

# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL

*File No. 100/10*



held on Wednesday, 24 November 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, 24 November 2010

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 24 November 2010

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**COMMENCING AT:** 3.30 pm

**PRESENT:** Clr K Halstead (Mayor) in the Chair  
Clr L A C Whipper (Deputy Mayor)  
Clr J G Arkwright  
Clr J R Clark  
Clr T D Gair  
Clr G McLaughlin  
Clr J Mauger  
Clr D Stranger  
Clr P B Tuddenham (arrived at 6.17 pm)

**IN ATTENDANCE:** Acting General Manager and  
Director Corporate Services Mr Barry Paull  
Director Environment & Planning Mr Scott Lee  
Director Infrastructure Services Mr Michael Brearley  
Acting Manager Governance Ms Kathryn Hayward  
Mayor's Assistant Ms Liz Johnson

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### OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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1826/4

The Mayor Clr K Halstead opened the meeting and welcomed members of the public and the press, and requested Clr L A C Whipper to undertake Acknowledgement of Country.

Clr L A C Whipper acknowledged country:

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

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### PRAYER

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100/1

The meeting was led in prayer by Captain David Day of the Salvation Army.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### APOLOGY

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*There were no apologies at this meeting.*

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### CONFIRMATION OF MINUTES

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY,  
9 NOVEMBER 2010

100/1

**MN 483/10**

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

***THAT the minutes of the Ordinary Meeting of Council held on Tuesday, 9 November 2010 MN 452/10 to MN 482/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the exception that on being put to the Meeting, voting on Item c-GM1 – Road Side Mowing and Minor Horticultural Services, was unanimous.***

**PASSED**

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### BUSINESS ARISING

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1. GENERAL BUSINESS QUESTION

842

Clr T D Gair referred to his question on page 44 of the Minutes and advised that he wished to withdraw the question.

**MN 484/10**

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

***THAT the General Business Question raised by Clr T D Gair (No 3 on page 44 of the Minutes) be withdrawn.***

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### DECLARATIONS OF INTEREST

101/3

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Clr D Stranger declared a non-pecuniary interest in Item o-EP7 – Joint Regional Planning Panel – as he is Council's representative on the Panel. He stated that he would leave the Chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

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Clr G McLaughlin declared a non-pecuniary interest in Item v-EP1 – Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral, as he and his wife own a property on the corner of King Rang Drive and Boardman Road. He stated that he would remain in the Chamber, take part in the debate and vote on the matter.

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### OPEN COUNCIL

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**MN 485/10**

107/10

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

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

**PASSED**

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**VISITOR ITEM**

**ENVIRONMENT & PLANNING**

**v-EP1 Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral**

REF: MEA

LUA10/0744

This report is about amendments to a development application for the erection of a Church for the Bowral Gospel Trust, which is a non-profit trust representing a small Brethren Christian Community in the local area.

Interest: Clr G McLaughlin declared a non-pecuniary interest in this matter as he and his wife own a property on the corner of King Ranch Drive and Boardman Road. He remained in the Chamber, took part in the debate and voted thereon.

Mrs Rosemary Cameron addressed Council on behalf of the objectors.

Mr Steve Richardson of Cowman Stoddart Pty Ltd, addressed Council on behalf of the Bowral Gospel Trust.

The Manager Environmental Assessment and Director Environment & Planning addressed Council on the matter.

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

1. THAT Council considers it appropriate that there should be further amendments to the proposed development, as described in the Conclusion section of this report, namely:
  - (i) A reduction in the width of the carpark manoeuvring area and a greater setback for the acoustic fence and an increase in the width of the landscaping corridor;
  - (ii) A reduction in the width of the port cochere;
  - (iii) An increase in the width of the landscaping corridor within the front setback; and
  - (iv) A minor re-design of the front (street elevation).
  
2. THAT subject to appropriately amended plans being submitted, authority be delegated to the General Manager to determine development application LUA2010/0744 for a church on Lot 5 DP 1007086, at No 13 Boardman Road, Bowral, with conditions of any consent to include:

.....Cont'd



.....Cont'd

- (i) A limitation on the number of persons attending the church at any one time to 40 as described in the amended information; and
  - (ii) Noise levels must not exceed 5 dB above background (Laeq, 15 min).
3. THAT after the occupation of the proposed building, noise and traffic issues be monitored over a period of three (3) months.

**On being put to the meeting voting on the Motion was tied at four (4) votes all and therefore the matter was deferred to the full Council Meeting with the Mayor in the Chair (refer M/N 495/10).**

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

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

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**v-EP2 Development Application for 17 Cluster Houses, Lot 23 DP1059704, Colo Street, Mittagong**

REF: MEA

LUA2010/0451

This report is about a development application for 17 Cluster Houses – Lot 23 DP 1059704, Colo Street, Mittagong, and recommends approval.

The Manager Environmental Assessment addressed Council on this matter.

**OC 239/10**

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

***THAT the application LUA10/0451 for seventeen (17) cluster Houses on Lot 23 DP 1059704, Colo Street, Mittagong, be approved.***

**PASSED**

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

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

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**CORPORATE SERVICES**

<b>v-CS1</b>	<b>2009/10 Financial Year Results</b>
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REF:	DCS
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2105/10
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Submitting a further report on the 2009/10 Financial Year Results.

The Manager Financial Services Manager addressed Council on this matter.

**OC 240/10**

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

**THAT Council note the information contained in the report regarding the 2009/10  
Financial Year Results.**

**PASSED**

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
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**REPORT OF DIRECTOR CORPORATE SERVICES**

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**v-CS2 Presentation of 2009/10 Auditor's Report**

REF: DCS

107/34

Council's external Auditor, Mr Philip Webster, addressed Council and provided comments on Council's end of year 2009/10 Audit Report.

**OC 241/10**

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

**THAT Mr Philip Webster be thanked for his comments and the information be noted.**

**PASSED**

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**INFRASTRUCTURE SERVICES DIVISION**

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

**OC 242/10**

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

***THAT the report in relation to the Purchase of the Combination Jetting and Vacuum Unit (Combo Unit) be deferred subject to an Information Session being held for Councillors AND THAT following the Information Session the matter be referred to a future Ordinary Meeting of Council.***

**PASSED**

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**CHAIRPERSON**

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At this juncture, the time being 5.15 pm, the Mayor, Clr K Halstead, resumed the Chair to conduct the remainder of Council Business.

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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**VISITOR ITEM (CONT)**

**ENVIRONMENT & PLANNING (CONT)**

**v-EP1 Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road,  
Bowral**

REF: MEA

LUA10/0744

The Mayor Clr K Halstead noted that this matter will be dealt with when Clr P B Tuddenham arrives at the Meeting (refer MN 495/10).

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

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

REF: MEA

5302

Submitting list of development consents executed under delegated the authority of the Director Environment and Planning between 1 November 2010 to 15 November 2010.

Clr T D Gair left the chamber during the debate on this matter.

***MN 486/10***

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

***THAT the information relating to Development Consent Determined Nos 1 - 9 under Delegated Authority be received and noted.***

***PASSED***

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

1. ITEM 7 – ESTABLISHMENT OF A RECREATION FACILITY (OUTDOOR) EQUESTRIAN CENTRE, SHIBUMI, 160 FERNDALE ROAD, BUNDANOON  
LUA10/0623

Clr J R Clark requested information on this development via the Weekly Circular.

The Manager Environmental Assessment advised that he will place further information in the Weekly Circular.

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

REF: MEA 5302

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

**MN 487/10**

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

**THAT** the information regarding the List of Land Use Applications Nos 1-11 received by Council be received and noted.

**PASSED**

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

1. ITEM 2 – DOG BOARDING KENNELS (REPLACE BUILDING DESTROYED BY FIRE 332.7 SQM) - PLANHAVEN, RN 24 GREENHILLS ROAD, BERRIMA  
LUA10/1077

Clr L A C Whipper asked for additional information on this item via the Weekly Circular.

The Manager Environmental Assessment advised that he will place further information in the Weekly Circular.

2. ITEM 3 – TELSTRA MOBILE PHONE TOWER, PONY CLUB, MOSS VALE ROAD, BURRADOO  
LUA10/1090

Clr G McLaughlin asked if Council could hold an information session in relation to this item.

The Manager Environmental Assessment advised that this matter will be referred to Council for consideration.

The Mayor Clr K Halstead requested that an Information Session be held for Councillors on the day that the matter is referred to Council.

3. ITEM 11 – REFURBISHMENT OF EXISTING HERITAGE BUILDINGS/ADDITION OF NEW RECEPTION VENUE – “THE RIFT” 12 CARLISLE STREET, BOWRAL  
LUA10/1083

Clr L A C Whipper asked for additional information on this item via the Weekly Circular.

The Manager Environmental Assessment advised that he will place further information in the Weekly Circular.



**o-EP3 Proposed Awning for Plant Equipment, Chemical Shed/Workshed at Moss Vale Works Depot, Lot 1 DP522057 and Lot 1 DP575987, Nos 53 – 57 Berrima Road, Moss Vale**

REF: MEA

LUA10/0402

This report is about a development application by Council for the erection of two sheds and an awning to an existing shed at the Works Depot on Berrima Drive, Moss Vale.

The Manager Environmental Assessment addressed Council on this matter.

Clr T D Gair rejoined the Meeting.

**MN 488/10**

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

***THAT development application LUA2010/0403 for a colourbond shed with a floor area of 60m<sup>2</sup> for the storage of tools and equipment for building maintenance, a colourbond shed with a floor area of 36m<sup>2</sup> for the safe storage of chemicals and equipment, and an awning with an area of 94.9m<sup>2</sup> for the storage of plant and equipment at the Moss Vale Works Depot, Lot 1 DP522057 and Lot 1 DP575987, Nos 53 – 57 Berrima Road, Moss Vale, be approved subject to conditions as set out in Attachment 2 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.

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



**o-EP4 Proposed Five (5) Lot Residential Subdivision, Lots 1 and 2 DP 1043370, No 66 Osborne Road, Burradoo**

REF: MEA

LUA08/1286

This report is about a proposed residential subdivision of five (5) lots. The land is affected by flooding and a number of issues associated with the creation of effective building areas and satisfactory access have needed to be resolved.

The Manager Environmental Assessment, Director Infrastructure Services and Director Corporate Services addressed Council on this matter.

**MN 489/10**

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

**THAT** development application LUA2008/1286 for the subdivision of Lots 1 and 2 DP 1043370, No 66 Osborne Road, Burradoo, into five (5) lots, be deferred subject to an Information Session for Councillors allowing for further consideration of flooding issues **AND THAT** following the Information Session the matter be referred to a future Ordinary Meeting of Council.

**PASSED**

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

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

## QUESTIONS FROM THE PUBLIC

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1. DEMOGRAPHIC AND HOUSING STUDY 1823, 5800/13

Mr Barry Anstee asked:

- (i) Can Council advise the potential dwelling yield for the Renwick site as provided by WLEP 2010, noting that the site has an area of 113 hectares approximately and the majority of the site allows lot sizes of 450 m<sup>2</sup> per dwelling?

The Director Environment & Planning advised that there are 600 dwellings proposed for Renwick.

- (ii) Will this potential dwelling yield be used in the Demographic Housing Study and for the determination of S94 contribution plans?

The Director Environment & Planning advised that the development at Renwick will be relevant to the Demographic Study and that in relation to S94 contributions, Renwick is subject to a Voluntary Planning Agreement signed by Council and Landcom. The Director Environment & Planning advised that he will meet with Mr Anstee to discuss this matter.

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2. FIVE (5) LOT RESIDENTIAL SUBDIVISION, LOTS 1 AND 2 DP 1043370, NO 66  
OSBORNE ROAD, BURRADOO LUA08/1286

Mr John McDonald:

- (i) Referred to a document he had seen whereby both Boydon & Partners together with the Cardno Lawson Treloar have made two proposals for either the informal detention basin, that is east of Moss Vale Road, which cuts in the land that is being discussed and that option 3 takes out 2/3<sup>rd</sup> of the site that is being considered and asked if that is so.
- (ii) Asked if, further to the east, has Council ever received any written correspondence or faxes to the effect that since the old dam was modified, in other words, reduced by 40% in size and reduced in depth, has caused flooding to the two adjoining properties to the east of the proposed subdivision.
- (iii) Referred to the Foldgarth Estate and advised that there is a defined line which indicates the 1:100 line is 674, while the drawing that Council has shows that is 672, and asked for a clarification of the discrepancy.

The Director Infrastructure Services advised that he will take the questions on notice.

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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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**OPEN COUNCIL (CONT)**

**ENVIRONMENT & PLANNING DIVISION (CONT)**

**o-EP5 Settlement of Contamination Matter – Estate of Mr Lance Gotting**

REF: DEP

PN1764480

Reporting on the matter of settlement of the Estate of Mr Lance Gotting.

***MN 490/10***

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

***THAT Council advise Nevett and Co that if Lot 1 DP 577450, Alfred Street, Mittagong is sold at arms length for market value then Council will accept the nett proceeds of the sale in full satisfaction of all claims by the Council against the Estate Lance Edward Martin Gotting.***

***PASSED***

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<b>o-EP6</b>	<b>Development of a Youth Hub</b>
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REF: MSCD	1830/7, 7182
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The purpose of this report is to seek Council support for the development of a Youth Hub by accommodating an expansion of the existing Youth Centre at Loseby Park.

***MN 491/10***

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

1. ***THAT*** Council support the expansion of the Youth Centre complex at Loseby Park, so as to accommodate an expansion of youth services for the Shire.
2. ***THAT*** Council support the investigation of the purchase and installation of a demountable building on the site.
3. ***THAT*** Council resolve to utilise the \$9,275.88 being held from Section 94 Developer Contributions towards the proposed expansion.

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**REPORT OF DIRECTOR ENVIRONMENT & PLANNING**

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**o-EP7 Joint Regional Planning Panel**

REF: DEP

5605, 5606, 5300

Reporting on appointments for the Joint Regional Planning Panels (JRPP).

**Interest:** Clr D Stranger declared a non-pecuniary interest in this matter as he is Council's representative on the Panel. He left the Chamber, took no part in the debate and refrained from voting thereon.

**MN 492/10**

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

1. **THAT** the Joint Regional Planning Panel Secretariat be advised that Ms Laurel Cheetham will be one of Council's local panellists until October 2011 with Mr Jim Allman as an alternate if Ms Cheetham is unavailable.
2. **THAT** the Joint Regional Planning Panel Secretariat be advised that Clr David Stranger remains the second of Council's panellists until October 2011 with Clr Ken Halstead as an alternate if Clr Stranger is unavailable.

**PASSED**

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

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<b>o-EP8</b>	<b>Demographic and Housing Study</b>
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REF: DEP	1823, 5800/13
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Reporting on the proposed Demographic and Housing Study to be commissioned along with the establishment of a reference panel to assist in the overseeing the preparation of the study.

Clr D Stranger rejoined the meeting.

**MN 493/10**

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

1. **THAT** Council endorse the Consultant brief attached to this report for the Demographic and Housing Study **AND THAT** Expressions of Interest from consultants be sought as soon as practicable.
2. **THAT** Council endorse the formulation of the Demographic and Housing Reference Panel with a membership of Clr L A C Whipper and Clr D Stranger, the Director Environment & Planning, Manager Strategic and Community Development and a maximum of six (6) community members **AND THAT** Council seek Expressions of Interest from members of the community as soon as practicable.
3. **THAT** should the application for funding from the Planning Reform Levy be unsuccessful a report be brought back to Council outlining the options for funding sources from within Council's budget.

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 24 November 2010

### SUSPENSION OF STANDING ORDERS

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### SUSPENSION OF STANDING ORDERS

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Clr T D Gair requested that standing orders be suspended to allow Item c-NRM1 – 07/2010 – Notice of Rescission of Resolution – Planning Proposal to Reclassify Part of Apex Park, Sheaffe Street, Bowral, and Item c-NM1 – 18/2010 – Notice of Motion – Planning Proposal to Reclassify Part of Apex Park, Sheaffe Street, Bowral, to be heard at this juncture of the meeting as there were members of the public present in the gallery for these items.

**MN 494/10**

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

**THAT standing orders be suspended to allow Item c-NRM1 – 07/2010 – Notice of Rescission of Resolution – Planning Proposal to Reclassify Part of Apex Park, Sheaffe Street, Bowral, and Item c-NM1 – 18/2010 – Notice of Motion – Planning Proposal to Reclassify Part of Apex Park, Sheaffe Street, Bowral, to be considered.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

### NOTICE OF MOTION

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#### COUNCIL MATTERS

#### OTHER MATTERS

#### NOTICE OF MOTION

**c-NRM1 07/2010 – Notice of Rescission of Resolution – Planning Proposal to  
Reclassify Part of Apex Park, Sheaffe Street, Bowral**

REF: A/MG

100/4, 5901/7

“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 November 2010 **be rescinded.**”

*“THAT Council investigate alternative properties for the purposes of providing accommodation for people with a disability” (OC238/10)*

*Dated 15 November 2010*

*Signed Clr David Stranger*

*Clr Graham McLaughlin*

*Clr Duncan Gair”*

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

**THAT** the Notice of Rescission of Resolution, as detailed above, be adopted.

**LOST**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

**NOTICE OF MOTION**

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<b>c-NM1</b>	<b>18/2010 – Notice of Motion – Planning Proposal to Reclassify Part of Apex Park, Sheaffe Street, Bowral</b>
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REF:	A/MG
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100/4, 5901/7
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The Notice of Motion in relation to this matter was withdrawn, having regard to Item c-NRM1 – Notice of Resolution of Motion – Planning Proposal to Reclassify Part of Apex Park, Sheaffe Street, Bowral, being Lost.

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**VISITOR ITEM (CONT)**

**ENVIRONMENT & PLANNING (CONT)**

**v-EP1 Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral**

REF: MEA

LUA10/0744

As Clr P B Tuddenham had now arrived at the meeting this matter was resubmitted for further consideration by Council.

The Director Environment & Planning addressed Council on this matter and handed Clr Tuddenham a copy of an artists impression of the proposed Church.

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

1. THAT Council considers it appropriate that there should be further amendments to the proposed development, as described in the Conclusion section of this report, namely:
  - (i) A reduction in the width of the carpark manoeuvring area and a greater setback for the acoustic fence and an increase in the width of the landscaping corridor;
  - (ii) A reduction in the width of the port cochere;
  - (iii) An increase in the width of the landscaping corridor within the front setback; and
  - (iv) A minor re-design of the front (street elevation).
  
2. THAT subject to appropriately amended plans being submitted, authority be delegated to the General Manager to determine development application LUA2010/0744 for a church on Lot 5 DP 1007086, at No 13 Boardman Road, Bowral, with conditions of any consent to include:
  - (i) A limitation on the number of persons attending the church at any one time to 40 as described in the amended information; and
  - (iii) Noise levels must not exceed 5 dB above background (Laeq, 15 min).
  
3. THAT after the occupation of the proposed building, noise and traffic issues be monitored over a period of three (3) months.

**LOST**

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

**MN 495/10**

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

***THAT LUA10/0744 for a Proposed Brick Veneer Church, Lot 5 DP 1007086, No 13 Boardman Road, Bowral be refused for the reason of unacceptable potential impact on the residential amenity of the neighbouring properties due to noise and traffic movements, inconsistent with a low density residential environment.***

**PASSED**

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

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

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**OPEN COUNCIL (CONT)**

**CORPORATE SERVICES DIVISION**

**o-CS1 Fees and Charges at the Resource Recovery Centre**

REF: DCS

7502

Submitting a report on amendments to fees and charges at the Resource Recovery Centre.

The Acting General Manager addressed Council on this matter.

**MN 496/10**

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

1. **THAT** Council confirm an increase of \$15 (GST inclusive) per tonne to \$225 per tonne, be set for Inert Waste effective from Wednesday 1 December 2010.
2. **THAT** an increase of \$11 (GST inclusive) per tonne to \$225 per tonne for Putrescible Waste be proposed with the public exhibition period being from Friday 26 November 2010 to Tuesday 15 February 2011.
3. **THAT** subject to no community objections or submissions, that the increase in Putrescible Waste commence on Tuesday 1 March 2011 **AND THAT** if objections are received for the proposal that this matter be reported back to the first Ordinary Meeting in March 2011.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010  
**REPORT OF DIRECTOR CORPORATE SERVICES**

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<b>o-CS2 Investments as at 31 October 2010</b>
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REF: FSM
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2104
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Submitting details of Council's Investments as at 31 October 2010.

The Acting General Manager addressed Council on this matter.

***MN 497/10***

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

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

***PASSED***

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**INFRASTRUCTURE SERVICES DIVISION**

<b>o-IS1</b>	<b>Wingecarribee Dam to Goulburn Pipeline – Water for Commissioning</b>
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REF: SPE	7790/20
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Presenting a request from Goulburn Mulwaree Council to connect to Wingecarribee Shire Council's treated water supply for the purpose of commissioning the proposed water supply pipeline to Goulburn.

**MN 498/10**

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

1. **THAT** approval be given to Goulburn Mulwaree Council to install the proposed temporary connection to the treated water supply system near Wingecarribee water treatment plant.
2. **THAT** this approval is subject to the condition that the rate of filling will be under the control of Wingecarribee Shire Council staff, and that the costs of any impacts of Council's water supply arising from the filling of the main be met by Goulburn Mulwaree Council.
3. **THAT** the meter installed as part of this connection will be removed and blank flanges installed to provide a physical separation after the new Goulburn pipeline is filled with water.
4. **THAT** water supplied through this temporary arrangement will be charged for at the upper tariff step of Council's water charges, at the time of supply.

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

**REPORT OF THE GENERAL MANAGER**

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**COUNCIL MATTERS (CONT)**

**GENERAL MANAGER'S REPORTS**

**c-GM1 Request for Leave of Absence – Councillor Larry Whipper**

REF: AMG

101, PERS

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

***MN 499/10***

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

***THAT Councillor Larry Whipper be granted leave of absence from the Ordinary Meeting of Council to be held on Wednesday, 8 December 2010.***

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

**REPORT OF THE GENERAL MANAGER**

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<b>c-GM2</b>	<b>General Manager's Quarterly Report</b>
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REF:	GM	506/1
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Submitting the General Manager's Quarterly Report to 30 September 2010.

***MN 500/10***

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

***THAT the information in respect of the General Manager's Quarterly Report to 30 September 2010 be received and noted AND THAT any issues arising from this Report be discussed at a future Information Session (if necessary).***

***PASSED***

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

**NOTICE OF MOTION**

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**OTHER MATTERS (CONT)**

**NOTICE OF MOTION (CONT)**

**c-NRM1 07/2010 – Notice of Rescission of Resolution – Planning Proposal to  
Reclassify Part of Apex Park, Sheaffe Street, Bowral**

REF: A/MG

100/5, 5901/7

*This matter was considered earlier in the Meeting (refer page 23).*

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**c-NM1 18/2010 – Notice of Motion – Planning Proposal to Reclassify Part of Apex  
Park, Sheaffe Street, Bowral**

REF: A/MG

100/4, 5901/7

*This matter was considered earlier in the Meeting (refer page 24).*

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

### NOTICE OF MOTION

#### **c-NM2 19/2010 – Notice of Motion – Mining in the Shire**

REF: A/MG

100/4, 7950

Councillor Larry Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 24 November 2010:

**Interest:** Clr J Mauger declared a pecuniary interest in this matter as he has interest in coal reserves. He left the Chamber, took no part on the debate and refrained from voting thereon.

1. **THAT** Council adopt a policy to oppose All Coal Seam gas exploration and production in the Shire.
2. **THAT** Council reaffirm its policy to oppose all long wall mining in the Shire.
3. **THAT** Council prepare submissions in relation to Part 3a proposals for mining by NRE and Berrima Coal and ALL future proposals for long wall mining or coal seam gas exploration/production in the Shire.
4. **THAT** all submissions state clearly up front Wingecarribee Shire Council's policy in opposition to long wall mining and coal seam gas exploration/production.
5. **THAT** Council support the NSW Farmers Associations calls for a moratorium on all coal seam gas extraction.
6. **THAT** Council seek support from the Local Government and Shires Association to convene an urgent meeting with Minister Sartor and Minister Kelly and include all interested Councils to address the Ministers in relation to the potential impacts from coal seam gas production and long wall mining.

.....Cont'd



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

### NOTICE OF MOTION

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.....Cont'd

**MN 501/10**

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

1. **THAT** Council adopt a policy to oppose All Coal Seam gas exploration and production in the Shire.
2. **THAT** Council re-affirm its policy to oppose all long wall mining in the Shire.
3. **THAT** Council prepare submissions in relation to part 3a proposals for mining by NRE and Berrima Coal and all future proposals for long wall mining or Coal seam Gas exploration/production in the Shire.
4. **THAT** all submissions state clearly up front Wingecarribee Shire Council's policy in opposition to long wall mining and Coal seam gas exploration/production.
5. **THAT** Council support the NSW Farmers Association and the Greens calls for a moratorium on all coal seam gas extraction.
6. **THAT** Council seek support from the Local Government and Shires Association to convene an urgent meeting with the Premier, The Hon Kristina Keneally, MP, The Hon Frank Sartor, MP, Minister for Climate Change and the Environment and The Hon Tony Kelly, MP, Minister for Planning, Minister for Infrastructure and Minister for Lands, and invite all interested Councils to make direct representations to the Ministers in relation to the potential impacts from Coal seam gas production and long wall mining.
7. **THAT** Council write to the Federal Minister for the Environment calling for a National Moratorium on Coal Seam Gas exploration and production and also become a signatory to any representations to the State or Federal Government for a moratorium on all Coals Seam gas exploration/production until such time as there is clear and undeniable evidence that this practice does not pose a threat to our environment and our water and groundwater catchments.

**PASSED**

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**COMMITTEE REPORTS TABLED**

<b>c-CR1</b>	<b>Management and Advisory Committee Reports</b>
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REF: MSCD	107/1
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Submitting minutes of seven (7) Committee meetings that will be tabled for information.

Clr J Mauger rejoined the Meeting.

***MN 502/10***

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

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

- 1. East Bowral Community Centre Management Committee held Tuesday 26 October 2010.***
- 2. Exeter Park Management Committee Annual General Meeting held Monday 9 August 2010.***
- 3. Exeter Park Management Committee held Monday 9 August 2010.***
- 4. Exeter Park Management Committee held Tuesday 17 August 2010.***
- 5. Exeter Park Management Committee held Thursday 2 September 2010.***
- 6. Exeter Park Management Committee held Monday 4 October 2010.***
- 7. Hampden Park Management Committee held Tuesday, 20 July 2010.***
- 8. Hampden Park Management Committee held Wednesday 6 October 2010.***
- 9. Hill Top Community Centre Committee held Thursday 16 September 2010.***
- 10. Mittagong Community Centre Management Committee held Thursday 9 September 2010.***
- 11. Mittagong Community Centre Management Committee held Thursday 14 October 2010.***
- 12. Mittagong Memorial Hall Management Committee held Thursday 4 October 2010.***
- 13. Robertson Community Centre Committee held Wednesday 11 August 2010.***
- 14. Robertson Community Centre Annual General Meeting held Wednesday 11 August 2010.***

***PASSED***

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**COMMITTEE REPORTS ATTACHED**

<b>c-CR2</b>	<b>Minutes of the Environment &amp; Sustainability Committee</b>
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REF:	ANRC	5465/29.01
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Submitting minutes of the Environment & Sustainability Committee held Wednesday, 20 October 2010.

***MN 503/10***

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

***THAT the recommendations as detailed in the minutes of the Environment & Sustainability Committee held Wednesday, 20 October 2010 be adopted.***

***PASSED***

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<b>c-CR3</b>	<b>Minutes of the Finance Committee</b>
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REF:	DCS	107/21
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Submitting minutes of the Finance Committee held Wednesday, 17 November 2010.

***MN 504/10***

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

***THAT recommendations Nos FC 24/10 to FC 27/10 as detailed in the minutes of the Finance Committee held Wednesday, 17 November 2010 be adopted.***

***PASSED***

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

### GENERAL BUSINESS

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#### GENERAL BUSINESS

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1. UNSIGHTLY DEVELOPMENT SITES WITHIN THE SHIRE 5302, 5210/1

Clr P B Tuddenham referred to development sites (including Council reserves) within the Shire that are a disgrace and asked if Council could consider contacting the responsible developers requesting that the sites be remediated.

The Mayor Clr K Halstead advised that this matter will be taken on notice and investigated.

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2. MT GIBRALTAR RESERVE 6527/15

Clr L A C Whipper referred to correspondence he had received from Mt Gibraltar Landcare and Bushcare Group (the Group) in relation to a motion from the Extraordinary Council Meeting held on Wednesday, 16 April 2008, regarding consolidation of Lot 20 DP 862590 Oxley Drive, Bowral and that separately title allotments of land owned by Council which form the Mt Gibraltar Reserve be consolidated into a single lot, and noting from the correspondence that repeated enquiries from the Group to keep the matter current are not being taken seriously. Clr Whipper advised that he would table the correspondence and asked for it to be referred to the responsible Council officer.

The Acting General Manager advised that there are some issues with a parcel of land that impacts on the title consolidation, but will provide an update in the Weekly Circular.

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3. ERIDGE PARK SECTION 355 COMMITTEE 6530/3

Clr J R Clark asked if the Section 355 Committee is conducting a tree planting regime in Eridge Park and if they have authorisation to do that. He asked for information to be placed in the Weekly Circular.

The Acting General Manager advised that staff will undertake this request.

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4. QUERY REGARDING FEES CHARGED FOR A LOT IN BAMBAUGH STREET,  
BUNDANOON 5302/1

Clr J R Clark referred to correspondence he has received from a resident who is building a house in Bundanoon regarding costs charged for road opening services, including traffic management, and asked if Councillors could receive an explanation of the fees charged for the services for construction of a house on this block.

The Acting General Manager advised that staff will investigate this matter.

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

### GENERAL BUSINESS

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5. BERRIMA ROAD, MOSS VALE

RD0372, 0090

Clr G McLaughlin referred to the road verge outside the cemetery at Moss Vale on Berrima Road and the damage that has been done to Council lands by heavy trucks. He asked if Council can look at rectifying this damage.

The Director Infrastructure Services advised that he will investigate the matter.

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**CLOSED COUNCIL**

**GENERAL MANAGER**

**cc-GM1 Closed Council**

To consider moving into Closed Council.

At this juncture, the time being 7.20 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.

**MN 505/10**

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

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

**c-GM1 ROBERTSON SEWERAGE SCHEME – TREATMENT PLANT ACCESS  
7650**

**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**

*Presenting an update on land owner negotiations for the acquisition of an alternate access to the proposed Robertson Sewage Treatment Plant.*

**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.*

.....Cont'd



.....Cont'd

**c-GM2 DOUGLAS ROAD UPGRADE – OUTCOME OF EASEMENT  
NEGOTIATIONS PN1729140, 6330/10.0**

**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 negotiations to acquire an easement on Douglas Road.***

**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.***

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

**PASSED**

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**EXTENSION OF TIME**

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**MN 506/10**

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

***THAT in accordance with Council's Code of Meeting Practice, Council approves an extension of time to 7.50 pm.***

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

**CLOSED COUNCIL**

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**CLOSED COUNCIL**

<b>c-GM1</b>	<b>Robertson Sewerage Scheme – Treatment Plant Access</b>
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REF:	SPE
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7650
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The Director Infrastructure Services and Special Projects Engineer addressed Council on this matter.

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

1. **THAT the information contained in this report be noted.**
2. **THAT a further progress report be presented to the next Council meeting.**
3. **THAT Council staff and Councillors meet with Mrs Hindmarsh and her legal representative at a pre-arranged time in an endeavour to expedite the matter.**

**PASSED**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 24 November 2010

**CLOSED COUNCIL**

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**c-GM2 Douglas Road Upgrade - Outcome of Easement Negotiations**

REF: MO PN1729140, 6330/10.9

The Director Infrastructure Services addressed Council on this matter.

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

1. **THAT Council enter into an agreement with Mr Maloney to install the gravity sewer along the eastern boundary of the property in exchange for the easement to construct the rising main. The value of the work will be approximately \$94,000 (inc GST) to be funded from the contingency of Douglas Road Sewer Project.**
2. **THAT Council enter into an agreement with Fortius to offset future development contributions to the value of approximately \$38,400 to be indexed per annum until the land is developed in exchange for easements to construct the rising main, electrical conduits and sewer pumping station.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

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### OPEN COUNCIL

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**MN 507/10**

107/10

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

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

**PASSED**

No members of the public were present in the Chamber.

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### ADOPTION OF CLOSED COUNCIL

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**MN 508/10**

107/9

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

**THAT the recommendations of the Closed Council held on Wednesday, 24 November 2010 (Items c-GM1 and c-GM2) be adopted.**

**PASSED**

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### ADOPTION OF OPEN COUNCIL

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**MN 509/10**

107/10

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

**THAT the recommendations of the Open Council held on Wednesday, 24 November 2010 being OC 239/10 to OC 242/10, be adopted.**

**PASSED**

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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

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### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.40 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 24 November 2010 numbered M/N 483/10 to M/N 509/10, were signed by me hereunder at the Council Meeting held on Wednesday, 8 December 2010.

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CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 8 DECEMBER 2010

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CHAIRMAN

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PUBLIC OFFICER