

# MINUTES

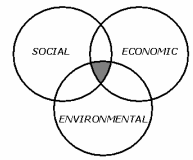
## OF THE EXTRAORDINARY MEETING OF COUNCIL

*File No. 100/07*



held on Wednesday, 30 April 2008  
in Bowral Memorial Hall

The meeting commenced at 3.35pm.



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**COMMENCING AT:** 3.35PM

**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 (4.45pm), Clr P B Tuddenham and Clr L A C  
Whipper

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

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**PRAYER**

100/1

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

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**APOLOGY**

PERS

**MN 149/08**

**MOTION** moved by Clr T D Gair and seconded by Clr M Murray:

**THAT** the apology of Clr P Yeo be accepted and leave of absence granted.

**PASSED**

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## DECLARATIONS OF INTEREST

101/3

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1. Clr T D Gair declared a pecuniary interest in the recommendation on page 284 of the business paper (Lots 10 and 11, Sec 4, DP 758415) as he is an adjacent landowner. He stated that he would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.
2. Clr P B Tuddenham declared a pecuniary interest in Item 38 on page 21 of the Group 1 Rezoning Requests (Sections 11, 16 and 17 DP 792 Willow Vale) as he owns a house in the vicinity. He stated that he would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.
3. Clr P B Tuddenham declared a pecuniary interest in Item 53 ("Lynwood" Lot 11, DP 1067256 Old South Road, Mittagong) and Item 62 (Lot 2, DP 157625 Mary Street, Mittagong) on page 286 of the business paper and any other matters relating to Range Road, Mittagong as his parents reside in the area. He stated that he would leave the room when these matters were discussed, take no part in the debate and refrain from voting thereon.
4. Clr P B Tuddenham declared a pecuniary interest in Item 116 on page 288 (Mittagong Railway Site fronting Regent Street) and Item 123 on page 269 (Regent Lane, Mittagong (Lot 30 Sec 4 DP 1289 & Lot 7 Sec 4 DP1289) as his business is located in the vicinity. He stated that he would leave the room when these matters were discussed, take no part in the debate and refrain from voting thereon.
5. Clr G Lewis declared a pecuniary interest in Item 84 on page 267 of the business paper (Cnr of Park Road and Purcell Street Bowral) as he resides in the vicinity. He stated that he would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.
6. Clr S Murray declared a pecuniary interest in any items in the vicinity of her home at 39 Oxley Drive, Mittagong and any clauses pertaining to corner allotments as she is the owner of a corner block. She stated that she would leave the room when these matters were discussed, take no part in the debate and refrain from voting thereon.
7. Clr S Murray declared a non-pecuniary interest in Item 39 on page 21 of the Group 1 Rezoning Requests (31 Cliff Street, Bowral being Lot 5 DP 740677) as she is a friend of the applicant. She stated that she would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.
8. Clr S Murray declared a non-pecuniary interest in Item 94 on page 268 of the business paper (cnr Illawarra Highway & East Street, Robertson - Lots 5 & 6 DP 805522) as she is a friend of the applicant. She stated she would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.

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9. Clr M Murray declared a pecuniary interest in Table 13 Exeter Related Issues on page 147 of (Subdivision in Devon Road, Exeter – rezoning to 5 acre lots) as both he and his children’s grandfather own properties in the vicinity. He stated that he would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.
  10. Clr M King declared a pecuniary interest in the extension of the business zoning in Wingello in the LEP as she resides in the vicinity. She stated that she would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.
  11. Clr P George declared a pecuniary interest in any items in the LEP which fall within a 1 kilometre radius of Berrima Lane, Welby as her family owns a property in the area. She stated that she would leave the room when this matter was discussed, take no part in the debate and refrain from voting thereon.
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## ENVIRONMENT & PLANNING DIVISION

o-EP1	Draft Wingecarribee LEP 2007 – Public Submissions on Exhibition
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REF:	SPM	5900
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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 exhibition of the Draft Wingecarribee LEP 2007.

Clr S Murray joined the meeting at 4.45pm

***MN 150/08***

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

***THAT the recommendation items be discussed in seriatim.***

***PASSED***

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*Cont'd.....*

Cont'd.....

**MN 151/08**

**MOTION** moved by *Clr T D Gair* and seconded by *Clr M Murray* :

1. ***THAT the recommendations on pages 265 to 291 of the Draft Wingecarribee Local Environmental Plan 2007, as well as any decisions made by Council at its Extraordinary Meeting held on Wednesday, 16 April 2008 (MN 127/08 to MN 128/08) and MN 131/08 of the Ordinary Meeting of Council held on Wednesday, 23 April 2008 in regard to the Land Reclassifications and the amendments to the Standard LEP Template introduced by the Department of Planning in December 2007 be adopted with the exception of the following:***
  - a) ***Recommendation regarding Lots 10 and 11, Sec 4, DP 758415 Fitzroy Falls on page 284 of the business paper;***
  - b) ***Item 38 on page 21 of the Group 1 Rezoning Requests (Sections 11, 16 and 17 DP 792 Willow Vale);***
  - c) ***Item 53 on page 286 of the business paper ("Lynwood" Lot 11, DP 1067256 Old South Road, Mittagong) and any items pertaining to Range Road, Mittagong;***
  - d) ***Item 62 on page 286 of the business paper (Lot 2, DP 157625 Mary Street, Mittagong);***
  - e) ***Item 116 on page 288 (Mittagong Railway Site fronting Regent Street);***
  - f) ***Item 123 on page 269 (Regent Lane, Mittagong (Lot 30 Sec 4 DP 1289 & Lot 7 Sec 4 DP1289);***
  - g) ***Item 84 on page 267 of Group 1 Rezoning Requests (Cnr of Park Road and Purcell Street Bowral);***
  - h) ***Items in the vicinity of 39 Oxley Drive, Mittagong;***
  - i) ***Any clauses pertaining to corner allotments;***
  - j) ***Item 39 on page 21 of the Group 1 Rezoning Requests (31 Cliff Street, Bowral being Lot 5 DP 740677);***
  - k) ***Item 94 on page 268 of the business paper (cnr Illawarra Highway & East Street, Robertson - Lots 5 & 6 DP 805522);***
  - l) ***Table 13 - Exeter Related Issues on page 147 of the business paper (Subdivision in Devon Road, Exeter – rezoning to 5 acre lots);***
  - m) ***The extension of the business zoning in Wingello in the LEP;***
  - n) ***Any items in the LEP which fall within a 1 kilometre radius of Berrima Lane, Welby.***

**AND THAT** *the amended plan be renamed Draft Wingecarribee Local Environmental Plan 2008.*

**PASSED**

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- a) RECOMMENDATION REGARDING LOTS 10 AND 11, SEC 4, DP 758415, FITZROY FALLS ON PAGE 284 OF THE BUSINESS PAPER

Interest: Clr T D Gair declared a pecuniary interest in this matter as he is an adjacent landowner. He left the room, took no part in the debate and refrained from voting thereon.

**MN 152/08**

MOTION moved by Clr M Murray and seconded by Clr P George

**THAT the recommendation relating to Lots 10 and 11, Sec 4, DP 758415 Nowra Road Fitzroy Falls on page 284 of the business paper be adopted.**

**PASSED**

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- b) ITEM 38 ON PAGE 21 OF THE GROUP 1 REZONING REQUESTS (SECTIONS 11, 16 AND 17 DP 792 WILLOW VALE)

Interest: Clr P B Tuddenham declared a pecuniary interest in this matter as he owns a house in the vicinity. He left the room, took no part in the debate and refrained from voting thereon.

**MN 153/08**

MOTION moved by Clr M Murray and seconded by Clr T D Gair:

**THAT Item 38 on page 21 of the business paper (Sections 11, 16 and 17 DP 792 Willow Vale) be retained as exhibited.**

**PASSED**

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- c) ITEM 53 ("LYNWOOD" LOT 11, DP 1067256 OLD SOUTH ROAD MITTAGONG), ITEM 62 (LOT 2, DP 157625 MARY STREET, MITTAGONG) ON PAGE 286 OF THE BUSINESS PAPER AND ANY MATTERS RELATING TO RANGE ROAD, MITTAGONG

Interest: Clr P B Tuddenham declared a pecuniary interest in these matters as his parents reside in the area. He left the room, took no part in the debate and refrained from voting thereon.

**MN 154/08**

MOTION moved by Clr M Murray and seconded by Clr T D Gair:

**THAT the recommendations for Item 53 ("Lynwood" Lot 11, DP 1067256 Old South Road, Mittagong) and Item 62 (Lot 2, DP 157625 Mary Street, Mittagong) on page 286 of the business paper and any other matters relating to Range Road, Mittagong be adopted.**

**PASSED**

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d) ITEM 116 ON PAGE 288 (MITTAGONG RAILWAY SITE FRONTING REGENT STREET)

**Interest:** Clr P B Tuddenham declared a pecuniary interest in this matter as his business is located in the vicinity. He left the room, took no part in the debate and refrained from voting thereon.

**MN 155/08**

MOTION moved by *Clr M Murray* and seconded by *Clr T D Gair*:

**THAT** *the recommendations for Item 116 (Mittagong Railway Site fronting Regent Street) on page 288 of the business paper be adopted.*

**PASSED**

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e) ITEM 123 ON PAGE 269 (REGENT LANE, MITTAGONG (LOT 30 SEC 4 DP 1289 & LOT 7 SEC 4 DP1289)

**Interest:** Clr P B Tuddenham declared a pecuniary interest in this matter as his business is located in the vicinity. He left the room, took no part in the debate and refrained from voting thereon.

**MN 156/08**

MOTION moved by *Clr M Murray* and seconded by *Clr T D Gair*:

**THAT** *the recommendations for Item 123 (Regent Lane, Mittagong Lot 30 Sec 4 DP 1289 & Lot 7 Sec 4 DP 1289) on page 269 of the business paper be adopted.*

**PASSED**

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f) ITEM 84 ON PAGE 267 OF GROUP 1 REZONING REQUESTS (CNR OF PARK ROAD AND PURCELL STREET BOWRAL)

**Interest:** Clr G Lewis declared a pecuniary interest in this matter as he resides in the vicinity. He left the room, took no part in the debate and refrained from voting thereon.

The Deputy Mayor, Clr P B Tuddenham assumed the chair while this matter was considered.

**MN 157/08**

MOTION moved by *Clr T D Gair* seconded by *Clr M Murray*:

**THAT** *the recommendations for Item 84 (cnr of Park Road and Purcell Street, Bowral) on page 268 of the business paper be adopted.*

**PASSED**

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The Mayor, Clr G Lewis resumed the Chair.

g) ITEMS IN THE VICINITY OF 39 OXLEY DRIVE, MITTAGONG AND ANY CLAUSES PERTAINING TO CORNER ALLOTMENTS

**Interest:** Clr S Murray declared a pecuniary interest in any items in the vicinity of her home at 39 Oxley Drive, Mittagong and any clauses pertaining to corner allotments as she is the owner of a corner block. She left the room, took no part in the debate and refrained from voting thereon.

***MN 158/08***

*MOTION moved by Clr M Murray and seconded by Cr P George:*

***THAT any items in the vicinity of 39 Oxley Drive, Mittagong and any clauses pertaining to corner allotments be adopted in the Draft LEP.***

**PASSED**

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h) ITEM 39 ON PAGE 21 OF GROUP 1 REZONING REQUESTS (31 CLIFF STREET, BOWRAL BEING LOT 5 DP 740677)

**Interest:** Clr S Murray declared a non-pecuniary interest in this matter as she is a friend of the applicant. She left the room, took no part in the debate and refrained from voting thereon.

***MN 159/08***

*MOTION moved by Clr M Murray and seconded by Cr P George:*

***THAT Item 39 on page 21 of the Group 1 Rezoning Requests (Proposed R5 large Lot Residential zoning for 31 Cliff Street, Bowral - Lot 5 DP 740677) be retained as exhibited.***

**PASSED**

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- i) ITEM 94 ON PAGE 268 OF THE GROUP 1 REZONING REQUESTS (CNR ILLAWARRA HIGHWAY & EAST STREET, ROBERTSON - LOTS 5 & 6 DP 805522

**Interest:** Clr S Murray declared a non-pecuniary interest in this matter as she is a friend of the applicant. She left the room, took no part in the debate and refrained from voting thereon.

**MN 160/08**

MOTION moved by Clr M Murray and seconded by Cr P George:

**THAT the recommendations for Item 94 on page 268 of the business paper be adopted.**

**PASSED**

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- j) TABLE 13 EXETER RELATED ISSUES ON PAGE 147 (SUBDIVISION IN DEVON ROAD, EXETER – REZONING TO 5 ACRE LOTS)

**Interest:** Clr M Murray declared a pecuniary interest in this matter as both he and his children's grandfather own properties in the vicinity. He left the room, took no part in the debate and refrained from voting thereon.

**MN 161/08**

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

**THAT the rezoning of the subdivision in Devon Road, Exeter to 5 acre lots be included in the Draft LEP.**

**PASSED**

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- k) EXTENSION OF THE WINGELLO BUSINESS ZONING IN THE LEP

**Interest:** Clr M King declared a pecuniary interest in the extension of the business zoning in Wingello in the LEP as she resides in the vicinity. She left the room, took no part in the debate and refrained from voting thereon.

**MN 162/08**

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

**THAT the extension of the business zoning in Wingello be retained as exhibited.**

**PASSED**

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1) ANY ITEMS IN THE LEP WHICH FALL WITHIN A 1 KILOMETRE RADIUS OF BERRIMA LANE, WELBY

**Interest:** Clr P George declared a pecuniary interest in any items in the LEP which fall within a 1 kilometre radius of Berrima Lane, Welby as her family owns a property in the area. She left the room when these matters were discussed, took no part in the debate and refrained from voting thereon.

**MN 163/08**

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

**THAT any items which fall within a 1 km radius of Berrima Lane, Welby be retained as exhibited.**

**PASSED**

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At this juncture, the time being 5.30pm, Clr N N Campbell-Jones retired from the meeting.

**MN 164/08**

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

2. **THAT the Director Environment & Planning be authorised to send the amended plan to the Department of Planning seeking an urgent Section 65 Certificate to enable its re-exhibition as soon as possible.**

**PASSED**

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**MN 165/08**

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

3. **THAT all persons who made written submissions on the Draft WLEP2007 be advised of Council's decision**

**PASSED**

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**MN 166/08**

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

4. **THAT** the proposed Wensleydale Release Area not be submitted to Council for reconsideration.

**PASSED**

**VOTING ON THE MOTION:**

Voting for the Motion: Clrs Whipper, Clark, Mauger, S Murray and Lewis

Voting against the Motion: Clrs King, Gair, M Murray, George and Tuddenham

**On being put to the meeting voting was tied at five (5) all whereupon the Mayor exercised his casting vote in favour of the Motion.**

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

**THAT** all properties on the western side of Greasons Road and the eastern side of Greasons Road north of Bamburgh Place and Ashgrove Place be zoned as R5 large Lot Residential 8000m<sup>2</sup>.

**LOST**

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**MN 167/08**

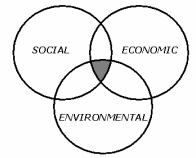
**MOTION** moved by Clr M Murray and seconded by Clr T D Gair:

5. **THAT** the current Moss Vale Holden site and adjoining land in Argyle Street, Moss Vale, proposed to be zoned B4 Mixed Use, be rezoned to B7 Business Park.

**PASSED**



**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL**  
held in Bowral Memorial Hall, Bendooley Street,  
Bowral on Wednesday, 30 April 2008  
**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**



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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.10PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Extraordinary Council Meeting held Wednesday, 30 April 2008 numbered MN 149/08 to MN 167/08, were signed by me hereunder at the Ordinary Council Meeting held on Wednesday, 14 May 2008.

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CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 14 MAY 2008

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CHAIRMAN

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PUBLIC OFFICER



**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL**  
held in Bowral Memorial Hall, Bendooley Street,  
Bowral on Wednesday, 30 April 2008  
**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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