

# **MINUTES**

OF THE

## **SERVICES & INFRASTRUCTURE COMMITTEE MEETING**

*File No. 107/33*



held on Wednesday, 6 February 2007

The meeting commenced at 3.02pm

## CONTENTS

<b>CONFIRMATION OF MINUTES .....</b>	<b>2</b>
<b>VISITOR ITEMS .....</b>	<b>5</b>
<b>ENVIRONMENT &amp; PLANNING DIVISION.....</b>	<b>5</b>
SI-vEP1 Demolition of the 'Old Pot Factory' and erection of new Commercial Development.....	5
<b>OPEN REPORTS .....</b>	<b>6</b>
<b>ENVIRONMENT &amp; PLANNING DIVISION.....</b>	<b>6</b>
SI-EP2 Proposed Subdivision & SEPP 1 Lot 4 DP804917 and Lot 2 DP842779 Oolong Park, Old South Road, Mittagong .....	6
SI-EP3 Proposed 8 Lot Subdivision Jumping Rock Road, Bundanoon .....	6
SI-EP4 Lot 3 DP1097539 Three Storey Office/Commercial Retail Building Station Street, Bowral	7
SI-EP5 9 Bundaroo Street - Bowral.....	7
<b>SUPPLEMENTARY REPORT OF GENERAL MANAGER.....</b>	<b>9</b>
SI-GM1 Planning Changes: Outcomes of Leaders Forum.....	9
<b>NOTICE OF MOTION.....</b>	<b>10</b>
SI-NM1 01/2008 – Notice of Motion – Wilson Drive, Balmoral .....	10
<b>CORPORATE SERVICES DIVISION .....</b>	<b>11</b>
SI-cCS1 Closed Council .....	11
<b>CORPORATE SERVICES DIVISION .....</b>	<b>12</b>
SI-CS1 Consider Legal Advice – Conflict of Interest and Costs .....	12

# Our Values

**EQUITY, JUSTICE** and **CONSULTATION** in our obligations;

**PRIDE** in our lifestyle and environment;

**EXCELLENCE** in the provision of services;

**TEAMWORK, INNOVATION** and **CO-OPERATION** in our business;

**INTEGRITY**, skill and **DEDICATION** in the achievement of our objectives;

**LEADERSHIP** in the growth and prosperity of our community.



**COMMENCING AT:** 3.02PM

**PRESENT:** Councillor N N Campbell-Jones (Chair), Clr J R Clark,  
Clr T D Gair, Clr P A George, Clr M L King, Clr M J Murray,  
Clr P B Tuddenham, Clr L A C Whipper and Clr P J Yeo

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

---

#### **APOLOGY**

---

**SI 1/08**

PERS

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

**THAT** the apology of Clr G Lewis be accepted and leave of absence granted.

**PASSED**

---

#### **CONFIRMATION OF MINUTES**

---

**MINUTES OF THE SERVICES & INFRASTRUCTURE COMMITTEE MEETING HELD ON  
WEDNESDAY, 5 DECEMBER 2007**

**SI 2/08**

100/1

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

**THAT** the minutes of the Services & Infrastructure Committee Meeting held on  
Wednesday, 5 December 2007 SI 18/07 to SI 32/07 inclusive, copies of which were  
forwarded to Councillors, be adopted as a correct record of the proceedings of the  
meeting.

**PASSED**

---

---

**BUSINESS ARISING**

---

1. 68 STATION STREET, BOWRAL LUA07/1173

Clr T D Gair asked for an update on the roundabout in Station Street and asked if there were any perceived problems in relation to the time frame for construction.

The Director Environment & Planning advised that the negotiations with the developer are ongoing and the matter is now being carried forward by the Design & Projects Manager. Council had agreed some time ago that the first part of the development could proceed prior to the roundabout being constructed but it would need to be in place before Stage 2 could be occupied.

The Director Environment & Planning added that he would provide an update in the Weekly Circular but it would be fair to say that the developer had not seen matters as clearly as Council had seen them and negotiations have been protracted. He stated that Council has already allocated \$100,000 towards the project and there has been considerable design work and correspondence with the RTA undertaken to get the project to a stage where work can begin. He stressed however, that occupation of Stage 2 was contingent upon the roundabout being in place.

Clr Gair asked that the Design & Projects Manager provide regular updates on the progress of this matter.

---

2. INTERIM HERITAGE ORDER FOR JACKMANS COTTAGE LUA07/1170

Clr M Murray referred to the interim heritage order for Jackman's Cottage as Council had moved that it take all necessary steps to immediately issue an interim heritage order and he wondered if this has been done.

The Director Environment & Planning responded that he believed this was being progressed but would provide a more detailed response in the Weekly Circular after checking with Council's Strategic Planner.

---

---

## DECLARATIONS OF INTEREST

101/3

---

1. Clr M Murray declared a non-pecuniary interest in Item SI-vEP1 Demolition of the Old Pot Factory and erection of new commercial development as the owners had donated to his team's election campaign. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  2. Clr N N Campbell-Jones declared a non-pecuniary interest in Item SI-vEP1 Demolition of the Old Pot Factory and erection of new commercial development as the owners had donated to his team's election campaign. He stated that he would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  3. Clr M King declared a non-pecuniary interest in Item SI-vEP1 Demolition of the Old Pot Factory and erection of new commercial development as the owners had donated to her team's election campaign. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
  4. Clr P George declared a non-pecuniary interest in Item SI-vEP1 Demolition of the Old Pot Factory and erection of new commercial development as the owners had donated to her team's election campaign. She stated that she would remain in the chamber when this matter was discussed, take part in the debate and vote thereon.
-

**VISITOR ITEMS**

**ENVIRONMENT & PLANNING DIVISION**

**SI-vEP1 Demolition of the 'Old Pot Factory' and Erection of New Commercial Development**

REF: MDC, SPM

LUA06/0822

Reporting on a development application for the demolition of existing retail premises (Old Pot Factory) and erection of a new commercial development at Lot 14 Sec 1 DP 793, Lot 1 DP 1036857, Lots 1-2 DP 1078394, Old Hume Highway, Braemar.

Mr Darren Hogan of Bureaucracy Busters Town Planning Consultants addressed the committee on behalf of the applicant.

**SI 3/08**

**MOTION** moved by Cllr M J Murray and seconded by Cllr P B Tuddenham:

- 1. THAT the development application for demolition of the "Old Pot Factory" and erection of new commercial development be approved subject to the usual conditions of approval as determined by the Director Environment & Planning AND THAT Schedule 1 to the Draft LEP includes a notation that the use of this particular property not include a supermarket, car sales yard or other large scale developments.**
- 2. THAT this particular development be approved subject to the conditions imposed by the RTA.**
- 3. THAT the broader traffic issues identified in the report be referred to the Traffic Committee for comment.**

**PASSED**

**VOTING ON THE MOTION:**

Voting for the Motion: Cllrs M Murray, Tuddenham, Gair, King, George and Campbell-Jones

Voting against the Motion: Cllrs Clark, Yeo and Whipper

---

**OPEN REPORTS**

**ENVIRONMENT & PLANNING DIVISION**

**SI-EP2 Proposed Subdivision & SEPP 1 Lot 4 DP804917 and Lot 2 DP842779  
Oolong Park, Old South Road, Mittagong**

REF: CF

LUA07/1043

Reporting on a proposed subdivision and SEPP 1 Objection lodged for Lot 4 DP804917 and Lot 2 DP842779 Oolong Park, Old South Road, Mittagong.

**SI 4/08**

**MOTION** moved by Clr M J Murray and seconded by Clr P J Yeo:

**THAT Council supports the approval of this application and delegates authority to the Director Environment & Planning to determine the proposed subdivision following consideration of the SEPP No. 1 objection by the Department of Planning.**

**PASSED**

---

**SI-EP3 Proposed 8 Lot Subdivision Jumping Rock Road, Bundanoon**

REF: SW

LUA07/1242

Reporting on the proposed consolidation of 7 lots and the subsequent 8 lot subdivision of Lots 49, 50 and 53 of DP 751289, Lot 7 of DP 633863, Lot 8 of DP 702205, Lot 1 of DP 416741 and Lot 2 of DP 1091126 "Jumping Rock," Jumping Rock Road, Bundanoon.

**SI 5/08**

**MOTION** moved by Clr M J Murray and seconded by Clr P B Tuddenham:

**THAT authority be delegated to the Director Environment & Planning to determine the application with conditions of consent to be generally in accordance with those conditions of consent detailed in Attachment 2 of the report circulated under separate cover.**

**PASSED**

---

<b>SI-EP4</b>	<b>Lot 3 DP1097539 Three Storey Office/Commercial Retail Building Station Street, Bowral</b>
---------------	--

REF: PMAL
-----------

LUA06/0821
------------

Reporting on proposed Section 96 Modification to LUA06/0821.

**SI 6/08**

**MOTION** moved by Cllr M J Murray and seconded by Cllr P B Tuddenham:

1. ***THAT the amended plans be approved under delegated authority by the Director Environment & Planning after the receipt of carpark design plans which are to be to the satisfaction of the Director Environment & Planning.***
2. ***THAT the pedestrian refuge island remains in the location approved as per condition 27(b)(III) of LUA06/0821.***
3. ***THAT condition 27 (b)(ii) be amended to enable security gates to be fitted to the car park to enable it to be closed to the public, but that they not be closed before 6.00pm each evening.***

**PASSED**

<b>SI-EP5</b>	<b>9 Bundaroo Street - Bowral</b>
---------------	-----------------------------------

REF: P MALLOY
---------------

LUA05/1522
------------

Reporting on amended plans submitted for 2 storey commercial development at 9 Bundaroo Street, Bowral.

**SI 7/08**

**MOTION** moved by Cllr P J Yeo and seconded by Cllr T D Gair:

***THAT approval be granted under delegated authority by the Director Environment & Planning after the applicant addresses to his satisfaction the five (5) deficient car spaces as per Option 1 of the report.***

**PASSED**

---

### **MATTER OF URGENCY**

1. **PLANNING CHANGES – OUTCOMES OF LEADERS FORUM** 203/4, 5701

The General Manager distributed a Supplementary Report to Councillors at the meeting concerning the Outcomes of Leaders' Forum.

The Chairman, Clr N N Campbell-Jones requested that this item (SI-GM1) be treated as a Matter of Urgency.

***SI 8/08***

***MOTION*** moved by *Clr P J Yeo* and seconded by *Clr LAC Whipper*:

***THAT*** *Item SI-GM1 Planning Changes – Outcomes of Leaders' Forum be considered as a matter of urgency.*

***PASSED***

The Chair, Clr N N Campbell-Jones, ruled this matter to be a matter of urgency.

.....Cont'd

Cont'd.....

## SUPPLEMENTARY REPORT OF GENERAL MANAGER

### SI-GM1 Planning Changes: Outcomes of Leaders Forum

REF. GM

203/4, 5701

Seeking the support of Council for the outcomes of the Leaders Forum on Planning Changes held on 30 January 2008.

**SI 9/08**

**MOTION** moved by Clr P J Yeo and seconded by Clr LAC Whipper:

**THAT** Wingecarribee Shire Council endorses the resolution from the Leaders Forum meeting held in Sydney on 30 January 2008 as follows:

- 1. The meeting supports the actions of the Presidents and Executives of the Local Government and Shires Associations in mounting a campaign on the NSW Government's proposed planning changes, including both the issue of Section 94 developer contributions and the recommendations in the Government's discussion paper, and preparing an alternative reform package as a basis for discussion with the Government, Councils, stakeholders and the community.***
- 2. The meeting calls on all NSW Councils to refuse to cooperate with the NSW Government if requested to transfer Section 94 funds held in trust by Councils, to the Government.***
- 3. The meeting supports in principle the proposal that the Associations seek contributions from member Councils towards the costs of engaging high level lobbying and media representation to formulate and assist with the implementation of a continuing public campaign.***

**PASSED**

---

## NOTICE OF MOTION

<b>SI-NM1</b>	<b>01/2008 – Notice of Motion – Wilson Drive, Balmoral</b>
---------------	--

REF:	SPM, PO
------	---------

100/4, PN 1700158
-------------------

Clr NN Campbell-Jones has given notice of his intention to move the following Notice of Motion of the Services & Infrastructure Meeting at Council on Wednesday 6 February 2008.

1. THAT Lot 1 & 2 DP 303867 Wilson Drive remain classified as Community Land
2. THAT Lot 1 & 2 DP 303867 Wilson Drive Balmoral be rezoned under the Wingecarribee Draft LEP 2007 to RE1 Public Recreation.

**SI 10/08**

**MOTION** moved by Clr N N Campbell-Jones and seconded by Clr M J Murray:

1. THAT Lot 1 & 2 DP 303867 Wilson Drive remain classified as Community Land.
2. THAT Lot 1 & 2 DP 303867 Wilson Drive, Balmoral be rezoned under the Wingecarribee Draft LEP 2007 to RE1 Public Recreation.

**PASSED**

---

## SUPPLEMENTARY REPORT

### CORPORATE SERVICES DIVISION

<b>SI-cCS1 Closed Council</b>
-------------------------------

REF. DCS
----------

107/9
-------

To consider moving into Closed Council.

At this juncture, the time being 4.22pm, pursuant to section 10A(4), the Chair advised of a Closed Supplementary Report dealing with Legal Advice (Conflict of Interest and Costs) and offered the opportunity to members of the public to make representations to Council as to whether this item should not be considered in Closed Committee.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Committee 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.

**SI 11/08**

**MOTION** moved by Cllr N N Campbell-Jones and seconded by Cllr M J Murray:

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:**

**SI-CS-1 CONSIDER LEGAL ADVICE – CONFLICT OF INTEREST AND COSTS**

**PN1720080, 1421/1**

**Relevant Legal Provision**

*This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.*

**Brief Description**

*Reporting on independent legal advice, conflict of interest and costs.*

**Public Interest**

*It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.*

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

**PASSED**

---

**SUPPLEMENTARY REPORT**

**CORPORATE SERVICES DIVISION**

**SI-CS1 Consider Legal Advice – Conflict of Interest and Costs**

REF. DCS

PN1720080 1421/1

Relevant Legal Provision

*This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.*

Brief Description

*Reporting on independent legal advice, conflict of interest and costs.*

Public Interest

*It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.*

The Committee on a MOTION moved by Cllr J R Clark seconded by Cllr M J Murray  
**RECOMMENDED**

1. **THAT Council retains independent legal representation in the matter of D J Hancock v Wingecarribee Shire Council.**
2. **THAT the question of costs be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 27 February 2008.**

**PASSED**

---

---

**OPEN COUNCIL**

---

**SI 12/08**

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

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

**PASSED**

No members of the public were present in the Chamber.

---

**ADOPTION OF CLOSED COMMITTEE**

---

107/9

**SI 13/08**

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

**THAT the recommendation in SI-cGM1 of the Services & Infrastructure Closed Committee held on Wednesday, 5 December 2007 be adopted.**

**PASSED**

---

THERE BEING NO FURTHER BUSINESS, THE SERVICES & INFRASTRUCTURE COMMITTEE MEETING CONCLUDED AT 4.45PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these minutes of the Services & Infrastructure Committee Meeting held Wednesday, 6 February 2008 numbered SI 1/08 to SI 13/08, were signed by me hereunder at the Services & Infrastructure Committee meeting held on Wednesday, 5 March 2008.

---

CHAIRMAN

---