

# MINUTES

## OF THE EXTRAORDINARY MEETING OF COUNCIL

*File No. 100/07*



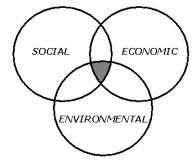
held on Wednesday, 16 April 2008  
in Bowral Memorial Hall

The meeting commenced at 3.30pm.



## MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 16 April 2008



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**COMMENCING AT:** 3.30PM

**PRESENT:** Councillor Gordon Lewis (Mayor) in the Chair  
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,  
Clr P A George, Clr M L King, Clr J E Mauger, Clr M J Murray,  
Clr S H Murray, Clr P B Tuddenham, Clr L A C Whipper and  
Clr P Yeo

**IN ATTENDANCE:** Acting General Manager (Michael Brearley), Director Environment  
& Planning, Strategic Planning Manager, Manager Administration  
Services and Administration Officer (AOR)

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**PRAYER**

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100/1

The meeting was opened with the Civic Prayer read by the Mayor, Clr Gordon Lewis.

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**DECLARATIONS OF INTEREST**

101/3

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1. Clr J Clark declared a non-pecuniary interest in Item c-NM1 12/2008 – Notice of Motion – Land Sales as he is a resident of Bundanoon and lives in the vicinity of Ben Nevis Circuit which has been identified for reclassification. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
2. Clr G Lewis declared a non-pecuniary interest in Item c-NM1 12/2008 – Notice of Motion – Land Sales (Una Street, Bowral (Venables Park) which has been identified for reclassification as Operational Land as he is Chairman of Bowral Bowling Club. He stated that he would remain the chamber, take part in the debate and vote thereon.

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**CORRESPONDENCE REGARDING MOSS VALE ACTION GROUP**

Clr L A C Whipper tabled a letter addressed to the General Manager dated 16 April 2008 from Woolf Associates Solicitors on behalf of the Moss Vale Action Group. The letter related to the Draft Wingecarribee LEP 2007 – Reclassification of Public Land.

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**NOTICE OF MOTION**

**COUNCIL MATTERS**

**CORPORATE SERVICES DIVISION**

**c-NM1 12/2008 – Notice of Motion – Land Sales**

REF: MAS

100/4, 7122/2, 5900

**Interest:** Clr J Clark declared a non-pecuniary interest in Item c-NM1 12/2008 – Notice of Motion – Land Sales as he is a resident of Bundanoon and lives in the vicinity of Ben Nevis Circuit which has been identified for reclassification. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.

**Interest:** Clr G Lewis declared a non-pecuniary interest in Item c-NM1 12/2008 – Notice of Motion – Land Sales (Una Street, Bowral (Venables Park) which has been identified for reclassification as Operational Land as he is Chairman of Bowral Bowling Club. He stated that he would remain the chamber, take part in the debate and vote thereon.

Clrs M Murray and P B Tuddenham have given notice of their intention to move the following Notice of Motion at the Extra-Ordinary Meeting of Council on Wednesday 16 April 2008.

*“Following the democratic and extensive public consultation process undertaken by Council;*

- A. THAT all named parks that were identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP AND THAT the first option in each recommendation of o-EP1 be adopted with the exception of Apex Park in which the third option of Recommendation J be adopted.

*Yeo Park - Moss Vale  
Ritchie Park Suttor Road - Moss Vale  
Thwaites Park, Twickenham Place - Moss Vale  
Broughton Park, Broughton Street – Bundanoon  
Acacia Park - Moss Vale  
Rotary Park, Old Bowral Rd, Mittagong  
Venables Park, Una Street – Bowral  
Apex Park – Bowral  
Westwood Park – Bowral  
Henderson Park - Moss Vale  
Waratah Park - Colo Vale  
Waratah Park - Colo Vale (Jasmine Street)*

**NOTICE OF MOTION**

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- B. THAT the following properties identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP AND THAT the first option in each recommendation of o-EP1 be adopted.

Soma Avenue – Bowral  
Rytina Place - Moss Vale  
Dyson Place - Moss Vale  
Ben Nevis Circuit – Bundanoon  
Meryla Street - Robertson  
Wilson Drive – Balmoral  
Tulip Close – Bowral  
Oxley Drive – Bowral (Adjacent to Reservoir)

- C. THAT the following land remains in the reclassification list in the draft LEP AND THAT the second option in each recommendation of o-EP1 be adopted with the exception of Mineral Springs Reserve – Mittagong which is to become RE2 Private Recreation under the Draft LEP;

Stanley Terrace - Moss Vale  
Woodbine Street – Bowral  
East Kangaloon - RFS Site  
Old Hume Highway – Berrima  
Anembo Street - Moss Vale  
Government Road- Braemar  
Lackey Road - Moss Vale  
Cherry Tree Close - Moss Vale  
Beavan Place – Bowral  
Oxley Hill Road – Bowral  
Bowral Pool – Bowral  
Mineral Springs Reserve - Mittagong

- D. THAT Council notes the properties listed below are already operational and those properties are to be sold (which are listed below)

Queen Street - Moss Vale  
Argyle street Moss Vale  
Woodville Rd - Moss Vale  
Mylora Street – Hilltop  
Mylora Street - Hilltop(2)  
Harold Street – Hilltop  
Davy Street –Mittagong  
Oxley Street – Berrima  
Mittagong - Roscoe Street (Old STP)”

**NOTICE OF MOTION**

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**MN 127/08**

**MOTION** moved by Cllr M Murray and seconded by Cllr P B Tuddenham:

1. **THAT** following the democratic and extensive public consultation process undertaken by Council;
  - A) **THAT** all named parks that were identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP **AND** **THAT** the first option in each recommendation of o-EP1 be adopted with the exception of Apex Park in which the third option of Recommendation J be adopted.
    - a) Yeo Park - Moss Vale
    - b) Ritchie Park Suttor Road - Moss Vale
    - c) Thwaites Park, Twickenham Place - Moss Vale
    - d) Broughton Park, Broughton Street – Bundanoon
    - e) Acacia Park - Moss Vale
    - f) Rotary Park, Old Bowral Rd, Mittagong
    - g) Venables Park, Una Street – Bowral
    - h) Apex Park – Bowral
    - i) Westwood Park – Bowral
    - j) Henderson Park - Moss Vale
    - k) Waratah Park - Colo Vale
    - l) Waratah Park - Colo Vale (Jasmine Street)
  - B) **THAT** the following properties identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP **AND** **THAT** the first option in each recommendation of o-EP1 be adopted.
    - a) Soma Avenue – Bowral
    - b) Rytina Place - Moss Vale
    - c) Dyson Place - Moss Vale
    - d) Ben Nevis Circuit – Bundanoon
    - e) Meryla Street - Robertson
    - f) Tulip Close – Bowral
    - g) Oxley Drive – Bowral (adjacent to Reservoir)
  - C) **THAT** the following land remains in the reclassification list in the draft LEP **AND** **THAT** the second option in each recommendation of o-EP1 be adopted with the exception of Mineral Springs Reserve – Mittagong which is to become RE2 Private Recreation under the Draft LEP;
    - a) Stanley Terrace - Moss Vale
    - b) Woodbine Street – Bowral
    - c) East Kangaloon - RFS Site
    - d) Old Hume Highway – Berrima
    - e) Anembo Street - Moss Vale
    - f) Government Road- Braemar
    - g) Lackey Road - Moss Vale
    - h) Cherry Tree Close - Moss Vale

**NOTICE OF MOTION**

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- i) Bevan Place – Bowral*
- j) Oxley Hill Road – Bowral*
- k) Bowral Pool – Bowral*
- l) Mineral Springs - Mittagong*

**4. Council notes the properties listed below are already operational and those properties are to be sold (which are listed below)**

- a) Queen Street - Moss Vale*
- b) Argyle Street Moss Vale*
- c) Woodville Rd - Moss Vale*
- d) Mylora Street – Hilltop*
- e) Mylora Street - Hilltop(2)*
- f) Harold Street – Hilltop*
- g) Davy Street –Mittagong*
- h) Oxley Street – Berrima*
- i) Mittagong - Roscoe Street (Old STP)*

**PASSED**

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

1. **THAT** Council not proceed with the reclassification or sale of any public land, including Bowral Pool.
2. **THAT** Council considers proceeding with the sale of the Old Sewerage Treatment Plant site at Mittagong and withdraws Queen Street Car Park, Moss Vale.
3. **THAT** dependent upon the outcome of the September poll, all funds generated from the sale of the Sewerage Treatment Plant site be directed to the upgrade of all existing pools and exploring the covering of either Moss Vale or Bowral Pool.

**FORESHADOWED AMENDMENT** moved by *Clr L A C Whipper* and seconded by *Clr J Mauger*:

**THAT** Council takes no action on the reclassification of any land except for Lot 20, DP862590 Oxley Drive pending the results of the poll at the next Local Government Election.

**AMENDMENT LOST**

**FORESHADOWED AMENDMENT** was moved as *Further Amendment*

**LOST**

**MOTION PASSED**

**Dissenting Votes:** *Clrs J Mauger, T D Gair, J Clark, L A C Whipper and S Murray asked that their dissenting votes be recorded in respect of this motion.*

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**NOTICE OF MOTION**

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LOT 20, DP862590 - OXLEY DRIVE, BOWRAL

**MN 128/08**

SUPPLEMENTARY MOTION moved by Clr P Yeo and seconded by Clr J Clark

1. **THAT Lot 20, DP862590 Oxley Drive, Bowral be listed in Schedule 4, Part 3 – Land classified or reclassified as community land under Wingecarribee LEP 2007.**
2. **THAT all the separately titled allotments of land owned by Council which form the Mt Gibraltar Reserve be consolidated into a single lot.**

**PASSED**

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## ENVIRONMENT & PLANNING DIVISION

o-EP1	Draft Wingecarribee LEP 2007 – Public Submissions on Reclassification of Public Land
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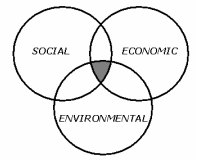
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The purpose of this report is to provide Council with details of the public consultations and submissions in relation to the reclassification of public land from “Community” to “Operational” land under draft Wingecarribee LEP 2007.

**It was noted that this report was effectively dealt with by the Notice of Motion considered earlier in the evening, refer MN 127/08 and in this regard the decisions are as follows:**

A. *THAT ALL NAMED PARKS THAT WERE IDENTIFIED FOR RECLASSIFICATION (AND WHICH ARE LISTED BELOW) BE REMOVED FROM THE RECLASSIFICATION LIST IN THE DRAFT LEP AND THAT THE FIRST OPTION IN EACH RECOMMENDATION OF O-EP1 BE ADOPTED WITH THE EXCEPTION OF APEX PARK IN WHICH THE THIRD OPTION OF RECOMMENDATION J BE ADOPTED.*

- 1Z. THAT Council NOT proceed with the reclassification and rezoning of Part of Lot 2, DP 635369, Yarrowa Street (**Yeo Park**) Moss Vale and zone the land RE1 Public Recreation accordingly.
- 1V THAT Council NOT proceed with the reclassification and rezoning of Part of Lot 26, DP 255365, Suttor Road (**Ritchie Park**) Moss Vale and zone the land RE1 Public Recreation accordingly.
- 1AA THAT Council NOT proceed with the reclassification and rezoning of Lot 9 DP 747724, **Rytina Place**, **Lot 8 DP 747006**, **Twickenham Place**, **Lot 12, DP 710556**, **Dyson Place (Thwaites Reserve)** Moss Vale and zone the land RE1 Public Recreation accordingly.
- 1N THAT Council NOT proceed with the reclassification and rezoning of Lot 1, DP 250169, Broughton Street (**Broughton Park**) Bundanoon and zone the land RE1 Public Recreation accordingly.
- 1X THAT Council NOT proceed with the reclassification and rezoning of Part of Lot 21 DP 253712, Merrett Drive and Janice Crescent (**Acacia Park**) Moss Vale and zone the land RE1 Public Recreation accordingly.
- 1S THAT Council NOT proceed with the reclassification and rezoning of Lot 1, DP 525101, Old Bowral Road (**Rotary Park**) Mittagong and zone the land RE1 Public Recreation accordingly.



- 1G THAT Council NOT proceed with the reclassification and rezoning of Land in Plan 4260-3040, Una Street (**Venables Park**) Bowral and zone the land RE1 Public Recreation accordingly.
- 1J THAT Council proceed with the rezoning and reclassification of Lots 92, 112, 113 and 114, DP 24267, Sheaffe Street and Price Street (**Apex Park**) Bowral as indicated in the proposed plan contained within this report.
- 1H THAT Council NOT proceed with the reclassification and rezoning of Part of Lot 28 DP700485, Westwood Drive and College Street (**Westwood Park**) Bowral and zone the land RE1 Public Recreation accordingly.
- 1Y THAT Council NOT proceed with the reclassification and rezoning of Part of Lots 10 and 12, Sec 3 DP 977031, Illawarra Highway (**Henderson Park**) Moss Vale and zone the land RE1 Public Recreation accordingly.
- 1O THAT Council NOT proceed with the reclassification and rezoning of Lot 12, DP 786789, Waratah Place Lot 22, DP 717529, Jasmine Street (**Waratah Park**) Colo Vale and zone the land RE1 Public Recreation accordingly.

**B. THAT THE FOLLOWING PROPERTIES IDENTIFIED FOR RECLASSIFICATION (AND WHICH ARE LISTED BELOW) BE REMOVED FROM THE RECLASSIFICATION LIST IN THE DRAFT LEP AND THAT THE FIRST OPTION IN EACH RECOMMENDATION OF O-EP1 BE ADOPTED.**

- 1F THAT Council NOT proceed with the reclassification and rezoning of Part of Lot 16 DP 11372, **Soma Avenue Bowral** and zone the land E2 Environmental Conservation accordingly.
- 1AA THAT Council NOT proceed with the reclassification and rezoning of Lot 9 DP 747724, **Rytina Place, Lot 8 DP 747006, Twickenham Place, Lot 12, DP 710556, Dyson Place (Thwaites Reserve)** Moss Vale and zone the land RE1 Public Recreation accordingly (Refer also to 1AA in A. above).
- 1M THAT Council NOT proceed with the reclassification and rezoning of Lot 7 DP 264269, **Ben Nevis Circuit (Unnamed Public Reserve)** Bundanoon and zone the land RE1 Public Recreation accordingly.
- 1CC THAT Council NOT proceed with the reclassification and rezoning of Lots 4 and 5, DP 244671, Meryla Street (**Part of Hampden Park**) Robertson and zone the land RE1 Public Recreation accordingly.
- 1B THAT Council NOT proceed with the reclassification and rezoning of Lot 118, DP 840972, **Cherry Lane (Public Reserve)** Bowral and zone the land RE1 Public Recreation accordingly.
- 1D THAT Council NOT proceed with the reclassification and rezoning of Lot 20 DP 862590, **Oxley Drive Bowral** and zone the land E2 Environmental Conservation accordingly.

**Note:** That Council at its Services & Infrastructure Committee meeting held on Wednesday 6 February 2008 resolved via SI 10/08 as follows:

1. THAT Lot 1 & 2 DP 303867 Wilson Drive remain classified as Community Land.
  2. THAT Lot 1 & 2 DP 303867 Wilson Drive, Balmoral be rezoned under the Wingecarribee Draft LEP 2007 to RE1 Public Recreation.
- C. THAT THE FOLLOWING LAND REMAINS IN THE RECLASSIFICATION LIST IN THE DRAFT LEP AND THAT THE SECOND OPTION IN EACH RECOMMENDATION OF O-EP1 BE ADOPTED WITH THE EXCEPTION OF MINERAL SPRINGS RESERVE – MITTAGONG WHICH IS TO BECOME RE2 PRIVATE RECREATION UNDER THE DRAFT LEP;
- 1A THAT Council proceeds with the rezoning and reclassification of Lots 6 and 7, DP 249793, **Old Hume Highway (Public Reserve) Berrima** as publicly exhibited under Wingecarribee LEP 2007.
  - 1C THAT Council proceeds with the rezoning and reclassification of Part of Lot 1, DP 85220, **Oxley Drive (Bowral Swimming Pool) Bowral** as publicly exhibited under Wingecarribee LEP 2007.
  - 1U THAT Council proceeds with the rezoning and reclassification of Lot 20, DP 262491, **Stanley Terrace (Unnamed Reserve) Moss Vale** as publicly exhibited under Wingecarribee LEP 2007
  - 1K THAT Council proceeds with the rezoning and reclassification of Lot 1 Sec A, **Woodbine Street (Part of Foley Park) Bowral** as publicly exhibited under Wingecarribee LEP 2007.
  - 1T THAT Council proceeds with the rezoning and reclassification of Part of Lot 126, DP 263356, **Anembo Street (Unnamed Reserve) Moss Vale** as publicly exhibited under Wingecarribee LEP 2007.
  - 1L THAT Council proceeds with the rezoning and reclassification of Lot 12, DP 788983, **Government Road Braemar** as publicly exhibited under Wingecarribee LEP 2007.
  - 1W THAT Council proceeds with the rezoning and reclassification of Lot 191, DP 577152 and Lot 1, DP 819560, **Lackey Road Moss Vale** as publicly exhibited under Wingecarribee LEP 2007.
  - 1BB THAT Council proceed with the rezoning and reclassification of Lot 2, DP 263656, **Cherry Tree Close (Public Reserve) Moss Vale** as publicly exhibited under Wingecarribee LEP 2007.
  - 1E THAT Council proceeds with the rezoning and reclassification of Lot 8, DP 241836, **Beavan Place (Unnamed Reserve) Bowral** as publicly exhibited under Wingecarribee LEP 2007.
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- 1I THAT Council proceeds with the rezoning and reclassification of Lot 10, DP 701530, **Oxley Hill Road (Public Reserve) Bowral** as publicly exhibited under Wingecarribee LEP 2007 and in accordance with the proposed allotment layout and restrictions as outlined within the report.
- 1Q THAT Council proceeds with the rezoning and reclassification of Lot 244 DP 751277, Kirkland Road **(Unused Rural Fire Shed) Kangaloon** as publicly exhibited under Wingecarribee LEP 2007.

D. THAT COUNCIL NOTES THE PROPERTIES LISTED BELOW ARE ALREADY OPERATIONAL AND THOSE PROPERTIES ARE TO BE SOLD (WHICH ARE LISTED BELOW)

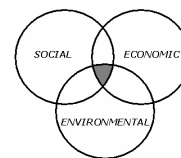
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**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 16 April 2008



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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.50PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Extraordinary Council Meeting held Wednesday, 16 April 2008 numbered MN 127/08 to MN 128/08, were signed by me hereunder at the Council Meeting held on Wednesday, 23 April 2008.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 23 APRIL 2008

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CHAIRMAN

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PUBLIC OFFICER



**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 16 April 2008

