

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 10 February 2010

The meeting commenced at 3.30 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

COMMENCING AT: 3.30 pm

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

IN ATTENDANCE:

General Manager	Mr Jason Gordon
Director Corporate Services	Mr Barry Paull
Director Environment & Planning	Mr Scott Lee
Director Infrastructure Services	Mr Michael Brearley
Manager Administration & Library Services	Mr Peter Nelson
Administration Officer	Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Mayor Clr T D Gair opened the meeting and acknowledged country:

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

PRAYER

100/1

The opening prayer was led by Reverend Bob Thomas of Bowral Uniting Church.



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PRESENTATION - SOUTHERN HIGHLAND WOOD TURNERS

Mr John Powell from the Southern Highland Wood Turners ("the Woodies") presented a gavel and base to Council.

The Mayor Clr T D Gair thanked Mr Powell and the Woodies for the presentation.

APOLOGY

There were no apologies at this meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
27 JANUARY 2010

100/1

MN 24/10

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 27 January 2010 MN 01/10 to MN 23/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the exception of Item o-EP4 – Proposed 25 Lot Subdivision at 'Vine Lodge', Lot 1 DP 596495, Lot A DP 927745 and Lot 4 DP 660174 Exeter Road, Exeter - under the heading "Reason" of Recommendation 2 on page 13 of the Minutes.

PASSED

-
1. ITEM o-EP4 – PROPOSED 25 LOT SUBDIVISION AT 'VINE LODGE', LOT 1 DP 596495, LOT A DP 927745 AND LOT 4 DP 660174 EXETER ROAD, EXETER

MN 25/10

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

THAT Item o-EP4 – Proposed 25 Lot Subdivision at 'Vine Lodge', Lot 1 DP 596495, Lot A DP 927745 and Lot 4 DP 660174 Exeter Road, Exeter – under the heading "Reason" of Recommendation 2 - be amended as follows:

"Reason: Carbon sequestration rates are based on mature trees of approximately 20 – 30 years of age. The provision of mid-storey and groundcover species will increase the amount of carbon absorbed during the early growth period, assist in weed control, improve the soil nutrient balance and provide a more natural environment or ecosystem. All species used shall be exotic as well as indigenous or native to the local area."

PASSED

.....Cont'd



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.....Cont'd

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

Councillor	For	Against
Clr 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	



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BUSINESS ARISING

1. ITEM o-EP4 – PROPOSED 25 LOT SUBDIVISION AT 'VINE LODGE', LOT 1 DP 596495, LOT A DP 927745 AND LOT 4 DP 660174 EXETER ROAD, EXETER

Clr P B Tuddenham referred to Item o-EP4 and asked for clarification on what consultation had taken place with the community in relation to the shared pathway.

The Mayor Clr T D Gair advised that a reply will be provided in the Weekly Circular.

DECLARATIONS OF INTEREST

101/3

There were no Declarations of Interest at this Meeting.



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MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 Inclusion of the Aboriginal Meaning of Locality Names on Future Signage Throughout the Shire

REF: SPM, FSM

5120, 1826

Recognising each of the Localities throughout the Wingecarribee Shire including the Aboriginal meaning of a number of Locality names.

MN 26/10

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

1. **THAT the erection of new locality signs be considered as part of the 2010/2011 Budget Process.**
2. **THAT the introduction of the signage be in consultation with the Wingecarribee Aboriginal Advisory Committee and that they decide on the most appropriate wording to be used to recognise the Aboriginal meaning of locality names AND THAT they report back to Council within six (6) months.**

PASSED

OPEN COUNCIL

MN 27/10

107/10

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

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

PASSED



VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

**v-EP1 Proposed Local Rural Industry, Dwelling & Eight (8) Eco Tourism Cabins,
Soapy Flat Road, High Range**

REF: MDBS

LUA09/0701

This report considers a development application which seeks approval for a local rural industry, dwelling and eight (8) tourism eco cabins on Lot 8 DP 1094783 Harrison Lane (off Soapy Flat Road), High Range. Councillors attended a site inspection of this property on 9 September 2009.

Mr David McGowan, Consultant Town Planner, addressed Council on behalf of the objectors.

Mr Terry Brooks from Terry Brooks Design, addressed Council on behalf of the Applicant.

OC 13/10

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

1. **THAT development application LUA09/0701 for a local rural industry (olive grove, harvesting and processing), dwelling and eight tourist cabins on Lot 8 DP 1094783, Harrison Lane (off Soapy Flat Road), High Range be refused for the following reasons:**
 - (i) ***The application is inconsistent with the objectives of the Illawarra Regional Environmental Plan No 1, the 1(c) zone objectives of Wingecarribee Local Environmental Plan 1989 and Development Control Plan No 53 due to the visual prominence of the cabins and shed.***
 - (ii) ***Soapy Flat Road road reserve is classified in the Wingecarribee Roadside Management Plan as Category A – ‘high conservation’ and the upgrading of it as necessary to accommodate the proposed development is likely to have an adverse environmental impact arising from the loss of significant roadside vegetation.***
 - (iii) ***The proposal does not comply with draft clause 7.3 of Draft Local Environmental Plan 2009 in that the “local rural industry”, namely olive production and processing, does not exist and Council cannot be satisfied, as required by the provisions of the clause, that development will operate at all times in conjunction with, and ancillary to, the local rural industry.***
2. **THAT the applicant be invited to submit a fresh development application taking into consideration the items included in the report, as detailed above.**

PASSED

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

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

Councillor	For	Against
Clr 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	



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

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

REF: MDBS 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 12 January 2010 and 1 February 2010.

OC 14/10

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

THAT the information relating to Development Consent Nos 1-14 Approved and Development Consent No 1 Refused under Delegated Authority be received and noted.

PASSED

o-EP2 List Of Land Use Applications Received By Council

REF: MDBS 5302

Submitting list of development applications which have been received between 12 January 2010 to 1 February 2010, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

OC 15/10

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

THAT the information regarding the List of Land Use Applications Nos 1 - 8 received by Council be received and noted.

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Matters Arising from Land Use Applications Received by Council

1. ITEM 1 – STAGED CONCEPT DA FOR THE CONSTRUCTION OF COMMUNITY SWIMMING POOL (INDOOR) AND BUILDING (ROBERTSON BOWLING CLUB) YARRANGA STREET, ROBERTSON LUA10/0038

Clr L A C Whipper requested further information in relation to this item.

The Manager Development & Building Services advised that unfortunately new plans on the development had only just been received. He advised that the development will now go on neighbourhood notification and the matter will then be referred to agencies such as the Sydney Catchment Authority, so the report will not come before Council until April 2010.

2. ITEM 2 – NEW CLASSROOM BLOCK AND EXTENSION AND MODERNISATION OF HOSPITALITY CLASSROOMS, CHEVALIER COLLEGE, MOSS VALE ROAD, BURRADOO LUA10/0060

Clr P B Tuddenham asked for further information on this item to be placed in the Weekly Circular.

3. ITEM 3 – INSTALLATION OF A SINGLE BLOCK OF 3 DEMOUNTABLE BUILDINGS, CHEVALIER COLLEGE, MOSS VALE ROAD, BURRADOO LU10/0062

Clr P B Tuddenham asked for further information on this item to be placed in the Weekly Circular.

.....Cont'd



.....Cont'd

3. ITEM 4 - RESIDENTIAL TO RETAIL AND SIGNAGE, 2-4 RAGLAN STREET, HILL TOP, LOTS 9-14 SECTION 5 DP 1262 AKAS 15 WEST PARADE LUA10/0042

Clr P B Tuddenham asked for clarification on this development, and if it is the property that was rezoned last year, then he requested that it come to Council for determination.

OC 16/10

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

THAT Item 4 – Residential to Retail and Signage, 2-4 Raglan Street, Hill Top, Lots 9-14 Section 5 DP 1262 akas 15 West Street, Hill Top (LUA109/0042), be referred to an Ordinary Meeting of Council for determination.

PASSED

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

Councillor	For	Against
Clr 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	



o-EP3 Land Use Applications Determined
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REF: MDBS	5302
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Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of January 2010.

OC 17/10

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

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

PASSED



o-EP4 Two Lot Subdivision at Lot 112 DP 825441 Iona Park Road, Moss Vale

REF: MDBS

LUA09/0227

Reporting on LUA 09/0200 which seeks development consent for a two lot subdivision at Lot 112 DP825441, Iona Park Road, Moss Vale.

OC 18/10

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

THAT LUA 09/0200 which seeks development consent for a two (2) lot subdivision of Lot 112 DP 825441, Iona Park Road, Moss Vale, be approved subject to conditions as described in Attachment 4 of 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.

Councillor	For	Against
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	



o-EP5 Proposed Modification of Consent under S96(1a) for Fitout of Shop "The Intersection", Station Street, Bowral.

REF: MDBS

LUA09/0464

This report deals with an application under S96(1a) of the Environmental Planning and Assessment Act, 1979, for the modification of conditions of consent relating to deliveries for the previously approved fitout of the vacant shop area at "The Intersection".

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

OC 19/10

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

THAT the matter be deferred pending a meeting to be held with the Mayor, the General Manager, the Director Environment & Planning and the Applicant in an attempt to resolve the outstanding issues AND THAT a further report be forwarded to the next Meeting of Council to be held on Wednesday, 24 February 2010.

PASSED

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

Councillor	For	Against
Clr 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	

CHAIRPERSON

At this juncture, the time being 5.08 pm, the Mayor Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.



o-EP6 Draft Northern Villages DCP for Exhibition

REF: SPM

5700/73

The purpose of this report is to present to Council a Draft Development Control Plan for the Northern Villages and recommend that it be placed on Public Exhibition for comment

MN 28/10

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

1. **THAT** the Draft Northern Villages Development Control Plan circulated as a separate attachment, be endorsed for the purpose of public exhibition.
2. **THAT** the required public consultation be undertaken in accordance with the Environmental Planning & Assessment Regulation 2000 commencing 24 February – 23 April 2010.

PASSED

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

Councillor	For	Against
Clr 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	



o-EP7 Proposed Modification To The Renwick Voluntary Planning Agreement

REF: SPM

5612/14, 5817/9

The purpose of this report is to advise Council of a request from Landcom to make a minor modification to the Voluntary Planning Agreement for the Renwick Urban Release.

The Director Environment & Planning addressed Council on this matter.

MN 29/10

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

1. **THAT** the provisions of the Voluntary Planning Agreement (VPA) for Renwick as Executed on 11 September 2008 as it relates to the Mary Street Upgrade be modified as follows:
 - (a) The wording in Column 3 be replaced with “Works in Kind or Monetary Contribution”.
 - (b) The wording in Column 4 be replaced with “By agreement between both Parties”.
2. **THAT** the Mayor and General Manager be delegated authority to Execute the Modification to the Renwick VPA under the Common Seal of the Council.
3. **THAT** Landcom be notified of Council’s decision subject to the following conditions:
 - (a) Landcom still complete a detailed design of the Mary Street Upgrade Works.
 - (b) Landcom undertake a full Cost estimate of the Works.
 - (c) Agreement between Council and Landcom as to the works required to be completed to satisfy the conditions of the VPA.
4. **THAT** Council continue with its negotiations with Landcom regarding the \$2 million contribution to community infrastructure
5. **THAT** Council request Landcom to identify the number of “affordable houses” within the Renwick development and confirm with Landcom Council’s expectation that they will provide affordable housing within the development.

PASSED

.....Cont'd



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

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

Councillor	For	Against
Clr 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	



o-EP8 Roads and Traffic Section 94 Development Contributions Plan

REF: SPM 5701/6

This report presents to Council a Draft Roads and Traffic Management Facilities Section 94 Plan – Version 5 as an Interim Plan, until the preparation of a new Plan for Roads and Traffic Facilities is finalised later in 2010.

MN 30/10

MOTION moved by Clr K Halstead and seconded by Clr D Stranger:

1. ***THAT the Draft Section 94 Development Contributions Plans for Roads and Traffic Facilities – Version 5 included at Attachment 1 as circulated separately be placed on public exhibition in accordance with Sections 26, 28 and 29 of the Environmental Planning and Assessment Regulation 2000.***
2. ***THAT the Draft Section 94 Development Contributions Plans for Roads and Traffic Facilities – Version 5 be brought back to Council following closure of the required exhibition period.***

PASSED

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

Councillor	For	Against
Clr 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	



o-EP9 Compliance and Enforcement Policy

REF: DEP 104/5, 5210/6

Reporting on proposed adoption of the Environment and Planning Compliance and Enforcement Policy.

MN 31/10

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

THAT Council adopts the Compliance and Enforcement Policy circulated separately with the Agenda.

PASSED

o-EP10 New Legal Issues Report

REF: DEP 107/22

Reporting on legal issues arising in the past two months.

MN 32/10

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

THAT the information be received and noted.

PASSED



CORPORATE SERVICES DIVISION

o-CS1 Property Valuations

REF: FSM 2201

Submitting a report for information on the re-valuing of land within the Wingecarribee Shire by the NSW Valuer General.

Councils Director Corporate Services addressed Council on this matter.

MN 33/10

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

THAT the information in relation to Property Valuations be noted.

PASSED

o-CS2 Committee Appointments and Resignations

REF: MALS 7208/1

Reporting on Management Committee Appointments and Resignations.

MN 34/10

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

- 1. THAT Council accepts with regret the resignation of Mr Alan Orr from the East Bowral Community Centre.***
- 2. THAT the nomination of Mr David Weatherall to the East Bowral Community Centre Management Committee be adopted.***
- 3. THAT Mr Orr and Mr Weatherall be notified of Council's determination in one (1) and two (2) above AND THAT the East Bowral Community Centre Management Committee be notified of Council's determination.***

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1 Wallaby Hill Road Gravel re Sheeting Works

REF: RTM LUA 09/0903, RD3640, 100/5, 7810/3

Council at its Ordinary Meeting of Council held on Wednesday, 27 January 2010 resolved:

MN 11/10

THAT the matter be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 10 February 2010 AND THAT an Information Session for Councillors be held in relation to any issues that may arise in relation to this matter (eg, traffic counting), prior to that Meeting.

The General Manager, Director Infrastructure Services and Manager Development & Building Services addressed Council on this matter.

MN 35/10

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

1. **THAT the information on the contaminated material on Wallaby Hill Road be received and noted.**
2. **THAT the 'Missing Link' of unsealed road within Belmore Falls Road between Wallaby Hill Road and the sealed section be re-prioritised against other competing projects within the Roads To Recovery Program as part of the management plan review for the upcoming financial year.**

PASSED

SUPPLEMENTARY REPORT OF INFRASTRUCTURE SERVICES DIVISION

Lifestyle and Community

o-IS2 Regional & Local Community Infrastructure Program

REF: DIS 2151/6

This matter was considered by Council later in the meeting (*refer MN 39/10*).



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

QUESTIONS FROM THE PUBLIC

1. WERAI TEA HOUSE (ALLEGED ILLEGAL SIGNAGE AT "TARELLA" GREENHILLS ROAD, WERAI) PN601500

Mrs Pam Cooper asked why the fine was imposed by the Office of State Revenue and not Council on the "incorrect" signage at the Werai Tea House.

The Director Environment & Planning advised that Council issues the penalty infringement notice and the Office of State Revenue pursues the debts.

2. "THE HIGHLAND WAY"

Mr Mac Cott asked if when considering place names and localities within the Shire, could Council consider signposting the main road from Mittagong to Marulan by its official name "The Highland Way", as it is in the Goulburn Mulwaree Shire.

The Mayor Cllr T D Gair advised that this will be passed on to the Tourism Manager at the Visitor Information Centre for investigation.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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NOTICE OF MOTION

NOTICE OF MOTION

**c-NRM1 01/2010 – Notice of Motion of Rescission - Development Application
'Wallaby Hill Farm'**

REF: DEP

LUA2009/0903

Council at its Ordinary Meeting of Council held on Wednesday, 27 January 2010 resolved:

"THAT the Notice of Motion of Rescission – Development Application 'Wallaby Hill Farm', Lot 4 DP 590435, Wallaby Hill Road, Robertson - be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 10 February 2010." (MN 15/10)

The Notice of Rescission of Resolution is again submitted to Council for consideration.

"We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on Wednesday, 9 December 2009 be **rescinded**. (Reference MN503/09)

"THAT development application LUA2009/0903 for the use of 'Wallaby Hill Farm' Lot 4 DP590435, Wallaby Hill Road, Robertson, for equestrian events on four (4) occasions in a calendar year be approved subject to deferred commencement and special conditions as described in Attachment 2 to the report, which was circulated under separate cover AND THAT the special conditions requiring a 2 coat bitumen seal to Wallaby Hill Road include confirmation that such sealing is for a length of approximately 1.5kms from the intersection with Belmore Falls Road to the entry gate of 'Wallaby Hill Farm', up to a cost of \$60,000."

*Dated 16 December 2009
Signed Clr Juliet Arkwright
Clr David Stranger
Clr Paul Tuddenham"*

MN 36/10

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

THAT the Notice of Motion of Rescission – Development Application "Wallaby Hill Farm" be adopted.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clr J G Arkwright, Clr K Halstead, Clr J Mauger,
Clr D Stranger and Clr P B Tuddenham

Voting Against the Motion: Clr T D Gair, Clr J R Clark, Clr G McLaughlin and Clr L A C Whipper



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on Wednesday, 10 February 2010

NOTICE OF MOTION

o-NM1 01/2010 – Notice of Motion – Development Application ‘Wallaby Hill Farm’

REF: DEP

LUA2009/0903

Council at its Ordinary Meeting of Council held on Wednesday, 27 January 2010 resolved:

MN 16/10

“THAT the Notice of Motion - Development Application ‘Wallaby Hill Farm’ Lot 4 DP590435, Wallaby Hill Road, Robertson - be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 10 February 2010.”

The Notice of Motion is again submitted to Council for consideration.

Clr Juliet Arkwright has given notice that it is her intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday, 10 February 2010:

1. THAT Development Application LUA 2009/0903 for the use of ‘Wallaby Hill Farm’ Lot 4 DP590435, Wallaby Hill Road, Robertson for equestrian events on four (4) occasions in a calendar year be approved subject to deferred commencement and special conditions as described in Attachment 2 of the report at the meeting held on Wednesday 9 December 2009 which was circulated under separate cover.

MN 37/10

MOTION moved by Clr K Halstead and seconded by Clr P B Tuddenham:

1. ***THAT Development Application LUA 2009/0903 for the use of ‘Wallaby Hill Farm’ Lot 4 DP 590435, Wallaby Hill Road, Robertson for equestrian events on four (4) occasions in a calendar year be approved subject to deferred commencement and special conditions as described in Attachment 2 of the report at the meeting held on Wednesday 9 December 2009 which was circulated under separate cover noting that “Road work – 2 coat bitumen seal” referred to in Attachment 2 be deleted therefrom AND THAT there be a monetary contribution from the Applicant of \$30,000 for the upgrading and sealing of Wallaby Hill Road for 1.5 kms.***
2. ***THAT a legally enforceable instrument outlining the need for absolute compliance be included in the approval.***

PASSED

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

NOTICE OF MOTION

.....Cont'd

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

Councillor	For	Against
Clr 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



INFRASTRUCTURE SERVICES DIVISION (CONT)

SUPPLEMENTARY REPORT

MATTER OF URGENCY

The Mayor Clr T D Gair advised that Council had put in a grant to continue the footpath “the missing link” in Mittagong but that because the footpath adjoins a road, it became ineligible and Council now has to re-allocate a project. He requested the Supplementary Report in relation to the Regional and Local Community Infrastructure Program be dealt with as a matter of urgency.

MN 38/10

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

THAT the Supplementary Report regarding Regional and Local Community Infrastructure Program be treated as a matter of urgency.

PASSED

The Mayor ruled that this is a matter of urgency.

o-IS2	Regional and Local Community Infrastructure Program
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REF:	DIS	2151/6
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Reporting on round two of the additional funding of \$100 million (Non-competitive) by the Federal Government under the Regional and Local Community Infrastructure Program (RLCIP) in 2009-2010.

MN 39/10

MOTION moved by Clr D Stranger and seconded by Clr G McLaughlin:

THAT Council nominate the Cherry Tree walk project for funding under the Regional and Local Community Infrastructure Program.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

REPORT OF DIRECTOR CORPORATE SERVICES

NOTICE OF MOTION (CONT)

c-NRM2 01/2010 – Notice of Motion of Rescission - Planning Control, Lot A DP 162073, 180 Argyle Street Moss Vale

REF: DEP

LUA2009/0903

“We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on Wednesday, 9 December 2009 be **rescinded**. (Reference MN502/09)

1. THAT Council resolve to support the request by JBA Urban Planning Consultants on behalf of McDonalds Australia Ltd to amend the current and proposed planning controls over Lot A DP 162073, 180 Argyle Street, Moss Vale to permit ‘restaurants’ on the site by amending Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009.
2. THAT Council work with the applicant during the DA process to work through the layout, traffic, landscaping and signage.
3. THAT the DA be determined by Council and any report to Council include draft conditions of consent.
4. THAT Council support the amendment of Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009 covering Lot A DP 162073, 180 Argyle Street, Moss Vale to facilitate a more satisfactory development of the adjoining Lots C and D in terms of traffic access to and from the site and deem this as an appropriate site for a McDonald’s restaurant AND THAT in consideration of Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009, traffic concerns raised can be satisfactorily addressed.

Dated 28 January 2010
Signed Clr Larry Whipper
Clr Jim Clark
Clr Duncan Gair”

.....Cont’d



.....Cont'd

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

THAT the Notice of Motion of Rescission - Planning Control, Lot A DP 162073, 180 Argyle Street, Moss Vale was put and LOST.

VOTING ON THE MOTION:

Voting for the Motion: *Clr T D Gair, Clr J R Clark and Clr L A C Whipper*

Voting Against the Motion: *Clr J G Arkwright, Clr K Halstead, Clr J Mauger,
Clr G McLaughlin, Clr D Stranger and Clr P B Tuddenham*

o-NM2 02/2010 – Notice of Motion – Planning Controls Lot A DP 162073, 180 Argyle Street, Moss Vale

REF: DEP

LUA2009/0903

The Notice of Motion in relation to this matter was withdrawn, having regard to Item c-NRM2, Notice of Motion of Rescission – Planning Control, Lot 4 DP 162073, 180 Argyle Street, Moss Vale, being Lost.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

REPORT OF DIRECTOR CORPORATE SERVICES

o-NM3 03/2010 – Notice of Motion – Gwydir Shire Council

REF: MALS

2152

Clr Juliet Arkwright has given notice that it is her intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 10 February 2010:

1. THAT Council make representations to Mr Alby Schultz MP, Federal Member for Hume and Ms Pru Goward MP, Member for Goulburn seeking their support of the Gwydir Shire Council petition to the House of Representatives and the speaker to endorse the holding of a referendum to amend Section 96 of the Australian Constitution to include the words “to make grants to any State or Local Government body”, and develop as a matter of urgency a revised Federal – Local Government funding model that better addresses the inability of Local Government to provide adequate and effective services to its residents.

MN 40/10

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

THAT Council make representations to Mr Alby Schultz, MP, Federal Member for Hume, Ms Pru Goward, MP, Member for Goulburn and Mr Matt Brown, MP, Member for Kiama, seeking their support of the Gwydir Shire Council petition to the House of Representatives and the speaker to endorse the holding of a referendum to amend Section 96 of the Australian Constitution to include the words “to make grants to any State or Local Government body”, and develop as a matter of urgency a revised Federal – Local Government funding model that better addresses the inability of Local Government to provide adequate and effective services to its residents.

PASSED

EXTENSION OF TIME

MN 41/10

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

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

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF: MALS	107/1
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Submitting minutes of one (1) Committee meeting that will be tabled for information.

MN 42/10

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

THAT the information contained in the following Committee Report be noted:

1. ***Moss Vale Senior Citizens and Community Centre Management Committee held Monday, 18 January 2010.***

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

GENERAL BUSINESS

GENERAL BUSINESS

1. OLD ARGYLE ROAD, BUNDANOON

Clr K Halstead asked what was the purpose of putting a chain/gate across Old Argyle Road in Bundanoon and what the cost of the exercise was, including the removal of it.

The Director Infrastructure Services advised that it did involve the Rural Fire Service, and that a reply will be provided in the Weekly Circular.

2. COMPLAINTS FROM RESIDENTS/RATEPAYERS REGARDING NOISE EMISSIONS FOLLOWING CHANGES TO THE LICENSING LAWS

Clr K Halstead asked if the General Manager could bring forward a report to Council on the process followed by Council staff when it receives complaints from residents/ratepayers regarding noise emissions from commercial and/or industrial premises, particularly since the changes to the licensing laws have been implemented.

The General Manager advised that staff will investigate the matter.

3. WERAI TEA HOUSE (ALLEGED ILLEGAL SIGNAGE AT "TARELLA" GREENHILLS ROAD, WERAI) PN601500

Clr K Halstead asked if it is still the intention of Council to pursue the prosecution of the proprietors of the Werai Tea House. He stated that common sense prevailing would be for the Council to inform the Office of State Revenue that Council does not intend to pursue this matter at this time.

The Mayor Clr T D Gair suggested to Clr Halstead that he should bring this matter back to Council as a Question with Notice or Notice of Motion.

4. WINGECARRIBEE DAM SAFETY EMERGENCY PLAN 2007

Clr J Mauger asked if the Mayor is aware that this document exists and that Council has been removed from the distribution list for it. He stated that in view of the proposal to build up to 500 residences with the Sutherland park initiative, can Council provide some comment as to why it should not consider the contents of the above document before any further decision is made to move forward with this proposal.

The Mayor Clr T D Gair advised that this matter would be taken on notice by the staff.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

GENERAL BUSINESS

5. SIGNAGE IN GREENHILLS ROAD, WERAJ PN601500

Clr J Mauger asked for an update on where this matter stands at present and if it is envisaged that Council will have a full report on all unauthorised signage.

The Mayor Clr T D Gair advised that a reply will be provided in the Weekly Circular.

6. LAMOND LANE CARPARKING

Clr J Mauger asked if it was correct that the Rangers were instructed not to police the parking restrictions in Lamond Lane car park in Bowral, as reported in the press.

The Mayor Clr T D Gair advised that he had involvement in this matter, as he had received a query from a landowner in Lamond Lane that there was a dispute regarding ownership of the land. The Mayor advised that he spoke to the General Manager at the time and advised that it would be a good PR exercise for Council to resolve the dispute before Council went into revenue raising. The Mayor advised that he was not aware that the instruction went out that people who parked in the Lamond Lane car park were not to be booked, that it was not his intention that the instruction was to go out and it was a misinterpretation at the time.

7. PARKING ISSUES IN MITTAGONG

Clr J G Arkwright advised that it appears that the Parking Rangers have not visited Mittagong recently in any effective way, resulting in local residents, particularly the elderly ones visiting shops in Main Street and Station Street being unable to park. She asked if the Parking Rangers could be instructed to visit Main Street and Station Street in Mittagong so that a bit of discipline is restored to the parking situation, thus enabling the elderly residents to park closer to the shops.

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

8. CHURCH LANE, MITTAGONG

Clr P B Tuddenham advised that he had received a letter from a resident regarding the deterioration of Church Lane, Mittagong, which was dug up by the developer who was constructing Mittagong Central, and noting that the lane has been left in a very bad condition. Clr Tuddenham stated that the developer was supposed to have replaced the whole road but this obviously would not happen now for quite some time. He asked if Council could look at carrying out repairs between the main road and the toilets as many elderly people use the area.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

GENERAL BUSINESS

9. VICTORIA STREET, BOWRAL

Clr P B Tuddenham asked for assurance that the proposed development in Victoria Street, Bowral, is coming to an Ordinary Meeting of the Council for determination.

The Mayor Clr T D Gair advised in the affirmative.

10. CHARLOTTE STREET, BURRADOO

Clr L A C Whipper referred to a letter received from a resident in Charlotte Street, Burradoo, raising some issues in relation to flooding. He asked if a response has been sent to the resident and, if so, could Councillors have a copy of the reply.

The Director Infrastructure Services advised that he will investigate the matter and provide a response to Councillors.

11. FOUR (4) CYLINDER CAR POLICY

Clr L A C Whipper referred to a resolution or recommendation of Council a couple of years ago for a report to Council regarding the policy for the use of four (4) cylinder vehicles by Council staff. Clr Whipper advised that, as far as he is aware, the report has not been brought to Council and asked if this could be done.

The General Manager advised that there were a number of four (4) cylinder vehicles in Council's fleet and that staff are encouraged by a reduced rate to take it on under private use, and that a review of the policy is currently being undertaken. He advised that the matter will be further investigated and a report brought to Council.

12. STORMWATER DAMAGE IN BUNDANOON

Clr J R Clark referred to recent flooding and stormwater damage in Bundanoon particularly in the vicinity of Ebury Street, Ellsmore Road and Old Wingello Road, and noted that a number of houses were flooded. He asked if Council could re-prioritise the drainage work in that vicinity as this issue goes back a long way and may have fallen off the agenda as a result of dry weather in recent years.

The General Manager advised that the matter will be investigated.

13. STORMWATER DAMAGE IN BUNDANOON

Clr J R Clark advised that a resident of Ross Street, Bundanoon had contacted him about the issue of the maintenance of this street. Clr Clark stated that the resident had been notified by Council that not all of Ross Street is maintained by Council and asked if it could be clarified what part of Ross Street is maintained by Council.

The General Manager advised that the matter will be investigated.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

GENERAL BUSINESS

14. ROTARY PARK, OLD BOWRAL ROAD, MITTAGONG

Clr J R Clark referred to the letter he had received from Mrs Jane Lemann about the Rotary Park in Mittagong, and asked if some of the issues raised by Mrs Lemann, such as parking of vehicles, replacing of dead trees, the need for weed removal and the general neglect of the park, could be addressed by Council.

The General Manager advised that the matter will be investigated.

15. APPROVAL OF ON-SITE SEWERAGE MANAGEMENT SYSTEMS

Clr G McLaughlin referred to approval of on-site sewerage management systems and the administration of the matter, which seems to be very cumbersome. He noted that affected residents receive an initial letter and then pay an administration fee, followed by a second letter advising of an inspection and then payment of another fee, plus a third letter advising them of approval or not. He advised that he has received complaints from some residents advising of the need to re-grout following the inspection, which is an additional cost. He noted that the fees have to be paid at the Council and not at a Post Office, and asked if the matter could be investigated.

The General Manager advised that the matter will be investigated.

16. UPGRADE OF MOUNT ROAD, BOWRAL

Clr G McLaughlin referred to the upgrading of Mount Road, Bowral, noting that the lower part has been upgraded some time ago and there is a footpath. Clr McLaughlin stated that the top section has fallen apart and there is no footpath, and he asked when Mount Road might be reviewed with regard to repairs to the road and footpath.

The General Manager advised that the matter will be investigated.

17. BERRIMA ROAD, MOSS VALE (NEAR THE WINGECARRIBEE SHIRE COUNCIL WORKS DEPOT)

Clr G McLaughlin referred to a question he asked some time ago in relation works that were being undertaken on Berrima Road, Moss Vale, and the pipes that were to be laid under the road. He stated that there is flooding in the area, and asked if a resolution had been reached with the developer.

The General Manager advised that the matter will be investigated.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

GENERAL BUSINESS

18. ALDERMAN GREG JARVIS

Clr G McLaughlin referred to the passing last Saturday of his good friend Greg Jarvis, a former resident of Bowral. Clr McLaughlin advised that at the time of his passing Greg Jarvis was an Alderman on the Darwin City Council. He advised that Greg had worked in the Northern Territory as a Principal in Aboriginal communities, he was the First Green Candidate to stand for and be elected to Darwin City Council and he introduced the "Welcome to Country" at the last Meeting of the Darwin City Council, which was quite an accomplishment. Clr McLaughlin thanked the Mayor for the letter of condolence that had been written on behalf of Council to the Lord Mayor of Darwin City Council.

19. SIGNAGE COMMITTEE

The Mayor Clr T D Gair advised that the Signage Committee will be reconvened at a date to be decided.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

CLOSED COUNCIL

CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

To consider moving into Closed Council.

At this juncture, the time being 7.55 pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

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

No objections were received from the members of the public.

Clr L A C Whipper requested that this matter be considered in Open Council.

MN 43/10

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

THAT the Proposed Acquisition of Lot 5 Deposited Plan 867717 Oxley Drive, Bowral for Addition to Mt Gibraltar Bush Lane Reserve be considered in Open Council.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

OPEN COUNCIL

OPEN COUNCIL (CONT)

OPEN COUNCIL

107/10, PN318501

MN 44/10

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

THAT Council moves back into Open Council.

PASSED

**c-GM1 Proposed Acquisition of Lot 5 Deposited Plan 867717 Oxley Drive, Bowral
For Addition To Mt Gibraltar Bush Land Reserve**

REF: PO

PN318501

OC 20/10

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

THAT the Proposed Acquisition of Lot 5 Deposited Plan 867717 Oxley Drive, Bowral
for Addition to Mt Gibraltar Bush Lane Reserve Council be deferred pending the
outcome of an urgent meeting to be held with representatives of the Mt Gibraltar
Management Committee and subject to the outcome of that meeting, the matter be
forwarded to a future Ordinary Meeting of the Council for further consideration, if
necessary.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

ADOPTION OF OPEN COUNCIL

107/10

MN 45/10

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

THAT the recommendations of the Open Council held on Wednesday, 10 February 2010 being OC 13/10 to OC 20/10, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 10 February 2010

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.58 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 10 February 2010 numbered M/N 24/10 to M/N 45/10, were signed by me hereunder at the Council Meeting held on Wednesday, 24 February 2010.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 24 FEBRUARY 2010

CHAIRMAN

PUBLIC OFFICER