Land Use Applications Nos 1 - 9 received by Council be received and noted.

#### **PASSED**

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

1. ITEM 2 – DECK, LOT 10 DP 236690, 104 MERRIGANG STREET, BOWRAL  
LUA11/0073
2. ITEM 3 – CONVERSION OF EXISTING GARAGE AND STORE INTO OFFICE RUMPUS ROOM WITH SHOWER AND TEA BENCH, LOT 1 DP 784321, 52 SHEPHERD STREET, BOWRAL  
LUA11/0104

Cllr J R Clark noted that the above items are in the process of being referred to the Heritage Committee.

Cllr P B Tuddenham advised that he was under the impression that any applications that were in the Conservation Area were to be determined by Council.

The Director Environment & Planning advised that with any application that is within the Heritage Conservation Area or is a listed Heritage item, information is provided to the Heritage Advisory Group for consideration. He advised that the applications are not automatically referred to Council and can be dealt with under staff delegation but that Councillors do have the opportunity to request determination of any application.

3. ITEM 5 – STABLES & ADJOINING INDOOR RIDING ARENA, LOT 5 DP 809507, RN71 BOXVALE ROAD, WOODLANDS  
LUA11/0103

Cllr P B Tuddenham asked for information in relation to this item to be provided in the Weekly Circular.

The Director Environment & Planning advised that this will be provided.



**o-EP3 Proposed Equestrian facility at "Wallaby Hill Farm", Lot 4 DP590435, RN 122 Wallaby Hill Road, Robertson**

REF: MEA

LUA2010/0982

Reporting on a development application to establish an outdoor recreation facility at the existing horse riding facility at "Wallaby Hill Farm".

**OC 14/11**

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

1. **THAT LUA 2010/0982 for an equestrian facility at Wallaby Hill Farm, Lot 4 DP 590435, RN122 Wallaby Hill Road, Robertson, be deferred to enable confirmation of the extent and adequacy of the information supplied in support of the proposal AND THAT the applicant be advised of Council's decision.**
2. **THAT the applicant be invited to attend a meeting to be held as soon as possible with the Mayor and interested Councillors to discuss the matter.**
3. **THAT the matter be referred back to Council for consideration at the Ordinary Meeting of Council to be held on Wednesday, 9 March 2011.**

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



**o-EP4 Section 96 Modification Primitive Camping Ground, Camping Reserve  
PN1127400, Oxley Street, Berrima**

REF: MEA

LUA 2010/0760

This report is about a proposed modification to the development consent for four (4) primitive camp sites at Berrima reserve.

**OC 15/11**

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

1. **THAT development consent LUA2010/0760 for a Primitive Camping Ground at Berrima Reserve, Oxley Street, Berrima be modified in the following manner:**

**Condition 2(i)**

***The area subject to primitive camping shall be restricted to four (4) sites with access via an administrative process for bookings and payment through the Ranger Call Centre as described in the Report.***

**Condition 2(ii)**

- (a) ***The four (4) primitive camping sites and internal access roads shall be delineated by means of an appropriately designed physical barrier complemented with native vegetation to limit the areas to which authorized vehicles have access, and to protect the environmental qualities of the Reserve; and***

***The design of the physical barrier shall be determined in consultation with the community.***

- (b) ***The access driveway to, and between the camp sites shall be constructed with a finish to enable all-weather access by 2 wheel drive vehicles; and***

***The type of finish shall be determined in consultation with the community.***

- (c) ***The camp sites shall be identified by means of signs at each site with a directional sign at the entry to the Reserve; and***

***The sign at the entry to the Reserve shall indicate the maximum length of vehicle/camper that can be accommodated on each camp site.***

2. **THAT Council notes that, as an interim measure, the Ranger patrols of Berrima Reserve will be on a “reactive” basis in response to specific complaints.**

3. **THAT a further report on the regulation of camping and the use of the Reserve will be presented to Council in six (6) month’s time.**

**PASSED**

.....Cont’d



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

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**o-EP5 Proposed Dog Run for Dog Boarding Kennels Lot 2 DP246018, 'Maple Downs', RN 637 Greenhills Road, Berrima**

REF: MEA

LUA 2010/0884

Council is in receipt of a development application to use an existing building located on "Maple Downs" for the purpose of animal boarding as an ancillary use to the existing dog training facility.

The Manager Environmental Assessment addressed Council on this matter.

**OC 16/11**

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

**THAT development application LUA 2010/0884 for dog boarding in association with an existing dog training facility at Lot 2 DP 246018, "Maple Downs", Greenhills Road, Berrima, be approved subject to the draft conditions as detailed in Attachment 2 to the report.**

**PASSED**

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

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

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**o-EP6 Section 82A Review of Refusal of a Staged Development Application for a Rural Dwelling, Lot 3 DP 1014433, RN 76 Drapers Creek Road, Colo Vale**

REF: MEA

LUA 2010/0477

This report considers a request pursuant to section 82A of the Environmental Planning and Assessment Act, 1979, to review a refusal issued under delegation, for a staged Development Application (DA) for a dwelling-house on a parcel of land that does not enjoy a dwelling entitlement.

The Manager Environmental Assessment addressed Council on this matter. He advised that information in relation to the *Abret Pty Ltd* matter will be placed in the Weekly Circular.

**OC 17/11**

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

**THAT Council confirm the refusal of the staged development application LUA2010/0477 for a rural dwelling on Lot 3 DP1014433, RN 76 Drapers Creek Road, Colo Vale AND THAT the applicant be advised that a Planning Proposal is the most appropriate mechanism for any further consideration of this matter.**

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



**o-EP7 Section 82A Review of a Determination, Lots 1 – 3 DP 786013, RN 1431  
Wilson Drive, Colo Vale**

REF: MEA

LUA 2010/0479

This report considers a request under section 82A, of the Environmental Planning and Assessment Act, 1979, to review a refusal of a development application for a subdivision of the land into 3 lots.

The Manager Environmental Assessment addressed Council on this matter. He read his replies to an email received from a representative of the applicant, which email had been circulated to Councillors prior to the Meeting.

The Director Environment & Planning also addressed Council.

**OC 18/11**

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

**THAT the refusal of the development application LUA2010/0477 for the subdivision of Lots 1 to 3 DP786013, RN 1431 Wilson Drive, Colo Vale into three (3) lots be reaffirmed AND THAT the applicant be advised that a Planning Proposal under the Gateway process is the most appropriate mechanism for any further consideration of this matter.**

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

**CHAIRPERSON**

At this juncture, the time being 5.17 pm, the Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.



**o-EP8 Proposed Dwelling House – Lot 44 DP 1152665, Nos 14-20 Raglan Street, Hill Top**

REF: MEA, MG

LUA2010/1133

This report is about a Development Application (DA) for a dwelling-house on a lot which does not satisfy the minimum area requirements in Wingecarribee Local Environmental Plan 2010 (WLEP 2010).

The Manager Environmental Assessment addressed Council on this matter.

**MN 33/11**

**MOTION** moved by Clr D Stranger and seconded by Clr T D Gair:

1. ***THAT Council approve Development Application LUA2010/1133 for a dwelling-house on Lot 44 DP 1152665, Nos 14 – 20 Raglan Street, Hill Top, subject to conditions of consent as described in Attachment 4 of the report.***
2. ***THAT Council approve the variations to the Northern Villages Development Control Plan in respect of front building setback and garage width for LUA2010/1133.***
3. ***THAT authority be delegated to the General Manager to determine any development application for a dwelling-house on the consolidation of three (3) lots in the Residential Zone of Hill Top.***

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



**o-EP9 Proposed Cover – Southern Regional Livestock Exchange, Part Lot 1 DP  
1070888, RN 205 Berrima Road, Moss Vale**

REF: MEA

LUA 2010/0288.01

Council is in receipt of a Section 96 application to modify the existing approval to cover the Southern Regional Livestock Exchange (SRLE) at Moss Vale. The modification involves a different roof cover only.

**MN 34/11**

**MOTION** moved by Clr T D Gair and seconded by Clr J Mauger:

***THAT the Section 96 application (LUA2010/0288.01) to modify LUA2010/0288 be approved by changing the roof covering from a “saw tooth” design to a pitched roof design with one ridge line and a raised “cap” at the Moss Vale Regional Livestock Exchange, Part Lot 1 DP 1070888, RN 205 Berrima Road, Moss Vale subject to the existing consent conditions.***

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



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

### QUESTIONS FROM THE PUBLIC

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#### QUESTIONS FROM THE PUBLIC

1. PROPOSED ROAD NAMES FOR THE RENWICK SUBDIVISION, BONG BONG ROAD, MITTAGONG LUA 2007/0946, 7810/2

Mr Alan Hunt advised that he is a member of the SES Road Crash Rescue Team. He referred to Item v-EP1 on today's Agenda, and asked Council to avoid duplicate road names for the Shire, advising that the SES loses valuable time in attending incidents due to confusion as to street names and it is particularly when they are attending an incident with the sirens blaring.

The General Manager advised that Mr Hunt's comments will be duly noted.

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2. CAMPING RESERVE AT OXLEY STREET, BERRIMA LUA 2010/0760

Mr Robert Parker referred to the recommendation on this matter and asked for clarity on the reference to the timber bollards in condition 2(ii) of the consent, noting that the bollards have now been modified by their recent removal.

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

Mr Parker thanked Council for restoring the reserve to its former natural state.

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3. PURCHASE OF THE COMBINATION JETTING AND VACUUM UNIT (COMBO UNIT) 7796, 6330/09.8

Mr Peter Smyth referred to this item on today's Agenda and asked if the report could be brought forward for consideration.

The General Manager advised that this request can be done if Councillors are in agreement.

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#### SUSPENSION OF STANDING ORDERS

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Clr T D Gair requested that standing orders be suspended to allow Item o-IS1 – Purchase of the Combination Jetting and Vacuum Unit (Combo Unit) to be heard at this juncture of the meeting as there were interested members of the public present in the gallery.

**MN 35/11**

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

***THAT standing orders be suspended to allow Item o-IS1 – Purchase of the Combination Jetting and Vacuum Unit (Combo Unit) to be considered following Questions from the 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, 23 February 2011

### QUESTIONS FROM THE PUBLIC

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4. MT BROUGHTON ROAD

RD3385

Mr Ian Scandrett asked if Council is aware that there has been a delivery of concrete power poles on the roadside towards the south on Mt Broughton Road when the power lines actually run off the road reserve in private properties, with some of the power poles being on the opposite side of the road at one point.

The General Manager advised that staff will investigate this matter.

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**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1</b>	<b>Purchase of the Combination Jetting and Vacuum Unit (Combo Unit)</b>
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REF:	MO	7796, 6330/09.8
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Presenting information on the Combination Jetting and Vacuum Unit.

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

***MN 36/11***

***MOTION*** moved by Clr K Halstead and seconded by Clr J G Arkwright:

***THAT*** the report in relation to the Purchase of the Combination Jetting and Vacuum Unit (Combo Unit) be referred to an independent auditor/accountant for consideration of the accuracy of the financial aspects of the report.

***AMENDMENT*** moved by Clr T D Gair and seconded by Clr J R Clark:

THAT the information be received and noted.

***LOST***

***MOTION PASSED***

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**ENVIRONMENT & PLANNING DIVISION (CONT)**

**o-EP10 Proposed Dual Occupancy Dwelling Alterations and Additions to Existing Dwelling and 2 Lot Subdivision - Lot 23, Section 1 DP 6221, No 166 Wilson Drive, Hill Top**

REF: MEA, MG

LUA 2010/0852

This report is about a development application for a proposed dual occupancy and alterations and additions to an existing dwelling. The application also proposes a 2 lot subdivision to allow each of the dwellings to be located within an individual lot.

The Manager Environmental Assessment addressed Council on this matter.

Clr J G Arkwright left the Chamber at 6.15 pm.

**MN 37/11**

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

***THAT development application LUA2010/0852 for a dual occupancy, a detached carport, alterations and additions to the existing dwelling and a two (2) lot subdivision of Lot 23, Section 1 DP 6221, No 166 Wilson Drive, Hill Top, be deferred AND THAT the conditions of consent be reviewed by the General Manager, the Mayor Clr K Halstead, Clr T D Gair, Clr J R Clark and any other interested Councillors prior to a report being brought back to the next Ordinary Meeting of Council to be held on Wednesday, 9 March 2011.***

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



**o-EP11 Continuation of the On-Site Sewage Management (OSSM) Program**

REF: MEA

5405

This report is about the progress of the On-Site Sewage Management (OSSM) program in order to obtain approval to continue to assign resources to the project.

Clr J G Arkwright rejoined the meeting at 6.20 pm.

**Interest:** Clr L A C Whipper declared a non-pecuniary interest in this matter as he is a Member of the Board of the Sydney Catchment Authority appointed by the Minister. He remained in the Chamber, took part in the debate and voted on the matter.

The Manager Environmental Assessment addressed Council on this matter.

**MN 38/11**

**MOTION** moved by Clr T D Gair and seconded by Clr J R Clark:

**THAT** Council endorse the existing Environmental Protection Officer (OSSM Inspections) position for a further one (1) year.

**PASSED**

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**o-EP12 Submission to Review of Affordable Housing State Environmental Planning Policy**

REF: MSCD

5320/67

The purpose of this report is to outline Council's submission to a review of the State Governments Affordable Housing State Environmental Planning Policy 2009 (AHSEPP 2009).

The Director Environment & Planning addressed Council on this matter. He advised that a report will be brought forward to a future Ordinary Meeting of the Council in relation to 'Secondary Housing'.

**MN 39/11**

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

1. **THAT Council endorse the following points for submission to the Review of the NSW Department of Planning review of the Affordable Housing State Environmental Planning Policy 2009 (AHSEPP 2009):**
  - (a) ***The Department of Planning provide clearer guidance for the site selection criteria for infill development.***
  - (b) ***The Department of Planning consult with Wingecarribee Shire to develop a Strategic Plan for the location of Affordable Housing.***
2. **THAT Council encourages NSW Planning to undertake an urgent review of the 'Secondary Housing' provisions contained in the AHSEPP 2009 and Standard LEP Template.**
3. **THAT NSW Planning be requested to revisit development contributions for this type of development.**

**PASSED**

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**o-EP13 Planning Proposal to Permit Tourist Accommodation and Conference Facilities at the Blue Metal Vineyard, Lot 18 DP 262971, 112 Compton Park Road, Berrima**

REF: MSCD

5901

The purpose of this report is to recommend that Council prepare a Planning Proposal to amend Schedule 1 to permit tourist accommodation and associated conference facilities on the Blue Metal Vineyard, Lot 18 DP 262971, 112 Compton Park Road, Berrima.

The Director Environment & Planning addressed Council on this matter.

**MN 40/11**

**MOTION** moved by Clr T D Gair and seconded by Clr G McLaughlin:

**THAT Council resolve to prepare a Planning Proposal in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, to include development for the purposes of tourist accommodation and associated conference facilities on Blue Metal Vineyard, Lot 18 DP 262971, 112 Compton Park Road, Berrima, under Schedule 1 of Wingecarribee LEP 2010.**

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

THAT the Planning Proposal to Permit Tourist Accommodation and Conference Facilities at the Blue Metal Vineyard, Lot 18 DP 262971, 112 Crompton Park Road, Berrima, be deferred pending an information session being held for Councillors with an invitation being extended to the applicant to attend the information session AND THAT a report be referred to a future Ordinary Meeting of the Council following the information session.

**LOST**

**VOTING ON THE AMENDMENT**

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

**MOTION PASSED**

.....Cont'd



.....Cont'd

**VOTING ON THE MOTION**

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

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<b>o-EP14 Community Engagement Coordinator</b>
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REF: MSCD
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500/1
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The purpose of this report is to present to Council a case to commence the immediate recruitment of a Community Engagement Coordinator.

***MN 41/11***

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

***THAT the report in relation to the recruitment of a Community Engagement Co-ordinator be deferred to a future Ordinary Meeting of Council.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

### REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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#### **o-EP15 Bottled Water Free Policy Implementation**

REF: ESM

5450/23

This report provides an update of the Bottled Water Free Policy implementation, with specific reference to the success of the trial of the Portable Water Refill Station at Australia Day 2011.

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

**MN 42/11**

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

1. **THAT** the report regarding the Portable Water Refill Station Trial at Australia Day and its ongoing use be received and noted.
2. **THAT** the Water Fund be identified as the chief funding source for the public drinking water infrastructure associated with the Bottled Water Free Policy implementation and similar frontier projects that address public demand.
3. **THAT** locations be identified in Mittagong, Bowral and Moss Vale for the installation of permanent water refill stations **AND THAT** a further report be presented to Council in three (3) months.

**PASSED**

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<b>o-EP16    Legal Issues</b>
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REF:        DEP	107/22
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Reporting on the management of legal and compliance issues in the past month.

Clr D Stranger left the chamber at 7.00 pm.

The General Manager addressed Council on this matter.

***MN 43/11***

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

***THAT the information contained in the report in relation to the Legal Issues be received and noted AND THAT the report be considered in Closed Committee (refer Item c-GM3).***

***PASSED***

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**CORPORATE SERVICES DIVISION**

<b>o-CS1 Investments as at 31 January 2011</b>
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REF: FSM
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2104
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Submitting details of Council's Investments as at 31 January 2011.

The Director Corporate Services addressed Council on this matter.

***MN 44/11***

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

***THAT the information on Council's Investments as at 31 January 2011 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, 23 February 2011  
**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS2      Request for Acquisition, 152 Argyle Street, Moss Vale</b>
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REF:      PO
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PN48700
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This report is advising of a request by the owners of 152 Argyle Street, Moss Vale for Council to acquire the land. The land is zoned for acquisition pursuant to the *Wingecarribee Local Environmental Plan 2010*.

The Director Corporate Services addressed Council on this matter.

Clr D Stranger rejoined the meeting at 7.05 pm.

**MN 45/11**

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

***THAT in relation to the proposed purchase of the property at 152 Argyle Street, Moss Vale, an information session be held for Councillors as to the possible funding options and the advantages to Council for the purchase of the property AND THAT a report be referred to a future Ordinary Meeting of Council following the information session.***

**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, 23 February 2011  
**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS3</b>	<b>Council Delegate for Hampden Bridge Working Group</b>
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REF:	MG	107/, 7850/2
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Reporting on resignation and requesting appointment of Councillor delegate to attend the Hampden Bridge Working Group.

***MN 46/11***

***MOTION moved by Clr K Halstead and seconded by Clr G McLaughlin:***

***THAT Councillor David Stranger be appointed as the Wingecarribee Shire Council delegate on the Hampden Bridge Working Group AND THAT the Roads & Traffic Authority be advised of the appointment.***

***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, 23 February 2011

**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS4</b>	<b>Supreme Court Proceedings, Release Of Right Of Carriageway Over Lot 2 Deposited Plan 1130184, Songline Place Burradoo</b>
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REF:	PO	PN1771460
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Reporting on the status of a property matter where the owner of vacant land in a subdivision at Songline Place Burradoo has sought to have the Right of Carriageway benefiting Council, and others, removed by the institution of Supreme Court proceedings.

The General Manager addressed Council on this matter.

**MN 47/11**

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

**THAT** the information contained in the report in relation to the Supreme Court Proceeding, Release of Right of Carriageway over Lot 2 Deposited Plan 1130184, Songline Place, Burradoo, be received and noted **AND THAT** the report be considered in Closed Committee (refer Item c-GM2).

**PASSED**

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**INFRASTRUCTURE SERVICES DIVISION (CONT)**

<b>o-IS1</b>	<b>Purchase of the Combination Jetting and Vacuum Unit (Combo Unit)</b>
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REF:	MO	7796, 6330/09.8
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*This matter was dealt with earlier in the meeting (refer MN 36/11).*

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**o-IS2 Lump Sum Contract 13/11 – Rehabilitation of Water and Sewer Mains**

REF: MO

6330/10.27

Reporting on tenders received for the rehabilitation of sewerage & water mains in various locations.

**MN 48/11**

**MOTION** moved by Clr K Halstead and seconded by Clr T D Gair:

1. **THAT** the Lump Sum tender in the sum of \$554,790.00 plus GST submitted by ITS Trenchless be accepted for Schedule 1 of Contract 13/11.
2. **THAT** the Lump Sum tender in the sum of \$386,803.00 plus GST submitted by ITS Trenchless be accepted for Schedule 2 of Contract 13/11.
3. **THAT** the Lump Sum tender in the sum of \$192,741.00 plus GST submitted by INTERFLOW be accepted for Schedule 3 of Contract 13/11.
4. **THAT THE** Lump Sum tender in the sum of \$220,633.00 plus GST submitted by CARVE Earthworks and Construction be accepted for Schedule 4 of Contract 13/11.
5. **THAT** the Mayor and General Manager be granted authority to execute the contract(s) (Nos 1 to 4 above) 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:

<b>Councillor</b>	<b>For</b>	<b>Against</b>
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	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, 23 February 2011

**REPORT OF DIRECTOR INFRASTRUCTURE SERVICES**

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**o-IS3 Wingecarribee Floodplain Risk Management Committee**

REF: MES, Mayor's Assistant

8100/11

Reporting on nominations for the Wingecarribee Floodplain Risk Management Committee.

The General Manager addressed Council on this matter.

**MN 49/11**

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

1. **THAT** Council writes to the local SES Controller, Mr Carl Peterson and Mr Barry Anstee accepting their applications to join the Wingecarribee Floodplain Risk Management Committee.
2. **THAT** Clr David Stranger be appointed as an additional Council delegate onto the Wingecarribee Floodplain Risk Management Committee.
3. **THAT** Council writes to the previous members of the Whites Creek Floodplain Risk Management Committee inviting them to join the Wingecarribee Floodplain Risk Management Committee.

**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, 23 February 2011

### REPORT OF THE GENERAL MANAGER

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#### COUNCIL MATTERS

#### GENERAL MANAGER'S REPORTS

#### c-GM1 Annual Report on Code of Conduct Matters 2010

REF: GM

800/2

Reporting on Code of Conduct complaints for 2010 period. The Council's Code of Conduct (cl 12.33), requires the General Manager to report to the Council annually on Code of Conduct complaints.

Clr J Mauger left the Chamber at 7.15 pm.

The General Manager addressed Council on this matter.

***MN 50/11***

***MOTION moved by Clr J R Clark and seconded by Clr D Stranger:***

***THAT the information regarding Code of Conduct matters for 2010 be 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, 23 February 2011

### REPORT OF THE GENERAL MANAGER

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<b>c-GM2</b>	<b>Formation of a Non Binding Alliance between Wingecarrabee Shire Council and Wollondilly Shire Council</b>
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REF: GM
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207/4
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Council has previously signed an Alliance Agreement between the two Councils, of Wollondilly Shire and ourselves in November 2004. The parties to the agreement, agreed to support the principals of developing resource sharing arrangements between the two Councils; for a specific time interval (12 months).

The General Manager addressed Council on this matter.

**MN 51/11**

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

**THAT** the Council endorse the signing by the Mayor and General Manager of the non-binding Alliance Agreement between Wingecarrabee Shire Council and Wollondilly Shire Council for working together for operational efficiency.

**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, 23 February 2011

**REPORT OF THE GENERAL MANAGER**

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**c-GM3 2011 National General Assembly – Canberra – 19 to 22 June 2011**

REF: GM, MG

203/1.1

Reporting on the 2011 National General Assembly to be held from 19 to 22 June 2011 in Canberra.

Clr J Mauger rejoined the meeting at 7.22 pm.

***MN 52/11***

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

**THAT** Council authorise the attendance at the 2011 Local Government National General Assembly to be held from 19 to 22 June 2011 in Canberra as follows:

***Mayor Councillor Ken Halstead (or his alternate delegate)  
Councillor Juliet Arkwright  
General Manager or nominee***

**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, 23 February 2011

**REPORT OF THE GENERAL MANAGER**

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**c-GM4 Request for Leave of Absence – Cllr Larry Whipper**

REF: MG

101, PERS

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

***MN 53/11***

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

***THAT Councillor Larry Whipper be granted leave of absence from the Ordinary Meeting of Council to be held on Wednesday, 9 March 2011.***

***PASSED***

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<b>c-GM5</b>	<b>General Manager's Quarterly Report</b>
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REF:	GM	506/1
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Submitting the General Manager's Quarterly Report to 31 December 2010.

***MN 54/11***

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

***THAT*** the information in respect of the General Manager's Quarterly Report to 31 December 2010 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, 23 February 2011

**REPORT OF THE GENERAL MANAGER**

---

**c-GM6 Request to Waive Fees for Bowral Memorial Hall**

REF: MG

7225/2

Reporting on a request from the Southern Highland News to waive fees for the hire of the Bowral Memorial Hall to conduct a candidate debate ahead of the NSW State Elections in March 2011.

***MN 55/11***

***MOTION moved by Clr G McLaughlin and seconded by Clr K Halstead:***

***THAT Council accedes to the request from the Southern Highland News and makes a donation of \$266.80 (100%) to offset hiring fees of Bowral Memorial Hall for the candidate's debate relating to the NSW State Election on Monday 21 March 2011 AND THAT the Southern Highland News be requested to note Council's generous donation in its coverage of the candidate's debate.***

***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, 23 February 2011

**REPORT OF THE GENERAL MANAGER**

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**c-GM7 Staff Matter**

REF: GM

PERS

Reporting on the renewal of the Senior Staff Contract.

The General Manager addressed Council on this matter.

***MN 56/11***

***MOTION moved by Clr K Halstead and seconded by Clr G McLaughlin:***

***THAT the information contained in the report in relation to the Staff Matter be received and noted AND THAT the report be considered in Closed Committee (refer Item c-GM4).***

***PASSED***

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**EXTENSION OF TIME**

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***MN 57/11***

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

***THAT in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 8.00 pm.***

***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, 23 February 2011

### QUESTIONS WITH NOTICE

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#### QUESTIONS WITH NOTICE

#### c-QWN1 QWN 04/11 – NSW State Elections and Election Campaign Posters

REF: MG 101/2

**To:** General Manager, Mr Jason Gordon  
**From:** Cllr Duncan Gair  
**Received:** 16 February 2011

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**Subject:** NSW State Elections and Election Campaign Posters

**Question:**

1. **Could the General Manager advise what Council's current position is in relation to Election posters being erected in the Shire in relation to the NSW State Election to be held on Saturday March 2011?**

Comment from Director Environment & Planning

The existing Council policy in relation to Election Campaign Posters is attached. Further to this, there was discussion on this issue at the Local Planning Strategy Committee meeting held on February 16 2011. At this meeting the following requirements were endorsed to form the basis of a revised Policy.

- Maximum size – standard format – approximately 600mm x 1m.
- Maximum height from existing ground level to top of sign when displayed - 1.8.
- Must not be illuminated
- Located wholly within property boundaries, or flush mounted to the front fence or front wall of a building as long as the sign does not protrude beyond the physical limits of that fence or building.
- Must not be displayed earlier than 42 days before the polling day and must be removed within two (2) days of the polling day.

**MN 58/11**

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

**THAT** the information in relation to NSW State Elections and Election Campaign Posters be noted.

**PASSED**

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**COMMITTEE REPORTS TABLED**

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF: MSP	107/1
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Submitting minutes of four (4) Committee meetings that will be tabled for information.

***MN 59/11***

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

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

1. ***Canyonleigh 355 Hall Committee held Monday, 22 November 2010.***
2. ***Robertson Community Centre Committee held Wednesday 24 November 2010.***
3. ***Welby Community Hall 355 Management Committee held Monday 6 December 2010.***
4. ***Moss Vale Senior Citizens & Community Centre Management Committee held Monday 24 January 2011.***

**PASSED**

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**COMMITTEE REPORTS ATTACHED**

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

REF: DSC, FSM

107/1

Submitting minutes of the Finance Committee held on Wednesday, 15 February 2011.

The Director Corporate Services addressed Council on this matter.

**MN 60/11**

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

1. **THAT** recommendations Nos FC 01/11 and FC 03/11 as detailed in the minutes of the Finance Committee held on Wednesday, 15 February 2011 be adopted.
2. **THAT** in relation to the Budget Review for 31 December 2010:
  - (a) the General Fund Budget adjustments as detailed below be adopted:

	<b>2010/2011 DECEMBER BUDGET REVIEW</b>				
<b>BUDGET ITEM NO</b>	<b>GENERAL FUND</b>	<b>INCREASE INCOME</b>	<b>DECREASE INCOME</b>	<b>INCREASE EXPENSES</b>	<b>DECREASE EXPENSES</b>
	<b>BUDGET ADJUSTMENTS</b>				
	<b>September Review</b>	<b>300,000</b>			
<b>1</b>	<b>Code of Conduct &amp; Independent Review Expenses</b>			<b>70,000</b>	
<b>2</b>	<b>Rate Income</b>	<b>30,000</b>			
<b>3</b>	<b>Interest on Investments</b>	<b>155,000</b>			
<b>4</b>	<b>Workers Comp Claims Investigations</b>			<b>15,000</b>	
<b>7</b>	<b>Bush Fire Fighting Fund</b>			<b>40,000</b>	
<b>8</b>	<b>Extra Swimming Pool Lifeguard</b>			<b>60,000</b>	
	<b>TOTALS</b>	<b>485,000</b>	<b>0</b>	<b>185,000</b>	<b>0</b>
	<b>NET RESULT (Surplus) Deficit</b>				<b>(300,000)</b>

.....Cont'd



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
 held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
 on Wednesday, 23 February 2011  
**COMMITTEE REPORTS**

.....Cont'd

<b>2010/2011 DECEMBER BUDGET REVIEW</b>					
<b>BUDGET</b>		<b>INCREASE</b>	<b>DECREASE</b>	<b>INCREASE</b>	<b>DECREASE</b>
<b>ITEM NO</b>		<b>INCOME</b>	<b>INCOME</b>	<b>EXPENSES</b>	<b>EXPENSES</b>
	<b>INTERNAL ADJUSTMENTS</b>				
	<i>Leadership</i>				
5	<i>Performance Appraisal System</i>				125,000
5	<i>Various Salary Votes</i>			125,000	
	<i>Economy</i>				
6	<i>Legal Expenses Songline PI Burradoo</i>			33,000	
6	<i>Property Development Reserve</i>	33,000			
	<i>People</i>				
	<i>Places</i>				
9	<i>IRS Traffic Facilities</i>				105,000
9	<i>IRS Gravel Resheeting</i>			25,000	
9	<i>IRS Maintenance Grading</i>			80,000	
	<i>Environment</i>				
10	<i>"The Intersection" Development Bowral</i>			70,000	
10	<i>Land Rental Reserve</i>	70,000			
	<b>TOTALS</b>	<b>103,000</b>	<b>0</b>	<b>333,000</b>	<b>230,000</b>
	<b>NET RESULT</b>				<b>0</b>

.....Cont'd



.....Cont'd

<b>BUDGET</b>	<b>WATER FUND</b>	<b>INCREASE</b>	<b>DECREASE</b>	<b>INCREASE</b>	<b>DECREASE</b>
<b>ITEM NO</b>		<b>INCOME</b>	<b>INCOME</b>	<b>EXPENSES</b>	<b>EXPENSES</b>
	<b>INTERNAL ADJUSTMENTS</b>				
	<b>TOTALS</b>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
	<b>NET RESULT (Surplus)</b>				<i>0</i>
	<b>Deficit</b>				
<b>BUDGET</b>	<b>SEWER FUND</b>	<b>INCREASE</b>	<b>DECREASE</b>	<b>INCREASE</b>	<b>DECREASE</b>
<b>ITEM NO.</b>		<b>INCOME</b>	<b>INCOME</b>	<b>EXPENSES</b>	<b>EXPENSES</b>
	<b>INTERNAL ADJUSTMENTS</b>				
	<b>TOTALS</b>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
	<b>NET RESULT (Surplus)</b>				<i>0</i>
	<b>Deficit</b>				

<b>BUDGET</b>	<b>OTHER MATTERS FOR</b>	<b>INCREASE</b>	<b>DECREASE</b>	<b>INCREASE</b>	<b>DECREASE</b>
<b>ITEM NO</b>	<b>CONSIDERATION</b>	<b>INCOME</b>	<b>INCOME</b>	<b>EXPENSES</b>	<b>EXPENSES</b>
	<i>Norlex Legal Case</i>				
	<b>TOTALS</b>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
	<b>NET RESULT</b>				<i>0</i>

- (b) ***THAT the Finance staff be thanked for their presentation to the Finance Committee and be commended for the easy-to-read format of the financial reports.***

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

### GENERAL BUSINESS

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#### GENERAL BUSINESS

1. RURAL ROAD MAINTENANCE

7810/5

Clr J Mauger asked, with the return to normal rainfall conditions, whether Council will be returning to a system whereby table drains are graded to their full extent as opposed to leaving half a metre approximately grass and weed covered which results in water eroding sheeting especially in high rainfall areas of the Shire.

The General Manager advised that a report should be brought back to Council dealing with the method staff suggest for grading of table drains.

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2. USE OF ITEMS OF PLANT

7796, 6330/09.8

Clr J Mauger referred to the General Manager's comment on item o-IS1 on page 157 of today's Agenda that Council would be looking at greater yearly use of expensive items of plant and asked if the General Manager could give an indication of when this initiative will be implemented or if a report is to be prepared when will it be presented.

The General Manager advised that over the next 12 months Council will be addressing this issue, but the biggest issue to be dealt with is whether Council is happy to enter into the private works market where the hours of use of the plant can be increased. He advised that he has prepared a draft policy which will be referred to a briefing session for Councillors as soon as it can be arranged.

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3. HEADLAM ROAD, MOSS VALE

RD3353

Clr J Mauger asked if Councillors were aware of the damage caused to Headlam Road, Moss Vale as a result of heavy vehicles accessing the construction site just east of the Mt Murray Nursery. He asked if this matter can be investigated.

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

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4. REMOVAL OF TREES IN CUNNINGHAM PARK, SUTTON FOREST

6810/16, 6800/6

Clr J G Arkwright asked if prosecutions will occur following completion of the investigation into this matter.

The General Manager advised that all information that Council has in its possession has been handed to the Police, but until the investigation has been completed he cannot comment other than to advise that recommendations will come back through policy review in terms of Council's own procedures.

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Clr P B Tuddenham left the Chamber at 7.42 pm.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

### GENERAL BUSINESS

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5. RETAINING WALL BETWEEN TWO PROPERTIES 6500/13, 5200/5

Clr L A C Whipper referred to emails he had sent prior to Christmas in relation to resident concerns about impact of damage caused to a property when a retaining wall on an adjoining property collapsed. He noted that he had not yet received a reply to these emails and can supply copies if required.

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

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6. EXISTING TREE PRESERVATION ORDER 5454

Clr L A C Whipper asked for an update in relation to Council's existing Tree Preservation Order and asked if a letter has been sent to all tree maintenance firms to advise of their responsibilities under the Tree Preservation Order.

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

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Clr P B Tuddenham rejoined the meeting at 7.44 pm.

7. MOUNT ROAD FOOTPATH 7810/53, RD1583

Clr G McLaughlin referred to work recently undertaken to the Mount Road footpath which had overhanging spalling and rock falling away, and asked if this matter can be revisited to avoid further damage.

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

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

### REPORT OF GENERAL MANAGER

#### CLOSED COUNCIL

#### GENERAL MANAGER

#### c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 7.45 pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

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

The Mayor Clr K Halstead advised of an additional matter in relation to a legal matter relating to financial issues, which will be considered as a matter of urgency and will be referred to Closed Council for discussion.

No objections were received from the members of the public.

#### **MN 61/11**

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

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 LUMP SUM CONTRACT 13/11 – REHABILITATION OF WATER AND SEWER MAINS 6330/10.27**

#### **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**

***Reporting on tenders received for the rehabilitation of approximately 1,963 metres of sewerage mains, 3,000 metres of water mains and 1,278 metres of water main augmentation in various locations in Bowral, Mittagong, Moss Vale, Bundanoon, Exeter, Yerrinbool, Burradoo and Welby.***

.....Cont'd



.....Cont'd

**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-GM2 SUPREME COURT PROCEEDINGS, RELEASE OF RIGHT OF  
CARRIAGEWAY OF LOT 2 DEPOSITED PLAN 1130184 SONGLINE  
PLACE, BURRADOO PN1771460**

**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 the status of a property matter where the owner of vacant land in a subdivision at Songline Place Burradoo has sought to have the Right of Carriageway benefiting Council, and others, removed by the institution of Supreme Court proceedings.*

**Public Interest**

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

**c-GM3 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 December 2010.*

**Public Interest**

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

.....Cont'd

.....Cont'd

**c-GM4 STAFF MATTER**

**PERS**

**Relevant Legal Provisions**

*This matter has been placed in Closed Council as it deals with personnel matters under Section 10A(2)(a) of the Local Government Act.*

**Brief Description**

*This report deals with the renewal of a Senior Staff Contract.*

**Public Interest**

*It would on balance be contrary to the public interest to consider this information in Open Council because of privacy considerations.*

**ADDITIONAL MATTER**

**c-GM5 LEGAL MATTER RELATING TO FINANCIAL ISSUES – LEHMAN BROS**  
**107/9, 2104**

**Relevant Legal Provisions**

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

**Brief Description**

*Considering an update on the current status of the legal proceedings.*

**Public Interest**

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

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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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

**REPORT OF GENERAL MANAGER**

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**CLOSED COUNCIL**

<b>c-GM1</b>	<b>Lump Sum Contract 13/11 – Rehabilitation of Water and Sewer Mains</b>
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REF:	MO	6330/10.27
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*This matter was considered earlier in the meeting (refer MN 48/11).*

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<b>c-GM2</b>	<b>Supreme Court Proceedings, Release Of Right Of Carriageway Over Lot 2 Deposited Plan 1130184, Songline Place, Burradoo</b>
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REF: PO
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PN1771460
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**CC 04/11**

The Director Corporate Services addressed Council on this matter.

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

1. **THAT the information be noted in relation to the continuation of Supreme Court proceedings regarding the Right of Carriageway burdening Lot 2 Deposited Plan 1130184 Songline Place, Burradoo.**
2. **THAT Council continue the defence of this matter in the Supreme Court of NSW, noting that additional legal fees of up to \$40,000 could be incurred.**
3. **THAT Council notify the Local Government & Shires Associations of the matter and request their assistance with the relevant Government Departments and, if appropriate, the Supreme Court of NSW.**
4. **THAT Council write to the relevant Government Ministers and the Attorney General expressing its concerns at this action.**

**PASSED**

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**c-GM3      Legal Issues**

REF:      DEP

107/22

**CC 05/11**

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

1.     **THAT** a report investigating the costs claim for the Class 4 action for Norlex Holdings in the Land and Environment Court be provided to the next Council meeting.
2.     **THAT** information relating to ongoing legal cases is noted.
3.     **THAT** the Development and Building Services Compliance Register, Environment and Health Ranger Court register and legal cost information be noted.

**PASSED**

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**c-GM4      Staff Matter**

REF:      GM

PERS

It was noted this matter was considered following consideration of the Additional Matter – Lehman Bros (refer CC 08/11).

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<b>c-GM5</b>	<b>Additional Matter - Lehman Bros</b>
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REF: DCS	107/9, 2104
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The Mayor Clr K Halstead requested that this matter be dealt with as a matter of urgency as a decision must be made at the Meeting regarding Council's position in relation to the current legal proceedings.

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**MATTER OF URGENCY**

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1. LEHMAN BROTHERS AUSTRALIA 107/9, 2104

The Mayor, Clr K Halstead requested that the matter of Lehman Brothers be considered as a matter of urgency following discussions held earlier in the afternoon regarding the current position of the legal proceedings.

**CC 06/11**

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

**THAT the matter of Lehman Brothers Australia be considered as a matter of urgency.**

**PASSED**

The Mayor ruled that this is a matter of urgency.

The Director Corporate Services addressed Council on the matter.

**CC 07/11**

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

1. **THAT Council delegate authority to the General Manager to issue instructions to Council's legal advisers in relation to Council's position in regard to the proposed settlement offer as articulated to the Councillors at this Meeting.**
2. **THAT Council delegate authority to the Mayor, Chair of Finance Clr J G Arkwright, Clr T D Gair and the General Manager to further negotiate settlement based on the discussions as articulated to the Councillors at this Meeting.**

**PASSED**

**Dissenting vote: Clr J Mauger requested that his dissenting vote be recorded in respect of this motion.**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

**CLOSED COUNCIL**

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<b>c-GM4</b>	<b>Staff Matter</b>
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REF:	GM
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PERS
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All staff members with the exception of the General Manager retired from the Meeting.

**CC 08/11**

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

**THAT Council notes the employment contract for Mr Scott Lee, Director Environment and Planning AND THAT it be renewed for a further five (5) years from 29 September 2011.**

**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, 23 February 2011

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**FULL COUNCIL**

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107/10

**MN 62/11**

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

**THAT Council moves back into Full 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 63/11**

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

**THAT the recommendations of the Closed Council held on Wednesday, 23 February 2011 (being CC 04/11 to CC 08/11) be adopted.**

**PASSED**

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**ADOPTION OF OPEN COUNCIL**

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107/10

**MN 64/11**

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

**THAT the recommendations of the Open Council held on Wednesday, 23 February 2011 being OC 11/11 to OC 18/11, be adopted.**

**PASSED**



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 23 February 2011

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 23 February 2011 numbered M/N 28/11 to M/N 64/11, were signed by me hereunder at the Council Meeting held on Wednesday, 9 March 2011.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 9 MARCH 2011

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CHAIRMAN

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PUBLIC OFFICER