

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 28 April 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, 28 April 2010

# CONTENTS

<b>CONFIRMATION OF MINUTES</b>	<b>3</b>
<b>OPEN COUNCIL</b>	<b>5</b>
<b>ENVIRONMENT &amp; PLANNING DIVISION</b>	<b>5</b>
o-EP7 Chelsea Gardens / Coomungie Urban Release Area - Draft LEP 131 .....	5
o-EP1 Development Consents Determined by Way of Approval under Delegated Authority .....	7
o-EP2 List of Land Use Applications Received By Council .....	7
o-EP3 Section 82A Review of Conditions Relating to Berrima Scout Camp .....	9
o-EP4 Proposed Replacement Garage/Workshop and Second Garage Lot 2 DP317716, 1262 Belmore Falls Road, Robertson .....	10
o-EP5 Wingecarribee Local Planning Strategy 2011 - 2031 .....	11
o-EP6 Draft Bundanoon Development Control Plan .....	12
o-EP7 Chelsea Gardens / Coomungie Urban Release Area - Draft LEP 131 .....	13
o-EP8 Draft LEP Amendment 134 – South West Yerrinbool Study Findings .....	14
o-EP9 Draft Development Control Plan for Managing Our Flood Risks .....	15
<b>CORPORATE SERVICES DIVISION</b>	<b>16</b>
o-CS1 Investments as at 31 March 2010 .....	16
o-CS2 Code of Conduct for Complaint Handling Procedures and Sanctions .....	17
o-CS3 Donation of Land at Lot 500 Deposited Plan 1133261 Oxley Drive, Bowral .....	18
o-CS4 Draft Management Plan and Budget 2010-2013 .....	19
<b>INFRASTRUCTURE SERVICES DIVISION</b>	<b>20</b>
o-IS1 2010 Cancer Council's Relay for Life .....	20
<b>QUESTIONS FROM THE PUBLIC</b>	<b>21</b>
<b>OTHER MATTERS</b>	<b>26</b>
<b>NOTICE OF MOTION</b>	<b>26</b>
o-NRM1 03/2010 – Notice of Rescission of Resolution – Draft Robertson Village Development Control Plan .....	26
o-NM1 07/2010 – Notice of Motion – Draft Robertson Village Development Control Plan .....	28
o-NM2 08/2010 – Notice of Motion – Girraween, 53 Telopea Road Hilltop, DP751267 .....	29
<b>COMMITTEE REPORTS ATTACHED</b>	<b>30</b>
c-CR1 Minutes of the Access Committee .....	30
c-CR2 Minutes of the Finance Sub-Committee .....	30
c-CR3 Minutes of the Traffic Committee .....	31
<b>GENERAL BUSINESS</b>	<b>35</b>
<b>CLOSED COUNCIL</b>	<b>40</b>
<b>GENERAL MANAGER</b>	<b>40</b>
c-CS1 Closed Council .....	40
<b>CLOSED COUNCIL</b>	<b>42</b>
c-IS1 Enterprise Zone Road and Sewer Upgrade – Tender 10/6 .....	42
c-GM1 General Manager's Performance Agreement – Action Plan .....	42



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 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 Mayor Clr T D Gair led the meeting with the Civic prayer.

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

---

---

### APOLOGY

---

*There were no apologies at this Meeting.*

---

---

### CONFIRMATION OF MINUTES

---

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,  
14 APRIL 2010

100/1

**MN 113/10**

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

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 14 April 2010 MN 96/10 to MN 112/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.***

**PASSED**

---

---

### BUSINESS ARISING

---

*There was no business arising from the Minutes of the Council Meeting held on Wednesday, 14 April 2010.*

---

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

---

---

### DECLARATIONS OF INTEREST

101/3

---

Clr J Mauger declared a pecuniary interest in Item o-NRM1 – Notice of Rescission of Resolution – Draft Robertson Village Development Control Plan – as he and his family are landowners within the Robertson township. He stated that he would leave the Chamber, take no part in the debate and refrain from voting thereon.

---

Clr D Stranger declared a pecuniary interest in Item o-EP7 – Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131 – as his business manages the home on Coomungie and adjoining Parkleigh properties. He stated that he would leave the Chamber, take no part in the debate and refrain from voting thereon.

---

### SUSPENSION OF STANDING ORDERS

---

The Mayor Clr T D Gair requested that standing orders be suspended to allow Item o-EP7 – Chelsea Gardens/Coomungie Urban Release Area – Draft LEP 131 - to be heard at this juncture of the meeting as there were many members of the public present in the gallery and Councillor David Stranger is Chairing Open Council tonight.

**MN 114/10**

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

***THAT*** ***standing orders be suspended to allow Item o-EP7 – Chelsea Gardens/Coomungie Urban Release Area – Draft LEP 131 - to be considered as the first item of business in Environment & Planning.***

**PASSED**

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### OPEN COUNCIL

#### ENVIRONMENT & PLANNING DIVISION

#### **o-EP7 Chelsea Gardens / Coomungie Urban Release Area - Draft LEP 131**

REF: SPM

5800/18

To update Council on the most recent public exhibition of the draft Local Environmental Plan (LEP) and inform Council of the need to transfer the LEP process to the Department of Planning's new Gateway Process.

**Interest:** Clr D Stranger declared a pecuniary interest in this matter as his business manages the home on Coomungie and adjoining Parkleigh properties. He left the chamber, took no part in the debate and refrained from voting thereon.

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

**MN 115/10**

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

1. **THAT** Council continue the current process of the amending LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131.
2. **THAT** staff present an information session to Councillors on the amending LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131.
3. **THAT** Council hold a public meeting/information session on the amending LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131.
4. **THAT** the draft LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131 be re-exhibited.

#### **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	Absent	
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, 28 April 2010

---

Clr D Stranger returned to the Chamber at this juncture.

---

### OPEN COUNCIL

---

**MN 116/10**

107/10

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

**THAT** Council moves into Open Council to discuss various matters listed in the Agenda with Clr David Stranger in the Chair.

**PASSED**

---



**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 7 April 2010 and 20 April 2010.

**OC 85/10**

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

**THAT** the information relating to Development Consent Nos 1-5 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 7 April 2010 and 20 April 2010, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**OC 86/10**

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

**THAT** the information regarding the List of Land Use Applications Nos 1-5 received by Council, be received and noted.

**PASSED**

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### REPORT OF DIRECTOR CORPORATE SERVICES

---

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

1. ITEM NO 2 – DEMOLITION OF DWELLING, ERECTION OF NEW DWELLING AND SIGNAGE (FOR DISPLAY PURPOSES) “EXHIBITION HOUSE”, 38 OLD HUME HIGHWAY, MITTAGONG LUA10/0298

Clr J R Clark asked for further information in relation to this proposal. He stated that it was his recollection that the signage was fairly significant.

The Manager Development & Building Services advised that information will be provided in the Weekly Circular.

---

2. ITEM NO 4 – SIGNAGE – MOTOR VEHICLE SHOWROOM (ILLUMINATED AND FREESTANDING SIGNS) ARGYLE STREET, MOSS VALE LUA10/0316

Clr P B Tuddenham asked for some further information via the Weekly Circular in relation to this item.

The Manager Development & Building Services advised that information will be provided.

---



**o-EP3 Section 82A Review of Conditions Relating to Berrima Scout Camp**

REF: MDBS

LUA09/0243

This report is about an application lodged on behalf of Scouts Australia, for a section 82A review of conditions 2(i) and 2(ii) of the development consent which allows use of the Scout Camp grounds by non-scouting groups.

**OC 87/10**

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

**THAT the information be received and noted.**

**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 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-EP4 Proposed Replacement Garage/Workshop and Second Garage Lot 2  
DP317716, 1262 Belmore Falls Road, Robertson**

REF: MDBS

LUA09/1167

This report is about the proposed demolition of an existing carport/workshop and its replacement with a new garage workshop, and the erection of a second garage.

**OC 88/10**

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

1. **THAT Council give its concurrence to the departure from the 20 metre development standard in clause 14(d) of Wingecarribee LEP1989.**
2. **THAT authority be delegated to the General Manager to determine development application LUA2009/1167 for the demolition of an existing garage/workshop and the erection of a garage/workshop and garage on Lot 2 DP317716, 1262 Belmore Falls Road, Robertson.**
3. **THAT a Section 88B Restriction as to User be placed on the property to protect any native vegetation.**

**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 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 Wingecarribee Local Planning Strategy 2011 - 2031**

REF: SPM, AOE

5602/15

The purpose of this report is to seek Council resolution to formally commence the preparation of a new Local Planning Strategy for the Shire.

**OC 89/10**

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

1. **THAT Council commence the preparation of a new Local Planning Strategy for the Wingecarribee Shire.**
2. **THAT the name of the LEP Steering Committee Sunset Working Group be changed to the Local Planning Strategy Steering Committee Sunset Working Group.**

**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 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-EP6 Draft Bundanoon Development Control Plan**

REF: SPM

5700/67

The purpose of this report is to advise the outcome of the exhibition of the Draft Bundanoon Development Control Plan (DCP).

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

**OC 90/10**

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

1. **THAT the Draft Bundanoon Township Development Control Plan as attached incorporating changes as shown in the attached document be adopted.**
2. **THAT the Bundanoon Township Development Control Plan be implemented in accordance with the provisions of the Environmental Planning & Assessment Regulation 2000 and in conjunction with gazettal of the Wingecarribee Local Environmental Plan 2009.**
3. **THAT Council inform those persons who made submissions of its decision.**
4. **THAT any identified possible changes that arise in the first twelve (12) months of the implementation of the DCP be referred to Council for consideration.**
5. **THAT members of the Bundanoon Community Association be invited to continue discussions with Council staff regarding a Town Common in Burgess Street.**

**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 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, 28 April 2010  
**REPORT OF DIRECTOR CORPORATE SERVICES**

---

**o-EP7 Chelsea Gardens / Coomungie Urban Release Area - Draft LEP 131**

REF: SPM

5800/18

*This matter was dealt with earlier in the Meeting – MN 114/10.*

---



**o-EP8 Draft LEP Amendment 134 – South West Yerrinbool Study Findings**

REF: SPM

5602/6.1

The purpose of this report is to advise Council of the recommendations of environmental studies over land at South West Yerrinbool and recommend that the proposed amendment proceed.

The Strategic Planning Manager addressed Council on this matter.

**OC 91/10**

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

**THAT consideration of the Draft LEP Amendment 134 – South West Yerrinbool Study Findings - be deferred for consideration to a future Ordinary Meeting of the Council pending an inspection of the site.**

**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 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 Draft Development Control Plan for Managing Our Flood Risks**

REF: SPM

5700/34

The purpose of this report is to present to Council for adoption a revised Draft Development Control Plan (DCP) for Managing our Flood Risks (DCP 34).

The Director Environment & Planning and Director Infrastructure Services addressed Council on this matter.

**OC 92/10**

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

***THAT the draft Wingecarribee Development Control Plan for Managing Our Flood Risks be adopted.***

**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 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	



**CORPORATE SERVICES DIVISION**

<b>o-CS1</b>	<b>Investments as at 31 March 2010</b>
--------------	--

REF:	FSM	2104
------	-----	------

Submitting details of Council's Investments as at 31 March 2010.

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

**OC 93/10**

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

**THAT the information on Council's Investments as at 31 March 2010 be received and noted.**

**PASSED**

---



<b>o-CS2</b>	<b>Code of Conduct for Complaint Handling Procedures and Sanctions</b>
--------------	--

REF: MALS, AOE, RMC
---------------------

800/2
-------

Reporting on an amendment to the Code of Conduct in relation to Item 12 dealing with Complaint Handling Procedures and Sanctions.

The General Manager addressed Council on this matter.

**OC 94/10**

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

1. **THAT** clauses 12.3 (complaint handling procedures – staff, delegate and council committee member conduct [excluding the general manager]) and 12.8 (Complaint handling procedures – councillor conduct) of Council's Code of Conduct, be amended to include the following to each paragraph:

12.3 and that the General Manager may seek an external referral agency in this regard; and

12.8 and that the General Manager may seek an external referral agency in this regard.

2. **THAT** clause 12.10 (complaint handling procedures – General Manager) be amended to include the following to the paragraph:

12.10 and that the Mayor may seek an external referral agency in this regard.

**PASSED**

**Dissenting Vote:** Clr J Mauger requested that his dissenting vote be recorded in relation to this motion.

---



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

**REPORT OF DIRECTOR CORPORATE SERVICES**

---

**o-CS3 Donation of Land at Lot 500 Deposited Plan 1133261 Oxley Drive, Bowral**

REF: PO, FSM

PN1766340

Reporting on a proposed donation of land at Oxley Drive, Bowral, adjoining the Mount Gibraltar Bushland Reserve.

**OC 95/10**

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

1. **THAT Council accept the donation of Lot 500 Deposited Plan 1133261 Oxley Drive, Bowral from Tilbury Investments Pty Limited AND THAT the generosity of the registered proprietor is acknowledged by Council.**
2. **THAT the legal and surveying costs be paid from the Property Development Reserve.**
3. **THAT the Title for land noted in 1 above be consolidated with the Titles for the Mount Gibraltar Bushland Reserve when the consolidation of all other Titles takes place.**
4. **THAT the General Manager write to the registered proprietor thanking him for his generous donation.**

**PASSED**

---



**o-CS4 Draft Management Plan and Budget 2010-2013**

REF: FSM

2120/10

Submitting the 2010/13 Draft Management Plan/Budget and Revenue Policy for endorsement as a draft for public exhibition.

The General Manager addressed Council on this matter and advised that the Mayor's and General Manager's messages for the Draft Management Plan and Budget 2010-2013 were circulated under separate cover to Councillors.

The Director Corporate Services addressed Council on this matter. He stated that there would be a \$300,000 surplus in the 2010-2011 budget.

**OC 96/10**

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

1. **THAT the Draft 2010/13 Management Plan/Budget, Revenue Policy and Fees and Charges be endorsed and placed on public exhibition from Wednesday, 5 May to Friday, 11 June 2010.**
2. **THAT the Draft 2010/13 Management Plan/Budget and Revenue Policy be considered for adoption by Council at the Ordinary Council meeting on Wednesday 23 June 2010.**

**PASSED**

**Dissenting Vote:** Clr J Mauger requested that his dissenting vote be recorded in relation to this motion.

---



**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1</b>	<b>2010 Cancer Council's Relay for Life</b>
--------------	---

REF:	PPM	6530/3
------	-----	--------

The purpose of this report is for Council to provide support and sponsorship to the 2010 Cancer Council Relay for Life.

The Director Infrastructure Services addressed Council on this matter.

**OC 97/10**

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

***THAT Council supports the "2010 Cancer Council Relay for Life" in the Southern Highlands and provides sponsorship for the following items funded from within existing Parks & Property maintenance budgets:***

- 1) ***Provision of Eridge Park for the event.***
- 2) ***Provision of waste services.***
- 3) ***Preparation of Eridge Park.***

**PASSED**

---

---

**CHAIRPERSON**

---

At this juncture, the time being 5.38 pm, the Mayor, Clr T D Gair, resumed the Chair to conduct the remainder of Council Business.

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### QUESTIONS FROM THE PUBLIC

---

#### QUESTIONS FROM THE PUBLIC

---

1. HIGHLAND SOURCE PROJECT

7790/20

Mr Doug Pratt of Bibbys Lane, Moss Vale, asked the following questions in relation to this matter:

- (i) Does Wingecarribee Shire Council intend to hold any community consultation with affected landowners within its Shire about this proposed project?
- (ii) Has Council been provided with any reports as to the flow of waters from the Southern Tablelands into the Shoalhaven system which can then be potentially pumped into the Wingecarribee/Sydney Catchment system?
- (iii) As the water is to be sourced from the Wingecarribee Reservoir, has Council considered the effects this may have on any future developments within its Shire, eg, provision of a sustainable water supply for proposed population growth?

The General Manager advised that the Highland Source Project is not a Wingecarribee Shire Council project and that Council has very limited input into the Project. The General Manager advised that Council has appointed Cllr Jim Mauger as its Councillor representative and himself (ie, the General Manager) as its staff representative to sit on the Committee with the Goulburn Mulwaree Council. The General Manager advised that any queries raised by Mr Pratt will be taken on board and formal answers can be forwarded via the Goulburn Mulwaree Council. He advised that Council has minimal say into the way that the Project is carried out by the Goulburn Mulwaree Council and definitely no input in relation to where the pipeline goes.

The Mayor Cllr T D Gair advised it was his understanding that public consultation had been held with residents of Marulan, but a request would be made for consultation with Wingecarribee residents.

---

2. QUESTIONS RAISED AT THE COUNCIL MEETING ON WEDNESDAY, 14 APRIL 2010 RE CHELSEA GARDENS & COMMUNGIE REZONING, 2007 FUTURE RESIDENTIAL GROWTH SURVEY AND SECOND DWELLINGS/GRANNY FLATS

5800/18, 5608/1

Mr Alan Hunt advised that on Wednesday, 14 April 2010 he had asked three (3) questions and still has not received a reply to those questions.

The General Manager advised a formal reply to a question can take at least fourteen (14) days, but the question that was not answered "within 24 hours" will definitely be answered tomorrow.

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### QUESTIONS FROM THE PUBLIC

---

#### 3. GATEWAY PROCESS

5800/15

Mr Alan Hunt asked if Council can advise how many other projects from the Wingecarribee Shire have been submitted to the Gateway process and what has been the experience of the general public to that process.

The Director Environment & Planning advised that only one LEP amendment has been through the Gateway process and that was to do with making some adjustments to Seniors Housing – definitions and clarifications as to what zones they were permissible in - and that was more a procedural matter rather than a strategic planning matter but that process did allow for some community engagement.

The Mayor Clr T D Gair advised that Council does not necessarily agree with what the State Government is doing, and the regulations that Council has to comply with.

---

#### 4. CHELSEA GARDENS / COOMUNGIE URGAN RELEASE AREA – DRAFT LEP 131

5800/18

Mr Rod Farrow from Meryla Road, Manchester Square, asked why the two (2) zoning maps for Chelsea Gardens/Coomungie have not been in the public domain until tabled at today's meeting and why the public was not given the opportunity to comment on these zoning maps, in particular the significant changes that have occurred from 15 October 2008 to 10 January 2010.

The Director Environment & Planning advised that the maps referred to were part of the information that was available at this meeting and that they had been in the public domain previously. He advised that in the timeline for the proposed development there were three (3) relevant dates:

- the first exhibition of the Chelsea Gardens/Coomungie amending LEP was 19 November to 24 December 2008;
- the second exhibition was when Council exhibited the Shire wide Local Environmental Plan for the second time from 2 March to 9 April 2009;
- the third exhibition ran from 1 February to 5 March 2010 and that amended plan was one of the plans that was available at this meeting.

Mr Farrow noted that there seems to be an issue with regard to the public having an opportunity to comment on the significant changes that are being made.

The Mayor Clr T D Gair advised that it has never been Council's intention to disengage the public and that comments from the public are always welcomed.

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### QUESTIONS FROM THE PUBLIC

---

5. DRAFT MANAGEMENT PLAN AND BUDGET 2010-2013 2120/10

Mr Terry Oakes-Ash referred to Item 6 on page 96 of the Draft Budget which totals \$670,000, including Alexandra Square, and asked how much of the \$670,00 has been set aside for the proposed demolition of Alexandra Square.

The Mayor Clr T D Gair advised that an amount of \$154,000 has been set aside which is for the demolition and some remediation work.

---

6. DRAFT DEVELOPMENT CONTROL PLAN FOR MANAGING OUR FLOOD RISKS  
5700/34

Mr Terry Oakes-Ash referred to Item o-EP9 on today's Agenda – the second paragraph under the heading "Conclusion" and asked what it means

The Director Environment & Planning advised this it is consistent with the Flood Plain Management Manual in terms of how they categorise flood risk, but that he would meet with Mr Oakes-Ash to discuss the matter.

---

7. COUNCIL'S TRAFFIC COMMITTEE 107/6

Mrs Pam Cooper asked about the structure of the Traffic Committee, which is not recognised as a Council Committee, and asked why there was no community representation on this Committee.

The Mayor Clr T D Gair advised that the Committee is funded by the Roads & Traffic Authority (RTA). He advised that the Committee structure includes a representative from Berrima Coaches, Mr John Brew (representing the Ms Pru Goward, MP), Mr Danny Benedetti (representing the RTA), Mr Frank Perger (Council's Traffic Engineer), Snr Constable Phil Pollard (representing the NSW Police), Clr Paul Tuddenham (Chairman) and Mrs Charmaine Cooper (Council's Road Safety Officer). The Mayor advised that the recommendations of the Traffic Committee are referred to Council for adoption, but at the end of the day the RTA is really the consent authority but liaise with Council to arrange a good outcome.

The General Manager advised that the matter will be referred to the Traffic Committee to consider whether there is an avenue for more community representation.

Mr Terry Oakes-Ash advised that he had recently made application but was "knocked back".

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### QUESTIONS FROM THE PUBLIC

---

8. DEMOLITION OF DWELLING, ERECTION OF NEW DWELLING AND SIGNAGE  
(FOR DISPLAY PURPOSES) "EXHIBITION HOUSE", 38 OLD HUME HIGHWAY,  
MITTAGONG LUA10/0298

Mr Tim McCartney referred to Item No 2 of o-EP2 - Development Applications Received by Council on today's Agenda, and asked if Council could move this DA from delegated authority and have it brought before Council for consideration and discussion. He advised that the building has high historical value and is listed in the Council's 2005 Conservation Report for Items of Heritage Value that were considered for the new LEP. Mr McCartney asked if Council could investigate how or why this building was removed from the Conservation Report.

The General Manager advised that this matter can be referred back to Council for consideration.

The Director Environment & Planning advised that he would meet with Mr McCartney to discuss this matter, and that further information will be provided to Councillors through the Weekly Circular. He advised that this application was referred to Council's Heritage Advisor for input, identifying the potential of this property even though it is not listed.

Clr J R Clark advised that the Heritage Committee was consulted about the DA, and that the matter should be referred to Council for consideration and determination.

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### QUESTIONS FROM THE PUBLIC

---

9. PLANNING PROPOSAL TO REZONE SUTHERLAND PARK 5602/13, PN507400

Interest: The General Manager, Mr Jason Gordon, declared a pecuniary interest in this matter as he owns a property in the vicinity of the proposed development. He left the chamber and took no part in the discussions.

Mrs Nerida Child Dimasi representing GASP (Go Away Sutherland Park) asked in relation to the proposal:

- (i) Is it Council protocol not to formally respond to resident concerns in that she had written to all Councillors and two Council officers on 14 April and has not yet received a formal response? (She noted that she had received a telephone response from one Councillor).
- (ii) What source of information will Council use to make decisions on Sutherland Park?
- (iii) Does Council have a gift/donation register and what are the consequences if a Councillor or Council officer fails to disclose on such register?

The Mayor Clr T D Gair advised that it is up to Councillors to respond to correspondence addressed directly to them if a response is requested, but that a reply should be received from Council staff.

In relation to how Council will make the decision on Sutherland Park, the Mayor advised that consultation processes have been conducted by the applicant (through consultants) and that information will come back to Council at which time issues that have been raised by residents in the submissions will be debated by Council.

In relation to Mrs Dimasi's third question, the Mayor advised that it is an extremely serious offence if a Councillor or a Council staff member receives a gift and does not declare it, and if it is not registered as a donation or gift, then there would be a breach of Council's Code of Conduct.

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### NOTICE OF MOTION

#### OTHER MATTERS

#### NOTICE OF MOTION

#### **o-NRM1 03/2010 – Notice of Rescission of Resolution – Draft Robertson Village Development Control Plan**

REF: MALS 100/5, 5700/72

"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, 14 April 2010 be **rescinded**. (Reference OC 76/10)

1. *THAT Council adopt the Draft Robertson Village Development Control Plan as attached incorporating changes as shown in the attached document.*
2. *THAT Council implement the Robertson Development Control Plan in accordance with the provisions of the Environmental Planning & Assessment Regulation 2000 and in conjunction with gazettal of the Wingecarribee Local Environmental Plan 2009.*
3. *THAT Council inform those persons and organisations who made submissions of its decision.*
4. *THAT any identified possible changes that arise in the first twelve (12) months of the implementation of the Development Control Plan be referred to Council for consideration.*
5. *THAT the Robertson Chamber of Commerce, and other interested parties, be invited to discuss their concerns relating to the Wingecarribee Local Environmental Plan 2009 with Council staff.*

*Dated 21 April 2010  
Signed Clr Juliet Arkwright  
Clr Ken Halstead  
Clr David Stranger"*

Interest: Clr J Mauger declared a pecuniary interest in this matter as his family are landowners in Robertson. He left the chamber, took no part in the debate and refrained from voting thereon.

The General Manager returned to the Chamber at this juncture.

The Director Environment & Planning addressed Council on this matter.

.....Cont'd



**NOTICE OF MOTION**

---

.....Cont'd

**M/N 117/10**

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

**THAT the Notice of Rescission of Resolution – Draft Robertson Village Development Control Plan - be adopted.**

**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 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	Absent	
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, 28 April 2010

### NOTICE OF MOTION

#### **o-NM1 07/2010 – Notice of Motion – Draft Robertson Village Development Control Plan**

REF: MALS

100/4, 5700/72

Councillors Juliet Arkwright, Ken Halstead and David Stranger have given notice that it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 28 April 2010:

1. THAT Council defer the adoption of the Draft Robertson Development Control Plan until Wednesday, 12 May 2010 in order to facilitate Item 5 of the motion o-EP10 of 14 March 2010.
2. THAT the Robertson Chamber of Commerce, and other interested parties, be invited to discuss their concerns relating to the Wingecarribee Local Environmental Plan 2009 with Council staff and Councillors.

#### **M/N 118/10**

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

1. **THAT** Council defer the adoption of the Draft Robertson Development Control Plan until Wednesday, 26 May 2010 in order to facilitate Item 5 of the motion of 14 April 2010 in relation to o-EP10 – Draft Robertson Development Control Plan.
2. **THAT** the Robertson Chamber of Commerce, and other interested parties, be invited to discuss their concerns relating to the Wingecarribee Local Environmental Plan 2009 with Council staff and Councillors.

#### **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 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	Absent	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

Clr Mauger returned to the Chamber at this juncture.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### NOTICE OF MOTION

**o-NM2 08/2010 – Notice of Motion – Girraween, 53 Telopea Road Hilltop, DP751267**

REF: MALS

100/4, PN1440100

Clr Larry Whipper and Clr Jim Clark have given notice that it is their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 28 April 2010:

1. **THAT** Council acknowledge the potential historical value of the Chalker property known as 'Girraween' Lots 100, 109, 165 & 168, DP751267, 53 Telopea Road, Hill top.
2. **THAT** Council refer this matter to the Heritage Advisory Committee for consideration as a matter of urgency.
3. **THAT** Ms Tanya Chalker-Holz, her father Mr Kevin Chalker and Mrs Margaret Saar be invited to attend the Heritage Committee to provide evidence of the historical, environmental, social and aboriginal value of the property.
4. **THAT** a further report come to full council as a priority, with the aim of listing this property as a Local item of heritage significance and to proceed with a further State listing if appropriate.

**M/N 119/10**

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

1. ***THAT Council acknowledge the potential historical value of the Chalker property known as 'Girraween' Lots 100, 109, 165 & 168, DP751267, 53 Telopea Road, Hill top.***
2. ***THAT Council refer this matter to the Heritage Advisory Committee for consideration as a matter of urgency.***
3. ***THAT Ms Tanya Chalker-Holz, her father Mr Kevin Chalker and Mrs Margaret Saar be invited to attend the Heritage Committee to provide evidence of the historical, environmental, social and aboriginal value of the property.***
4. ***THAT a further report come to full council as a priority, with the aim of listing this property as a Local item of heritage significance and to proceed with a further State listing if appropriate.***

**PASSED**



**COMMITTEE REPORTS ATTACHED**

**c-CR1 Minutes of the Access Committee**

REF: CWAD 1828/3

Submitting minutes of the Access Committee held on Monday, 15 February 2010.

**M/N 120/10**

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

**THAT** the recommendations as detailed in the minutes of the Access Committee held on Monday, 15 February 2010 be adopted.

**PASSED**

---

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

REF: DCS 107/21

Submitting minutes of the Finance Sub-Committee held on Friday, 16 April 2010.

It was noted that the Minutes were of the Finance Sub-Committee not the Finance Committee.

**M/N 121/10**

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

**THAT** agreed action as detailed in the minutes of the Finance Sub-Committee held on Friday, 16 April 2010 be adopted.

**PASSED**

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### COMMITTEE REPORTS

---

**c-CR3 Minutes of the Traffic Committee**

---

REF: TE

107/6

Submitting minutes of the Traffic Committee held on Monday, 19 April 2010.

**M/N 122/10**

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

***THAT recommendations Nos TC 33/10 to TC 59/10 as detailed in the minutes of the Traffic Committee held on Monday, 19 April 2010 be adopted, with the exception of Item 5 – TC 37/10 Safety Issues at Bundanoon Public School, Item 6 – TC 38/10 Pedestrian Facilities at Railway Avenue/Church Street, Bundanoon, Item 7 –TC 39/10 Access to the Aldi Store at Mittagong, Item 13 – TC 45/10 Intersection of Exeter, Bundanoon and Middle Roads, Exeter and Additional Item 1 – TC 56/10 Curve on Berrima Road North of Douglas Road, New Berrima.***

**PASSED**

---

1. **ITEM 5 – SAFETY ISSUES AT BUNDANOON PUBLIC SCHOOL** 1510/5, 7460/10

Clr J R Clark referred to Item 10 of the Minutes in relation to St Thomas Aquinas School, and that there is funding from the Safety Around Schools Program, and asked if this is relevant to Bundanoon Public School. Clr Clark asked for the matter to be referred back to the Traffic Committee for consideration of this funding.

**M/N 123/10**

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

1. ***THAT the Design and Projects Branch prepare a design and estimate to construct kerb and gutter and a footpath and to seal the southern road shoulder of Phillip Street beside Bundanoon School for the full length of the school's frontage.***
2. ***THAT the matter be referred back to the Traffic Committee for further consideration in relation to gaining funding from the Safety Around Schools Program***

**PASSED**

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### COMMITTEE REPORTS

---

2. ITEM NO 6 – PEDESTRIAN FACILITIES AT RAILWAY AVENUE/CHURCH STREET,  
BUNDANOON 1510/5, 7460/10

Clr J R Clark referred to this item and asked if there is the possibility of a design coming out for these facilities?

Clr P B Tuddenham advised that investigations for the pedestrian facilities have not been completed and that is why the matter is going back to the next Traffic Committee Meeting.

**M/N 143/10**

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

**THAT** *the matter be deferred and reported back to the next meeting of the Traffic committee.*

**PASSED**

---

3. ITEM NO 7 – ACCESS TO THE ALDI STORE AT MITTAGONG  
LUA07/0613, 7460/25

Clr P B Tuddenham advised that there is an ongoing problem with access to Aldi which is causing a lot of confusion with motorists doing illegal U-turns and going into the delivery bay because they are unable to do a right hand turn. Clr Tuddenham requested that this matter be considered by Council and suggested that a delegation comprising the Mayor and General Manager attend on the Roads & Traffic Authority.

The Mayor Clr T D Gair suggested that there should be an inspection of the site by Council.

**M/N 144/10**

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

**THAT** *Council, at its earliest convenience, conduct a site inspection of the access to the Aldi Store at Mittagong.*

**PASSED**

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### COMMITTEE REPORTS

---

4. ITEM NO 13 – INTERSECTION OF EXETER, BUNDANOON AND MIDDLE ROADS.  
EXETER 7460/16, 7451

Clr J Arkwright noted that the Design & Projects Department had carried out a great deal of work in putting forward proposals for this intersection, bearing in mind effectiveness and cost. Clr Arkwright stated that she personally had conducted a survey and that the speed of traffic approaching this intersection, particularly along Bundanoon Road, should be addressed. She asked if methods of slowing down the traffic could be investigated.

***M/N 145/10***

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

***THAT Council carry out a site inspection and meet with the community to ascertain the perceived problems that are associated with this intersection.***

***PASSED***

---



5. ADDITIONAL ITEM 1 – CURVE ON BERRIMA ROAD NORTH OF DOUGLAS ROAD, NEW BERRIMA RD0372 0090

**M/N 146/10**

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

1. **THAT the following works be carried out at the curve on Berrima Road 200m north of Douglas Road, New Berrima:**
  - (i) **Installation of chevron alignment markers.**
  - (ii) **Installation of curve advisory warning signs, if warranted.**
2. **THAT consideration of the removal of the trees be deferred pending receipt of Reports from the Police and the Coroner.**
3. **THAT the speed limit on the road be reduced.**

**AMENDMENT** moved by Clr P B Tuddenham and seconded by Clr J Mauger:

1. **THAT the following works be carried out at the curve on Berrima Road 200m north of Douglas Road, New Berrima:**
  1. Installation of chevron alignment markets;
  2. Installation of curve advisory warning signs, if warranted;
  3. Removal of trees considered to be too close to the edge of Berrima Road.
2. **THAT a report come back as to the barriers that are available for that section of the roadway.**

**AMENDMENT LOST**

**VOTING ON THE AMENDMENT:**

**Voting for the Amendment:** Clr T D Gair, Clr G McLaughlin, Clr J Mauger and Clr P B Tuddenham

**Voting Against the Amendment:** Clr J G Arkwright, Clr J R Clark, Clr K Halstead, Clr D Stranger and Clr L A C Whipper

**MOTION PASSED**

**VOTING ON THE MOTION:**

**Voting for the Motion:** Clr J G Arkwright, Clr J R Clark, Clr K Halstead, Clr D Stranger and Clr L A C Whipper

**Voting Against the Motion:** Clr T D Gair, Clr G McLaughlin, Clr J Mauger and Clr P B Tuddenham

---

---

## GENERAL BUSINESS

---

1. BERRIMA RESERVE MANAGEMENT PLAN 6526/15.1

Clr D Stranger asked for an update on the Berrima Reserve Management Plan.

The Director Infrastructure Services advised that there is a further delay as the Department of Lands have requested that a Land Use Application be submitted. He advised that an update will be provided in the Weekly Circular.

Clr Stranger asked if a Media Release could be prepared advising the reason for the delay.

The Mayor Clr T D Gair advised that that can be done.

---

2. DRAFT MANAGEMENT PLAN AND BUDGET 2010-2013 2120/10

Clr J Mauger referred to the statement made by the Director Corporate Services when this matter was discussed earlier in the Meeting that the average ratepayer would be required to pay an increase of 6.73% and asked for an explanation of this and does it only apply to the average ratepayer.

The Director Corporate Services advised that the information he had provided was to give an indication of the overall increase in rates for an average ratepayer. He advised that not everyone is an average ratepayer and that Council looked at its 21,000 rate assessments and does an exercise of calculating a mean in terms of a general rate, a water rate, a sewer rate, the garbage rate which is fixed for all users, and the stormwater levy is \$25 for all residential users. He advised that a bundle of rates for the average ratepayer, with figures of 2010-2011 are:

- \$1,013 general rate with 9.5% increase
- \$40.56 for the waste with a 9.5% increase
- Domestic waste charge which is going up 2.6% from \$276 to \$283
- The average ratepayer for water will be paying an increase of about 3.53% which is an increase from \$295 to \$305
- The increase for the sewer for the average ratepayer would be from about \$546 to \$579 which is a 5.98% increase
- The stormwater management levy is not going up and is fixed at \$25

The Director Corporate Services advised that if that bundle of rates and charges are added up for the average ratepayer it comes to \$2,246.41 in 2010-2011, and when compared with the comparative figures in the current financial year of 2009-2010, which is \$2,104.75, is a total increase for that ratepayer of \$141.66 across all those rates and charges, which is a 6.73% increase.

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### GENERAL BUSINESS

---

3. PEDESTRIAN ACCESS BRIDGE ON THE EASTERN SIDE OF THE RAILWAY BRIDGE IN MOSS VALE 7430

Clr G McLaughlin asked if an estimate of the cost of an access bridge on the eastern side of the railway bridge (attached to the railway bridge) for pedestrian access can be provided.

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

---

4. PUBLIC TOILETS OUTSIDE THE BUNDANOON MEMORIAL HALL 7145

Clr J R Clark advised that he raises this matter each year at budget time but to date no action has been taken. He asked if an inspection of the public toilets at the Bundanoon Memorial Hall can be undertaken, with a view to the upgrade being included in next year's budget.

The Mayor Clr T D Gair advised that this matter will be taken on notice.

---

5. ILLEGAL REAL ESTATE SIGNS 7415, 5210/1

Clr L A C Whipper referred to his previous questions on this matter, noting that there has been an increase in highly visible illegal real estate signs. He noted that these signs could potentially be a hazard and asked what Council is going to do about it.

The Mayor Clr T D Gair advised that the General Manager will be requested to find a date for Councillors to discuss this issue, and that perhaps the Chambers of Commerce should be invited to a meeting in an endeavour to avoid a major issue arising.

The Director Environment & Planning advised that as part of the next legal update to the next Council Meeting information will be provided on this issue.

---

### EXTENSION OF TIME

---

**MN 147/10**

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

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

**PASSED**

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

### GENERAL BUSINESS

---

6. SURVEILLANCE CAMERAS

1440/2

Clr P B Tuddenham advised that he was asked by a business person recently if they were able to install a surveillance camera outside their premises in an attempt to stop vandalism. He asked for a response in the Weekly Circular.

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

---

7. COUNCIL'S DRAFT LEP

5900

Clr P B Tuddenham asked for a chronology of the draft LEP, the dates it was submitted to the Department of Planning, and the answers the Department gave as to why they could not proceed with it or give it back to Council. He asked for a response in the Weekly Circular.

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

---

8. ANZAC DAY 2010

1671/1

Clr P B Tuddenham commended Council staff on the presentation of the Mittagong Cenotaph, and advised that the services that he had attended at Hill Top and Mittagong were excellent. Clr Tuddenham noted the number of young people who are getting involved in these services which is a great encouragement to the veterans.

The Mayor Clr T D Gair advised that the services be attended were also well presented and attended by many people.

---

9. REMOVAL OF TREES AT DARCH STREET, MITTAGONG

7813/1, RD3136

Clr K Halstead advised that he had received a letter from a ratepayer about removal of trees in Darch Place, Mittagong, and asked if this matter can be investigated.

The General Manager advised that he would instruct staff to investigate this matter.

---



---

**MATTER OF URGENCY**

---

10. DRAFT LEP – LAND USE TABLES

5900

Clr K Halstead advised that he is extremely concerned about the issue of the changed land use table to Recreation 2 (RE2) Private Recreation, that is, dwelling houses has been inserted into the land use table for Private Recreation, not just in the one location. He requested that the Land Use Tables on private recreation land included in the draft LEP be treated as a matter of urgency.

***MN 148/10***

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

***THAT*** the changed Land Use Tables to Recreation 2 (RE2) Private Recreation dwelling houses included in the draft Local Environmental Plan be considered as a matter of urgency.

***PASSED***

---

***Interest:*** The Mayor Clr T D Gair declared a non-pecuniary interest in this matter as his son is the course superintendent for the Bowral Golf Club. He left the chamber, took no part in the debate and refrained from voting thereon.

The Deputy Mayor, Clr G McLaughlin then took the chair to conduct the remainder of this item.

---

The Deputy Mayor ruled that this is a matter of urgency.

---

The Director Environment & Planning addressed Council on this matter.

***MN 149/10***

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

***THAT*** as a matter of urgency Council inform the Director of Planning that dwelling houses should be deleted from the RE2 Private Land Use Tables in the Draft Wingecarribee Shire Local Environmental Plan.

***PASSED***

.....Cont'd

---



.....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 T D Gair	Absent	
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	

---

The Mayor returned to the Chamber at this juncture.

11. AFFORDABLE HOUSING

PN1715740, PN1715730, 5320/67

The Mayor Clr T D Gair advised that he will be bringing a Mayoral Minute to the next Council Meeting on Wednesday, 12 May 2010 in relation to the Mayor of Kiama, Clr Sandra McCarthy's comment about a public enquiry into the public housing debacle that has covered all Shires. The Mayor advised that it is his opinion that this should be extended state-wide and that Councils should be putting pressure on the Minister for Planning to be accountable for the State Government's actions, and that there should be a great deal of Local Government support.

---



---

**CLOSED COUNCIL**

**GENERAL MANAGER**

**c-CS1 Closed Council**

To consider moving into Closed Council.

At this juncture, the time being 7.56 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.

**M/N 150/10**

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

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-IS1 ENTERPRISE ZONE ROAD AND SEWER UPGRADE – TENDER 10/6  
6330/10.9**

**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 the tender evaluation to design and construct a portion of Douglas Road as part of the enterprise zone upgrade as well as the installation of a pumping station and rising sewer main to service part of the land that is currently under development.***

**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 – change to suit.***

.....Cont'd



.....Cont'd

**c-GM1 GENERAL MANAGER'S PERFORMANCE AGREEMENT – ACTION PLAN  
503/60**

**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 Performance Agreement for the General Manager.*

**Public Interest**

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

2. **THAT** *the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.*

**PASSED**

---



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

**CLOSED COUNCIL**

---

**CLOSED COUNCIL**

**c-IS1 Enterprise Zone Road and Sewer Upgrade – Tender 10/6**

REF: RTM 6330/10.9

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

**THAT** consideration of the Enterprise Zone Road and Sewer Upgrade – Tender 10/6 be deferred to the next Ordinary Meeting of the Council to be held on Wednesday, 12 May 2010.

**PASSED**

---

**c-GM1 General Manager's Performance Agreement – Action Plan**

REF: GM 503/60

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

**THAT** consideration of General Manager's Performance Agreement – Action Plan be deferred to the next Ordinary Meeting of the Council to be held on Wednesday, 12 May 2010.

**PASSED**

---



**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

---

---

**OPEN COUNCIL**

---

107/10

**MN 151/10**

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

**THAT** Council moves back into Open Council.

**PASSED**

No members of the public were present in the Chamber.

---

---

**ADOPTION OF CLOSED COUNCIL**

---

107/9

**MN 152/10**

**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, 28 April 2010 (Items c-IS1 and c-GM1) be adopted.

**PASSED**

---

---

**ADOPTION OF OPEN COUNCIL**

---

107/10

**MN 153/10**

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

**THAT** the recommendations of the Open Council held on Wednesday, 28 April 2010 being OC 85/10 to OC 97/10, be adopted.

**PASSED**

---

---



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 28 April 2010

---

### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.00 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 28 April 2010 numbered M/N 113/10 to M/N 153/10, were signed by me hereunder at the Council Meeting held on Wednesday, 12 May 2010.

\_\_\_\_\_  
CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 12 MAY 2010

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER