

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/10



held on Wednesday, 28 July 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 July 2010

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on Wednesday, 28 July 2010

COMMENCING AT: 3.30 pm

PRESENT: Clr G McLaughlin (Deputy Mayor) in the Chair
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
Acting Manager Administration & Library Services	Mrs Sharon Hauptberger
Administration Officer	Ms Liz Johnson

OPENING OF MEETING AND ACKNOWLEDGEMENT OF COUNTRY

1826/4

The Deputy Mayor Clr G McLaughlin opened the meeting and acknowledged country:

"We acknowledge and pay respect to our Elders past, present and to those of the future, for they hold the memories, traditions and hopes of Aboriginal Australia."

PRAYER

100/1

The meeting was opened in prayer led by Pastor David Holt, One Life Church Moss Vale.



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APOLOGY

PERS

M/N 291/10

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

THAT the apologies of the Mayor Clr T D Gair and Clr J G Arkwright be accepted and leave of absence granted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

CONFIRMATION OF MINUTES

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

100/1

MN 292/10

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 14 July 2010 MN 244/10 to MN 290/10 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. ITEM c-QWN1 – QWN 04/10 – GOULBURN PIPELINE 101/2, 7790/20

Clr L A C Whipper referred to the Question with Notice in relation to the Goulburn Pipeline on page 18 and advised that he was under the impression that Council was going to get some communication via the Goulburn Mulwaree Council, particularly through the Environment Committee, in relation to offset planning, and asked if this matter could be followed up.

The General Manager advised that he has received an email from the staff member of Goulburn Mulwaree Council, who was at the Council Meeting, and that staff will follow it up.

2. c-NM1 – 10/2010 – NOTICE OF MOTION – FRIENDSHIP CITY AGREEMENT WITH KAIFENG CITY, CHINA 100/4, 600/26, 107/24.3

Clr L A C Whipper referred to the Notice of Motion on this matter and raised some concerns about comments made at the last Council Meeting.

The General Manager advised that correspondence had been received from the St Paul's International College and copies of that correspondence would be distributed to Councillors.



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DECLARATIONS OF INTEREST

101/3

Clr D Stranger declared a non-pecuniary interest in c-NM1 – 12/2010 – Notice of Motion – Demographic and Housing Strategy and asked if the recommendations could be dealt with *inseriatum*, as depending what happens with points 2 and 3 he may leave the chamber and refrain from voting thereon as his business manages the property for the owners.

Clr L Whipper declared a non-pecuniary interest in Item o-EP8 – Proposed Covering of the Stock Yards, Water Storage Tanks and Lighting Improvements at the Southern Regional Livestock Exchange, Lot 1 DP 1070888, RN 205 Berrima Road, Moss Vale, as the recommendation relies on approval from the Sydney Catchment Authority and he is a Member of that Board. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.



MAYORAL MINUTE

c-MM1 One Association For Local Government

REF: GM 600/8, 203/4

Reporting on the proposal by the Local Government Association and Shires Associations of New South Wales to progress the formation of One Association for Local Government.

MN 293/10

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

1. **THAT Council notes the importance of forming One Association to provide a uniform voice for Local Government in New South Wales.**
2. **THAT the Mayor, Cllr T D Gair and the General Manager, Mr Jason Gordon, attend the One Association Convention on Monday 16 and Tuesday 17 August 2010.**
3. **THAT Council consider this matter further when the One Association Taskforce releases its discussion paper.**

PASSED



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MAYORAL MINUTE

c-MM2 Motions for the 2010 Local Government Association Conference

REF: DEP, SPM, MALS

204/2010

Reporting on motions required for the 2010 Local Government Association Conference, closing 9 August 2010.

MN 294/10

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

1. ***THAT*** Council submit the following motions for consideration at the 2010 Local Government & Shire Association Conference:
 - (i) ***THAT*** the State Government be called upon to commit to discussions with Local Government regarding its' legitimate concerns with regard to the removal of planning powers from Local Government, namely by legislative amendments including the introduction of State policies such as Part 3A, Infrastructure SEPP and Affordable Housing SEPP and to commit to returning planning powers to the appropriate local level.
 - (ii) ***THAT*** the State Government be called upon to commit to fixing errors in the LEP standard instrument, in particular the structure of the land use tables that do not reflect desired local outcomes.
2. ***THAT*** a letter be written to the Department of Planning expressing Council's concern regarding the errors in the LEP 2010 – especially, but not limited to, the E3 zoning.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL
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OPEN COUNCIL

OPEN COUNCIL

MN 295/10

107/10

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

THAT Council moves into Open Council to discuss various matters listed in the Agenda with *Clr Graham McLaughlin* remaining in the Chair.

PASSED



VISITOR ITEM

v-EP1 Proposed Residential Flat Building (5 Dwellings and Strata Subdivision) to House Medical Graduates, Lot 1 DP 118994 and Lot 3 DP 363208, at Nos 103-105 Bowral Street, Bowral

REF: MDBS

LUA10/0365

This report is about a proposal by the Graduate School of Medicine at the University of Wollongong (UOW) to demolish two (2) dwellings and erect a residential flat building containing five (5) dwellings to provide housing for medical students whilst they work in local medical facilities.

Ms Lisa Ralphs, Community Programs Manager, Presbyterian Retirement Village, addressed Council on behalf of the objectors.

Mr Keith Smith, Rural Clinical Placements Project Manager, Graduate School of Medicine, University of Wollongong, the applicant, addressed Council on this matter.

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

OC 141/10

*On being recommitted the Committee on a **MOTION** moved by Clr P B Tuddenham and seconded by Clr L A C Whipper **RECOMMENDED**:*

1. ***THAT Council supports the provision of medical student accommodation by the University of Wollongong on Lot 1 DP 118994 and Lot 3 DP 363208, at Nos 103 and 105 Bowral Street, Bowral.***
2. ***THAT Council approve Development Application LUA2010/0365 for a residential flat building for medical student accommodation on Lot 1 DP 118994 and Lot 3 DP 363208, at Nos 103 and 105 Bowral Street, Bowral in accordance with plans prepared by Allen Jack + Cottier, subject to conditions as shown in attachment 4 to the report and the following additional conditions:***
 - (a) ***No strata subdivision of the development while it is being used for medical student accommodation.***
 - (b) ***A condition of development consent include an 88B restriction or 88E positive covenant to be imposed on the title to ensure that the building is used by medical students.***
 - (c) ***If the development is no longer required for student accommodation, Unit 1 be adapted to provide an additional car parking space.***
3. ***THAT a separate Development Application for Lot 1 DP 118994 and Lot 3 DP 363208, at Nos 103 and 105 Bowral Street, Bowral must be lodged for any use other than that of medical student accommodation.***

PASSED



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

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



INFRASTRUCTURE SERVICES DIVISION

v-IS1	Robertson Sewerage Scheme – Treatment Plant Access
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REF:	SPC
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7650

Presenting details of submissions received as a result of the public exhibition of a report re-assessing the options for accessing the proposed Robertson sewage treatment plant. Council's Water & Sewerage Projects Coordinator will be present to answer any questions on this matter.

The Director Infrastructure Services, General Manager and Water & Sewerage Projects Coordinator addressed Council on this matter.

OC 142/10

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

1. **THAT Councillors undertake a tour of the Robertson Sewerage Scheme AND THAT a briefing be held with Councillors and a report brought back to Council in relation to the services to the sewerage treatment works.**
2. **THAT access to the proposed Robertson sewage treatment plant be via Option 4 as set out in the attachment to the Report.**
3. **THAT the authors of submissions on the Access Options Report be advised of Council's decision.**

PASSED



v-IS2 Southern Regional Livestock Exchange

REF: PPM 7170/13, 2151/5

Reporting on submissions received as expressions of Interest for the construction of a roof over the Southern Regional Livestock Exchange. The Parks & Property Manager will be present at the meeting to answer any questions Council may have regarding this project.

The Director Infrastructure Services and Parks & Property Manager addressed Council on this matter.

OC 143/10

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

1. **THAT Council invite the following companies to tender on the Southern Regional Livestock Exchange Roof Project:**
 - (a) GA Anderson & Son Pty Ltd
 - (b) Brice Engineers Pty Ltd
 - (c) Edwards Constructions (NSW) Pty Ltd
 - (d) Manteena Pty Ltd
 - (e) National Buildplan Group Pty Ltd
 - (f) ABA Construction Managers

2. **THAT Council endorse the probity plan, as distributed to Councillors, and selection criteria being:**
 - (a) Price
 - (b) Local content – as per Council policy
 - (c) Knowledge and understanding of the Project and the scope of work
 - (d) Proposed approach to project delivery
 - (e) Relevant experience and demonstrated performance
 - (f) Experience of key personnel and demonstrated availability of key project staff
 - (g) Methodology & working arrangements
 - (h) Financial capacity and resources to deliver on time

3. **THAT Council implements a media strategy for the project to gain maximum exposure for the marketing of the centre.**

4. **THAT the contract not be awarded until such time as the Land Use Application is approved.**

PASSED



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

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

REF: MDBS

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 6 July 2010 to 20 July 2010.

OC 144/10

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

THAT the information relating to Development Consent Determined Nos 1 - 6 under Delegated Authority and Development Consents Refused Nos 1 - 2 be received and noted, with the exception of Item 4 : Boundary Adjustment, Bellfarm, 100 Missingham Parade, Robertson – Lots 1-2 DP 879958, Lot 900 DP 1110888, Lots 1-2 DP 1110887 (Coal Rights) in the list of Approvals and Item 2 : 2 Lot Subdivision and SEPP 1, Boscobel Stud, 16 Nicholson Street, Sutton Forest – Lots 1 and 2 Section 9 DP 758938, Lot 1 Section 8 DP 758938 and 21 more - in the list of Refusals.

PASSED

1. ITEM 4 - BOUNDARY ADJUSTMENT, BELLFARM, 100 MISSINGHAM PARADE, ROBERTSON – LOTS 1-2 DP 879958, LOT 900 DP 1110888, LOTS 1-2 DP 1110887 (COAL RIGHTS) LUA09/0585

Clr J Mauger advised that he would be declaring an interest in this matter.

Interest: Clr J Mauger declared a non-pecuniary interest in Item No 4 of this matter as he is the father of the applicant. He remained in the chamber, but took no part in the debate and refrained from voting thereon.

OC 145/10

The Committee on a **MOTION** moved by Clr J Mauger and seconded by Clr D Stranger
RECOMMENDED:

THAT the information be received and noted.

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.

Councillor	For	Against
Clr T D Gair	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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	

2. ITEM 2 IN THE DEVELOPMENT APPLICATIONS DETERMINED BY WAY OF REFUSAL -2 LOT SUBDIVISION & SEPP 1, BOSCOBEL STUD, 16 NICHOLSON STREET, SUTTON FOREST - LOTS 1 AND 2 SECTION 9 DP 758938, LOT 1 SECTION 8 DP 758938 AND 21 MORE LUA10/0553

Clr J R Clark referred to Item 2 for the 2 lot subdivision at Boscobel Stud at Sutton Forest and asked if additional information can be provided in the Weekly Circular.

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

OC 146/10

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

Councillor	For	Against
Clr T D Gair	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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-EP2 List of Land Use Applications Received By Council

REF: MDBS 5302

Submitting list of development applications which have been received between 6 June 2010 to 20 July 2010, some of which will be dealt with under delegated authority of the Director of Environment and Planning.

OC 147/10

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

THAT the information regarding the List of Land Use Applications Nos 1- 9 received by Council be received and noted, with the exception of Item 5 : 8 Lot Subdivision (Camden Street), PN1431000, Lot 202 DP 751298 Tallong Road, Wingello; Item 6 : Signage For New Produce Store, PN 1459800, Lot 13 Sec 18 DP 758882 and Lot 14 Sec 18 DP 758882, 52-54 Illawarra Highway, Robertson; and Item 8 : New Kitchen, Classroom and Dining Room, PN1742790, Lot 1, 2 And 3 Sec 31 DP 758098 and 1 More, Berrima Public School, Old Hume Highway, Berrima.

PASSED

1. ITEM 5 – 8 LOT SUBDIVISION (CAMDEN STREET), PN1431000, LOT 202 DP 751298 TALLONG ROAD, WINGELLO LUA10/0661

Clr L A C Whipper asked if this matter could come back to Council for determination.

OC 148/10

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

THAT Item 5 – 8 Lot Subdivision (Camden Street), PN1431000, Lot 202 DP 751298 Tallong Road, Wingello (LUA10/0661), be referred to an Ordinary Meeting of Council for determination.

PASSED

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

Councillor	For	Against
Clr T D Gair	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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	



2. ITEM 6 – SIGNAGE FOR NEW PRODUCE STORE, PN1459800, LOT 13 SEC 18 DP 758882 AND LOT 14 SEC 18 DP 758882, 52-54 ILLAWARRA HIGHWAY, ROBERTSON LUA10/0646

Clr L A C Whipper asked for some information on this application as to the size and dimensions of the signage via the Weekly Circular.

The Development & Building Services Manager advised that this development application does not comply with the Robertson DCP, and that he will include further information in the Weekly Circular.

OC 149/10

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

Councillor	For	Against
Clr T D Gair	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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	

.....Cont'd



.....Cont'd

3. ITEM 8 – NEW KITCHEN, CLASSROOM AND DINING ROOM, PN1742790, LOT 1, 2 AND 3 SEC 31 DP 758098 AND 1 MORE, BERRIMA PUBLIC SCHOOL, OLD HUME HIGHWAY, BERRIMA LUA10/0647

Clr L A C Whipper referred to this item and asked if Council could consider making a contribution to or waiving of the fees.

The General Manager advised that a report will come back to Council for consideration of this matter, but he noted that the fees have to be paid upfront and then a contribution is made.

OC 150/10

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

THAT a further report come back to a future Ordinary Meeting of Council for consideration.

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



**o-EP3 Proposed Demolition and Re-development – Shops/Commercial Premises
Lot 2 DP 712927, Nos 480 – 488 Argyle Street, Moss Vale**

REF: MDBS

LUA09/0964

Reporting on proposed Demolition and Re-development of Shops/Commercial Premises, Lot 2 DP 712927, Nos 480-488 Argyle Street, Moss Vale.

Interest: Clr D Stranger declared a non-pecuniary interest of minor significance as the owners of the property are clients of his business. He remained in the chamber, but took no part in the debate and refrained from voting thereon.

The Manager Development & Building Services addressed Council on this matter.

OC 151/10

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

1. **THAT Development Application LUA2009/0964 for the redevelopment of the premises on Lot 2, DP712927, at Nos. 480-488 Argyle Street, Moss Vale be refused for the following reasons:**
 - i. ***The proposed development does not complement the conservation significance of the locality, which is characterized by a number of Heritage Items, including those on adjoining and adjacent properties.***
 - ii. ***The development application does not contain sufficient information to enable Council to fully consider the matters described in S79C of the EP and A Act. In particular, a Heritage Impact Statement has not been submitted.***
 - iii. ***The proposed development does not provide sufficient on-site car parking. Council's DCP No 12 "Off Street Car parking, loading facilities and vehicular access" requires 14 car parking spaces to be provided but the proposed development would only provide 11 spaces.***
 - iv. ***The proposed development does not recognize nor satisfactorily address the visual prominence of the site at the southern entry to the Moss Vale Town Centre.***
2. **THAT the applicant and/or property owner, be advised that the Council would consider the following matters in any subsequent application**
 - (a) ***conservation incentives such as increased floor area and/or concessions on car parking and/or concessions on developer contributions and charges; and/or***
 - (b) ***staging the development, subject to a satisfactory overall design and a reasonable timeframe for the completion of the total re-development.***
3. **THAT any subsequent application be presented to Council for determination.**

PASSED



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

Councillor	For	Against
Clr T D Gair	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	Did not vote	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

CHAIRPERSON

At this juncture, the time being 5.12 pm, the Deputy Mayor, Clr G McLaughlin, remained in the Chair to conduct the remainder of Council Business.



o-EP4 Modifications to Development Consent – Proposed “Garden School” and Service of Liquor, Werai Teahouse and Nursery, “Tarella”, RN 5 Werai Road, Werai

REF: MDBS

LUA07/1457

Reporting on an application pursuant to S96 of the EP and A Act for modifications to the development consent to permit:

- “Garden School” classes in the teahouse at night; and
- the sale of alcohol in the teahouse, the verandah and the grassed area in front of the teahouse.

The General Manager addressed Council on this matter.

MN 296/10

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

1. **THAT** development consent LUA2007/1457 for the Werai Teahouse and Nursery at “Tarella”, RN 5 Werai Road, Werai is not modified to enable “Garden Schools” because this land use has already commenced without the prior approval of Council, and Council is unable to issue a retrospective development consent.
2. **THAT** the applicant/property owner be advised that, in accordance with Council’s Enforcement and Compliance Policy, a development application must be lodged for the continued/on-going use of the premises as a “Garden School”.
3. **THAT** in respect of the proposed sale of liquor, development consent LUA2007/1457 for the Werai Teahouse and Nursery at “Tarella”, RN 5 Werai Road, Werai be modified in the following manner:
 - (a) **THAT** the General Manager be authorised to deal with any subsequent S96 application to amend LUA07/1457 where such an application seeks to increase the maximum 35 persons per day capacity of the teahouse on the basis of an increase in the capacity of the on-site waste water treatment system and any Development Application for the ongoing use of the teahouse for garden school classes **AND THAT** any such S96 application be considered for a full refund of application fees.
 - (b) Liquor may be sold to patrons within the teahouse but only in conjunction with the provision of a meal.
 - (c) The capacity of the teahouse is to be limited to a maximum of 35 persons per day.
 - (d) The serving of liquor is to be restricted to between 12 noon (as per Council’s Liquor Licensed Premises Policy) and 6.00pm (the approved closing hours of the teahouse).



4. ***THAT the applicant be advised that any future application to increase the hours of operation of the teahouse and/or its maximum daily patronage, or any application for the on-going use of the premises as a “Garden School”, must be accompanied by specific details of each proposal and this must include addressing the area/egress provisions, and sanitary facilities requirements of the BCA, and demonstrate the effective on-site management of effluent.***
5. ***THAT any proposal to seek a “Primary Service Authorisation” in conjunction with an “on-premises” liquor licence must be the subject of a development application or S96 application to modify an existing development consent, as appropriate, so that Council may be satisfied that a change of use to a bar does not occur.***

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



**o-EP5 Proposed Modification to Development Consent for Equestrian Events at
“Ambervale”, Lot 4 DP 590495, RN 122 Wallaby Hill Road, Robertson**

REF: MDBS

LUA09/0903

Reporting on proposed Modification to Development Consent for Equestrian Events at
“Ambervale”, Lot 4 DP 590495, RN 122 Wallaby Hill Road, Robertson.

The Manager Development & Building Services addressed Council on this matter.

MN 297/10

MOTION moved by Clr P B Tuddenham and seconded by Clr D Stranger:

1. **THAT** development consent LUA2009/0903 for equestrian events at
“Ambervale”, Lot 4 DP590435, RN 122 Wallaby Hills Road, Robertson be
modified by the deletion of:

Condition 2 Upgrading and Sealing of Wallaby Hill Road; and

Condition 6 Use of the Indoor Arena.

2. **THAT** the applicant be advised that the use of the property referred to in 1
above for occasional equestrian events is a purpose which required/requires
development consent and therefore the conditions which have been imposed
by Council apply.

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	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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 Proposed Modification to Development Consent for Subdivision and Easements for Access and Services, "Retford Park", Lot 1 DP860647 and Lot 20 DP100806, RN 1325 Old South Road and Mansfield Road, Bowral

REF: MDBS

LUA09/0534.01

Reporting on an application lodged under S96 of the EPA Act requesting modifications to conditions of development consent relating to the preservation of "Retford Park" house and garden, and the construction of an access driveway.

The Manager Development & Building Services addressed Council on this matter.

MN 298/10

MOTION moved by Clr K Halstead and seconded by Clr J R Clark:

THAT consideration of development consent LUA2009/0534 for a subdivision to create 2 lots and easements for access and service in Lot 1 DP 860647 and Lot 20 DP 1001806, RN 1325 Old South Road and Mansfield Road, Bowral be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 11 August 2010.

PASSED

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

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



o-EP7 Proposed subdivision and consolidation (with SEPP 1 objection) Lots 1 and 2 DP 1090835, Lot 1 DP 1050733, Lot 1 DP724175 and Lot 2 DP 1141277, RN 1990 Kangaloon Rd, Kangaloon

REF: MDBS

LUA10/0378

This report is about an application which seeks development consent to vary the minimum allotment size provisions in *Wingecarribee Local Environmental Plan 1989* for a subdivision and consolidation of five lots into two lots.

As one of the proposed lots would have an area less than the 40 hectare development standard, the application is accompanied by a SEPP1 objection, and this is supported.

The Manager Development & Building Services addressed Council on this matter.

MN 299/10

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

- 1. THAT Council support the objection pursuant to State Environmental Planning Policy No 1 for a departure from the 40 hectare development standard in clause 12(2)(a) of Wingecarribee Local Environmental Plan 1989 to enable a subdivision and consolidation of five lots into two lots, resulting in one of the lots containing a dwelling house to be increased from 8,094m² to 8,730m², and the second lot containing a dwelling house to be increased from approximately 25 hectares to 40.91 hectares, being Lots 1 and 2 DP 1090835, Lot 1 DP 1050733, Lot 1 DP724175 and Lot 2 DP 1141277 RN1990 Kangaloon Rd, Kangaloon.***
- 2. THAT subject to the concurrence of the Director General, Department of Planning, authority is delegated to the General Manager to determine development application LUA2010/0514 for the subdivision and consolidation of Lots 1 and 2 DP 1090835, Lot 1 DP 1050733, Lot 1 DP724175 and Lot 2 DP 1141277, RN 1990 Kangaloon Rd, Kangaloon, to create 2 lots.***

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



o-EP8 Proposed Covering of the Stock Yards, Water Storage Tanks and Lighting Improvements at the Southern Regional Livestock Exchange Lot 1 DP1070888, RN 205 Berrima Road, Moss Vale

REF: MDBS

LUA10/0288

Council is in receipt of a development application to cover the Southern Regional Livestock Exchange (SRLE) at Moss Vale.

Interest: Clr L A C Whipper declared a non-pecuniary interest in this matter as the recommendation relies on approval from the Sydney Catchment Authority and he is a Member of that Board. He remained in the chamber, took part in the debate and voted thereon.

The Manager Development & Building Services addressed Council on this matter.

MN 300/10

MOTION moved by Clr J Mauger and seconded by Clr D Stranger:

THAT subject to the receipt of the concurrence of the Sydney Catchment Authority, development application LUA2010/0288 for the covering of the stock yards and associated works at the Southern Regional Livestock Exchange, Lot 1 DP 1070888, RN 205 Berrima Road, Moss Vale be approved subject to conditions as set out in Attachment 2 to the report with the inclusion of any conditions required by the Sydney Catchment Authority.

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	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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 July 2010

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. COVERING OF THE SOUTHERN LIVESTOCK REGIONAL EXCHANGE

LUA10/0288

Mr Terry Oakes-Ash referred to this matter debated earlier in the evening and noted that much was made of the use of local content in the construction of the livestock centre. He asked if "local content" is determined geographically or by local owned suppliers and, if those local suppliers are owned by overseas companies, are they considered to be "local".

The Director Infrastructure Services advised that it relates to the address of the business so if that address is in the Shire, it is considered "local".

2. ADVERTISING OF PROPOSED DEVELOPMENTS

5302

Mr Allan Hunt asked if statutory advertising of development applications appearing in the local paper could also include the common street address of the development rather than just the DP numbers, as it is not possible for members of the public to engage with proposed developments when their locations are only listed by a secret code.

The General Manager advised that this will be done.

3. CHINESE CULTURAL VISIT

100/4, 600/26, 107/24.3

Mrs Wendy Hunt asked if it had been considered the delegation include a member of Council with educational qualifications and the student exchange co-ordinators from Moss Vale High School and St Paul's International School.

The General Manager advised that the attendees for the delegation to China was considered by a number of different forums – firstly by the Economic Development & Tourism Board, and then the matter came to Council and the attendees were changed. He advised that it subsequently came back to Council as a Notice of Motion and the decision about the attendees was made at that time.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

QUESTIONS FROM THE PUBLIC

4. COVERING OF THE SOUTHERN LIVESTOCK REGIONAL EXCHANGE

LUA10/0288

Mr Ian Scandrett asked if Council had considered the cost of the two options of the rental and the purchase of temporary cattle yard panels so that the works could be done without OH&S issues and provide the opportunity to renovate the existing yards where required?

The General Manager advised that a consultant was engaged for the upgrading of the covering of the saleyards and he would be surprised if the options suggested by Mr Scandrett would be cheaper.

Clr D Stranger advised that it would be difficult for the options suggested by Mr Scandrett to work.

Clr J Mauger advised the saleyards are only used on Tuesday afternoon and Wednesday and Friday each week, which has been taken into account by the persons tendering for the construction. He advised that there are no changes to the saleyards whatsoever and the options suggested by Mr Scandrett would only add to the cost of buying the additional yards and endeavouring to funnel the cattle from those yards into the races that are already there.

5. CONSIDERATION OF REPORTS AT COUNCIL MEETINGS

100/3

Mr Ian Scandrett asked if Council could ask the gallery at the commencement of the meeting what items they are in attendance for and for those items to be brought forward in the meeting thus easing the burden on the public.

The General Manager advised that Council's Code of Meeting Practice is currently being reviewed and this issue will be reviewed at that time.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

QUESTIONS FROM THE PUBLIC

SUSPENSION OF STANDING ORDERS

Clr L A C Whipper requested that standing orders be suspended to allow Item c-NM1 – 12/2010 – Notice of Motion – Demographic and Housing Strategy - to be heard at this juncture of the meeting as there were interested members of the public present in the gallery.

MN 301/10

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

THAT standing orders be suspended to allow Item c-NM1 – 12/2010 – Notice of Motion – Demographic and Housing Strategy to be considered.

PASSED



COUNCIL MATTERS

NOTICE OF MOTION

c-NM1 12/2010 – Notice of Motion – Demographic and Housing Strategy

REF: MALS

100/4, 5800/18

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 28 July 2010:

The Director Environment & Planning addressed Council on this matter.

1. THAT Council prepare a Shire-wide demographic and housing strategy as a priority.
2. THAT Chelsea Gardens/Coomungie Urban Release Area be put on hold pending the outcome of the demographic and housing strategy.
3. THAT when the strategy is completed the applicants of Chelsea Gardens/Coomungie be invited to submit a new application for consideration by Council.

MN 302/10

MOTION moved by Clr D Stranger and seconded Clr P B Tuddenham:

THAT the recommendations be dealt with *inseriatum*.

PASSED

MN 303/10

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

1. **THAT** Council reinforce the need to undertake a demographic and housing survey and prepare a demographic and housing strategy as a priority.

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	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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	

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

NOTICES OF MOTION

Interest: Clr D Stranger declared a non-pecuniary interest in recommendation number 2 of this matter as he manages the properties on behalf of the owners. He remained in the chamber, took no part in the debate and refrained from voting on this recommendation.

MN 304/10

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

2. ***THAT the future urban release area designation contained within the Wingecarribee LEP 2010 be removed from the Chelsea Gardens/Coomungie properties and the future zoning of these properties be considered further on the completion of the demographic and housing strategy.***

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	A	
Clr G McLaughlin	x	x
Clr J G Arkwright	A	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	Did not vote	
Clr P B Tuddenham		x
Clr L A C Whipper	x	

PASSED



OPEN COUNCIL (CONT)

ENVIRONMENT & PLANNING DIVISION (CONT)

o-EP9 Draft Development Control Plan for Exeter Village

REF: SPM

5700/76

This report presents a new draft Development Control Plan (DCP) for Exeter Village and seeks Council endorsement of it for the purposes of public exhibition. In addition, this report also seeks adoption of an amended Development Control Plan No. 54 – Exeter Village to enable its use as an interim Development Control Plan until the new DCP is exhibited and adopted.

MN 305/10

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

1. **THAT** the Draft Exeter Village Development Control Plan, as circulated as a separate attachment, be endorsed for public exhibition.
2. **THAT** public exhibition of the Draft Exeter Village Development Control Plan be undertaken for a minimum of 28 days in accordance with the Environmental Planning and Assessment Regulation **AND THAT** a public information session be held in Exeter during the public exhibition period.
3. **THAT** Council consider a further report on the results of consultation following the conclusion of the public exhibition period for the Draft Exeter Village Development Control Plan.
4. **THAT** Council adopt Development Control Plan No. 54 – Exeter Village (Amendment 2) under Wingecarribee Local Environmental Plan 2010, as circulated as a separate attachment.
5. **THAT** a notice be placed in the local newspaper giving effect to the adoption of Development Control Plan No. 54 – Exeter Village (Amendment 2).

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	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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-EP10 Draft New Berrima and Medway Development Control Plan for Exhibition

REF: SPM

5700/73

The purpose of this report is to present to Council a Draft Development Control Plan (DCP) for the villages of New Berrima and Medway and recommend that it be placed on Public Exhibition for comment

MN 306/10

MOTION moved by Cllr J R Clark and seconded by Cllr K Halstead:

1. **THAT** the Draft New Berrima and Medway Development Control Plan circulated as a separate attachment to the report, be endorsed for the purpose of public exhibition.
2. **THAT** the required public consultation with respect to the Draft New Berrima and Medway Development Control Plan be undertaken in accordance with the Environmental Planning and Assessment Regulation 2000 commencing as soon as suitable advertising arrangements have been made.

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	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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-EP11 Draft Stormwater Development Servicing Plan

REF: SPM

5702/5

This report discusses a new Draft Stormwater Development Servicing Plan (DSP) made under the provisions of Section 64 of the Local Government Act 1993 and Sections 305 to 307 of the Water Management Act 2000.

Clr J Mauger left the Chamber during the debate on this matter.

The Director Environment & Planning addressed Council on this matter.

MN 307/10

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

1. **THAT** the Draft Stormwater Development Servicing Plan and Background Document be placed on public exhibition for a period of 30-working days (6-weeks) in accordance with Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2002).
2. **THAT** a report be brought back to Council following the public exhibition of the Draft Stormwater Development Servicing Plan and Background Document.

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	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	Did not vote	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	



o-EP12 Repeal of Out of Date and Superfluous Section 94 Contributions Plans

REF: SPM 5701, 5701/4, 5701/1.3, 5701/24

This report discusses repealing the following Section 94 Development Contributions Plans:

1. Beaconsfield Road Section 94 Contributions Plan
2. Public Car Parking in the Moss Vale Town Centre Section 94 Contributions Plan
3. East Bowral Incorporating Section 94 Contributions Plan
4. Community Facilities Contributions Plan 1993

MN 308/10

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

1. **THAT the following Section 94 Contributions Plans be repealed in accordance with Clause 33 of the Environmental Planning and Assessment Regulation 2000:**
 - (a) **Beaconsfield Road Section 94 Contributions Plan**
 - (b) **Public Car Parking in the Moss Vale Town Centre Section 94 Contributions Plan**
 - (c) **East Bowral Incorporating Section 94 Contributions Plan**
 - (d) **Community Facilities Contributions Plan 1993**
2. **THAT the remaining Section 94 money held in accounts be allocated as outlined in the report.**

PASSED



o-EP13 Draft Section 94 Development Contributions Plan for the Moss Vale Enterprise Corridor and Amendment to Enterprise Corridor Development Control Plan No 60

REF: SPM

5702/7, 5700/60

This report discusses the introduction of a Draft Section 94 Developer Contributions Plan for the Moss Vale Enterprise Corridor; and amendments to the Moss Vale Enterprise Corridor Development Control Plan No 60, to ensure consistency between the documents.

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

Clr J Mauger returned to the Chamber.

MN 309/10

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

1. **THAT** the Draft Section 94 Contributions Plan for the Moss Vale Enterprise Corridor be placed on public exhibition with all reference materials and documents for 42-days pursuant to Clause 26(4) and Clause 28 of the Environmental Planning and Assessment Regulation 2000.
2. **THAT** the Draft Amendment to the Moss Vale Enterprise Corridor be placed on public exhibition for 42-days pursuant to the provisions of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
3. **THAT** the following organisations and individuals be notified by letter that the Draft Section 94 Contributions Plan for the Moss Vale Enterprise Corridor and Draft Amendment to the MVEC DCP will be placed on public exhibition as detailed in 1 and 2 above and inviting comment on the Draft Plans:
 - (a) All of the Shires' Business Chambers
 - (b) Land Owners within the Moss Vale Enterprise Corridor/Corridor
 - (c) Landowners of properties on Suttor Road.
 - (d) The Port Kembla Port Authority
 - (e) The Department of State and Regional Development
 - (f) The Roads and Traffic Authority
4. **THAT** the following information is provided on Council's Website for download:
 - (a) A copy of the Draft Section 94 Plan
 - (b) A copy of the Draft Amendment to the MVEC DCP
 - (c) A copy of this Report and Resolution
 - (d) Details of the Public Information Session detailed in 5 below
 - (e) Construction Cost Estimate for the Moss Vale Enterprise Zone by Altus Page Kirkland
 - (f) Land Valuation by Specialised Valuation Services
 - (g) Feasibility Report by Specialised Valuation Services
 - (h) Letter from Fortius Funds dated 5 June 2009



5. ***THAT a public information session be held at Council during the exhibition period on the Draft Section 94 Plan and Draft Amendment to the DCP for the Moss Vale Enterprise Corridor; and that an invitation to the meeting be included with the letter required in Item 3.***
6. ***THAT a public notice advertising the public information session be placed in local newspapers at least 5-working days before the date of the meeting.***
7. ***THAT a report be brought before Council on the Draft Section 94 Contributions Plan for the Moss Vale Enterprise Corridor and the Draft Amendment to the MVEC Development Control Plan following the closure of the public exhibition period.***
8. ***THAT Council's Section 94 Planner, Mr David Matthews be thanked for his work in relation to the Draft Section 94 Contributions Plan for the Moss Vale Enterprise Corridor.***

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	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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

o-CS1 Investments as at 30 June 2010

REF: FSM

2104

Submitting details of Council's Investments as at 30 June 2010.

The Director Corporate Services addressed Council on this matter.

MN 310/10

MOTION moved by Clr D Stranger and seconded by Clr P B Tuddenham:

THAT the information on Council's Investments as at 30 June 2010 be received and noted.

PASSED



o-CS2 Postponed Rates Write-Off

REF: FSM

2216/1

Submitting a report for the abandonment of postponed rates as required under Section 595(1) of the *Local Government Act, 1993*.

The Director Corporate Services addressed Council on this matter and distributed to Councillors an updated table which has the property street addresses rather than the actual legal description so that Councillors and the public are aware where these properties are.

MN 311/10

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

THAT Council in accordance with Section 595(1) of the *Local Government Act 1993* write-off the postponed rates and associated extra charges for the value of \$13,523.87.

PASSED



o-CS3 Exeter Park Management Committee

REF: MALS

6536/1.1

Reporting on the structure and future of the Exeter Park Management Committee.

MN 312/10

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

1. **THAT** the Annual General Meeting for Exeter Park Management Committee proceed on Monday 9 August 2010 to allow the Exeter Community the opportunity to nominate for positions on the Exeter Park Management Committee.
2. **THAT** the current members of the Exeter Park Management Committee be notified of Council's determination.

PASSED



o-CS4 Committee Appointments and Resignations

REF: MALS 6531/1.1, 6542/1.1

Reporting on Management Committee Appointments and Resignations.

MN 313/10

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

1. **THAT** Mr Jon Hill; Mr Michael Vaughan; Ms Lesley Daley; Mr Russell Watman; Mr Gregory Schofield; Mr Bruce Mumford; and Ms Sandra Vaughan be appointed to the Burrawang Park Management Committee **AND THAT** Mr Jon Hill; Mr Michael Vaughan; Ms Lesley Daley; Mr Russell Watman; Mr Gregory Schofield; Mr Bruce Mumford; and Ms Sandra Vaughan be notified of Council's determination.
2. **THAT** Ms Jill Keft; Ms Margaret Whatman; Mr Peter Whatman; Mr Warwick Whatman; Mr Boyd Thurgate; Mr Ray Whatman; Mr Cedric Schofield; Mr Lin Keft; Mr Steve Whatman; Mr Phillip Eccleston; Mr David Thompson; Mr Tony Donnelly; Ms Ashley Stoyles; Mr Brad Stoyles; and Mr Geoff Menzies be appointed to the Tourist Rd Oval Management Committee **AND THAT** Ms Jill Keft; Ms Margaret Whatman; Mr Peter Whatman; Mr Warwick Whatman; Mr Boyd Thurgate; Mr Ray Whatman; Mr Cedric Schofield; Mr Lin Keft; Mr Steve Whatman; Mr Phillip Eccleston; Mr David Thompson; Mr Tony Donnelly; Ms Ashley Stoyles; Mr Brad Stoyles; and Mr Geoff Menzies be notified of Council's determination.
3. **THAT** the Burrawang Park Management Committee and Tourist Rd Oval Management Committees be notified of Council's determination.

PASSED



o-CS5 Government Information (Public Access) Act 2009 – Publication Guide

REF: MALS

1420/19

Reporting on and seeking endorsement of Publication Guide in relation to the Government Information (Public Access) Act 2009.

The Director Corporate Services addressed Council on this matter.

MN 314/10

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

THAT in accordance with Section 21 of the Government Information (Public Access) Act 2009 the Wingecarribee Shire Council Publication Guide be adopted.

PASSED



o-CS6	India Trade Mission
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REF:	ETM, RMC	1900
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The purpose of this report is to seek approval for the Executive Tourism Manager to participate in the forthcoming Tourism NSW and Tourism Australia Trade Mission to India (ITM) at the end of August 2010.

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

MN 315/10

MOTION moved by Clr P B Tuddenham and seconded by Clr D Stranger:

THAT Council grant approval for the Executive Manager Tourism to undertake the India Trade Mission (ITM) in August/September 2010 AND THAT the Executive Tourism Manager make a presentation to Council on his return from the ITM.

PASSED



INFRASTRUCTURE SERVICES DIVISION

o-IS1	Revised Asset Management Policy
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REF:	DIS	508/1
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Reconfirm the Asset Management Policy that will drive success in Asset Management for Wingecarribee Shire.

The Director Infrastructure Services addressed Council on this matter and noted an amendment to the wording to Point No 4 of the Policy on page 208 of the Agenda - which should read "Service Levels will be identified through the community consultation process and will be reflected in the Asset Management Plan".

MN 316/10

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

THAT the progress achieved to date in Asset Management be supported by Council through the ratification of this revised Asset Management Policy which should ensure continued success in Asset Management at Wingecarribee Shire.

PASSED



o-IS2 Exeter Park Hall and Amenities Upgrading Project

REF: DIS, AOE

6536/1

Reporting on the formation of a Working Group to reach agreement on the upgrading project for Exeter Park Hall and amenities.

The Director Infrastructure Services addressed Council on this matter.

MN 317/10

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

1. **THAT** a working group be formed consisting of six (6) community members **AND THAT** the Working Group be known as the "Exeter Park Working Group".
2. **THAT** the following community groups be invited to nominate one (1) representative on the Exeter Park Working Group:

Exeter Park Management Committee
Exeter Village Association
Soccer Club
Croquet Club
Exeter CWA
Tennis Club

3. **THAT** Council appoint Clr J R Clark and the Mayor of the Day as delegates on the Working Group **AND THAT** Clr J G Arkwright be appointed as alternate delegate on the Exeter Park Working Group.

PASSED



COUNCIL MATTERS (CONT)

GENERAL MANAGER'S REPORTS

o-GM1 Investigation of Unauthorised Disclosure Of Information

REF: GM

800/2

The purpose of this report is to provide the results of an investigation into the allegations regarding the unauthorised distribution of a confidential legal opinion relating to Alexandra Square in Mittagong as raised through a Code of Conduct complaint from a Councillor.

MN 318/10

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

THAT Council notes the report in relation to the General Manager's investigation of unauthorised disclosure of information.

PASSED



NOTICE OF MOTION (CONT)

c-NM1	12/2010 – Notice of Motion – Demographic and Housing Strategy
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REF:	MALS	100/4, 5800/18
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This matter was considered earlier in the Meeting (MN 302/10, MN 303/10 and MN 304/10).



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

QUESTIONS WITH NOTICE

QUESTIONS WITH NOTICE

c-QWN1 QWN 05/10 – Non Expenditure of Section 94 Funds in Robertson

REF: GM, PPM, AOL

101/2

To: General Manager, Mr Jason Gordon

From: Clr Larry Whipper

Received: 21 July 2010

Subject: Non Expenditure of Section 94 Funds in Robertson

Question:

- 1. I have been advocating on behalf of Hampden Park Management Committee and the residents of Robertson for the expenditure of some of the accumulated Section 94 funds on maintenance and upgrading of the Park for almost twelve (12) months now. Why are Council refusing to expend these funds on Hampden Park?**

Comment from Director Infrastructure Services

In June 2009, a number of Developer Contribution funded projects were deferred due to liquidity concerns. The liquidity issues have been reviewed by senior management and funds can now be made available to undertake the Hampden Park Section 94 works during the current financial year.

This item will be included in the September Budget Review for inclusion in the 2010/11 Budget.

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

MN 319/10

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

THAT the information 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 July 2010

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF: MALS

107/1

Submitting minutes of four (4) Committee meetings that will be tabled for information.

MN 320/10

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

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

1. ***Burrawang Park Management Committee Annual General Meeting held on Tuesday, 21 July 2009.***
2. ***Burrawang Park Management Committee held on Tuesday, 21 July 2009.***
3. ***Mittagong Community Centre Management Committee held on Thursday, 8 July 2010.***
4. ***Yerrinbool Hall Committee held on Monday, 10 May 2010.***

PASSED



COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of Finance Sub Committee (Council's Investments)
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REF:	DCS	107/34.1
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Submitting minutes of the Finance Sub Committee (Council's Investments) held on Friday, 7 July 2010.

The Director Corporate Services addressed Council on this matter.

MN 321/10

MOTION moved by Cllr J Mauger and seconded by Cllr D Stranger:

THAT the minutes of the Finance Sub Committee (Council's Investments) held Friday, 7 July 2010 be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 11 August 2010.

PASSED



c-CR3 Minutes of Environment & Sustainability Committee

REF: DCS

5465/29.01

Submitting minutes of the Environment & Sustainability Committee held on Wednesday, 16 June 2010.

MN 322/10

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

THAT the recommendations Nos 1 to 10 as detailed in the minutes of the Environment & Sustainability Committee held Wednesday, 16 June 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 July 2010

GENERAL BUSINESS

GENERAL BUSINESS

1. LEASE OF OFFICE SPACE IN THE BOWRAL MEMORIAL HALL 7225/3

Clr J R Clark asked about lease of space in the Bowral Memorial Hall as a local community group has expressed interest in leasing office space. He noted that a recent lease offer was refused and asked if Council will allow a different community group to make use of this space.

The Director Corporate Services advised that this matter will be taken on notice.

2. ABORIGINAL CULTURAL CENTRE 1826/14, 1826/4

Clr L A C Whipper advised that he had received some enquiries from representatives of the Aboriginal community today in relation to the Cultural Centre and there seems to be some confusion in the Aboriginal community in relation to provision of services such as housing and outreach services in the Shire. Clr Whipper advised that he has assured the Aboriginal people about the resolution of Council made on 14 July 2010 where Mineral Springs was identified as a "prime site" and that Council is seeking funding opportunities to build a purpose-built building for the Aboriginal community and that in the interim Council made a commitment to provide space in the Bowral Memorial Hall. Clr Whipper asked if a letter could be forwarded to the members of Aboriginal Advisory Committee under the signature of the General Manager and/or the Mayor or himself in relation to the issue.

The General Manager advised that he will arrange for the Strategic Planning Manager, Mr Mark Pepping to sit down with the Aboriginal groups involved but prior to that there are some options being looked at to determine which is the best long-term option until the Minerals Springs site comes about and that is the Bowral Memorial Hall, Bethal Cottage and the building that is in Moss Vale.

3. WINGECARRIBEE MANAGEMENT BUSH FIRE PLAN 6443, 6443/2

Clr L A C Whipper referred to concerns that have been raised in relation the Wingecarribee Bush Fire Management Plan, which revolve around the fact that the Plan does not meet obligations under the Threatened Species Act. He advised that feedback from the Bush Fire Management Committee states that they believe they have met the obligations, but his advice from the Nature Conservation Council is that they are maintaining the "bare minimum". He asked if the General Manager can arrange a meeting between the resident who has raised the issue, the Nature Conservation Council and representatives from the Bush Fire Management Committee to ascertain if there are issues outstanding that need to be addressed.

The General Manager advised that staff will follow up this matter.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

GENERAL BUSINESS

4. BRIDGE IN CENTENNIAL ROAD 7850/3

Clr K Halstead asked for an up-date via the Weekly Circular in relation to the progress of the bridge at the eastern end of Centennial Road.

The General Manager advised that this staff will do this.

5. UPGRADING OF SPORTING FACILITIES AT ERIDGE PARK 6530/3

Clr D Stranger asked for an update with the upgrading of the sporting facilities – the velodrome and netball courts – at Eridge Park.

The Director Infrastructure Services advised that this matter will be taken on notice.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

GENERAL BUSINESS

CLOSED COUNCIL

GENERAL MANAGER

c-CS1 Closed Council

REF: GM

107/9

To consider moving into Closed Council.

At this juncture, the time being 6.50 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 323/10

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

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 TENDER FOR OPERATION OF WINGECARRIBEE ANIMAL SHELTER
6330/10.11**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A (2)(d) of the Local Government Act, 1993, as it contains commercial information of a confidential nature that would, if disclosed:

- i. prejudice the commercial position of the person who supplied it; or***
- ii. confer a commercial advantage on a competitor of the Council, or***
- iii. reveal a trade secret.***

Brief Description

Reporting on the tenders received for the operation of the Wingecarribee Animal Shelter.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature that would, if disclosed:

- i. prejudice the commercial position of the person who supplied it; or*
- ii. confer a commercial advantage on a competitor of the Council, or*
- iii. reveal a trade secret.*

**c-GM2 SETTLEMENT OF CONTAMINATION MATTER – ESTATE OF MR LANCE
GOTTING PN1764480**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A (2)(g) of the Local Government Act, 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on the settlement of the contamination matter of the estate of Mr Lance Gotting.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

**c-GM3 “WITHOUT PREJUDICE” OFFER – SECTION 96 APPLICATION
LUA05/0732**

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A 2(g) of the Local Government Act 1993 as it contains advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on Section 96 application lodged in regard to conditions in relation to traffic infrastructure at The Intersection development, corner Bowral and Station Streets, Bowral.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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 July 2010

CLOSED COUNCIL

CLOSED COUNCIL

c-GM1 Tender for Operation of Wingecarribee Animal Shelter

REF: EHM

6330/10.11

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

1. **THAT** The Lost Dog's Home be selected as the preferred tender to provide the required services for a three (3) year period, with the option for a one (1) year extension, at a price of \$270,000 (inclusive of GST) per annum plus the income from the sale of impounded animals estimated at \$40,000 per annum.
2. **THAT** it be noted that the Lost Dog's Home tender is recommended notwithstanding it was the only tender received as it is considered that the tender will provide a "value for money" outcome in a service area where there is a very limited number of service providers.
3. **THAT** the Contract be executed under the Common Seal of Council.
4. **THAT** a supplementary vote of \$18,000 be provided at the September Budget Review to fund the additional costs of the animal shelter contract.
5. **THAT** at the commencement of the arrangement Council meet with The Lost Dog's Home to formulate a policy in regard to the fostering of homeless animals, the first meeting to be held within one month **AND THAT** the policy to be formulated before the end of the year.

PASSED

In accordance with Section 3.17 of the Tendering Guidelines for NSW Local Government dated October 2009, voting is recorded as follows:

Councillor	For	Against
Clr T D Gair	A	
Clr G McLaughlin	x	
Clr J G Arkwright	A	
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 July 2010

CLOSED COUNCIL

c-GM2 Settlement of Contamination Matter – Estate of Mr Lance Gotting

REF: DEP

PN1764480

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

THAT in relation to the Settlement of Contamination Matter – Estate of Mr Lance Gotting - an inspection of the site be included on the next Councillor Inspection Tour to be held on Wednesday, 11 August 2010 **AND THAT** opinions be sought from Council's Solicitor and insurers.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

CLOSED COUNCIL

c-GM3 "Without Prejudice" Offer - Section 96 Application

REF: DEP

LUA05/0732

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

1. **THAT** in relation to the "Without Prejudice" Offer – Section 96 Application - a meeting be held with the Applicant and the General Manager and interested Councillors, as appropriate, on a date to be determined.
2. **THAT** following the meeting in 1 above, the General Manager report back to Council regarding the S96 Application for modification of the development consent.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

OPEN COUNCIL

107/10

MN 324/10

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

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 325/10

MOTION moved by *Clr D Stranger* and seconded by *Clr J Mauger*:

THAT the recommendations of the Closed Council held on Wednesday, 28 July 2010 (Items c-GM1 to c-GM3) be adopted.

PASSED

ADOPTION OF OPEN COUNCIL

107/10

MN 326/10

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 July 2010 being OC 141/10 to OC 151/10, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

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

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.10 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 July 2010 numbered M/N 291/10 to M/N 326/10, were signed by me hereunder at the Council Meeting held on Wednesday, 11 August 2010.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 11 AUGUST 2010

CHAIRMAN

PUBLIC OFFICER