



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 12 December 2018

The meeting commenced at 2.00 pm

File No. 100/2018

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
Nil	
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MINUTES OF THE ORDINARY MEETING OF COUNCIL

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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 12 DECEMBER 2018 COMMENCING AT 2.00 PM

Present: Clr T D Gair (Mayor in the Chair)
Clr G J Andrews
Clr K J Halstead
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

In Attendance: Acting General Manager Mr Barry W Paull
Deputy General Manager Corporate Strategy and Development Services Mr Mark Pepping
Group Manager Corporate and Community Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services Mr Nicholas Wilton
Chief Financial Officer Mr Richard Mooney
Coordinator Media and Communications Mr David Sommers
Administration Officer Ms Michelle Richardson

1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr T D Gair acknowledged country:

"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The meeting was led in prayer by Pastor Paul Crossman, Highlands Christian Church, Mittagong.

4. APOLOGY

It was noted that an apology was received from the General Manager.

PERS

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 28 NOVEMBER 2018

MN 528/18

MOTION moved by Clr G McLaughlin and seconded by Clr G Markwart

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 28 November 2018 MN 488/18 to MN 527/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, noting the inclusion of the correction raised by Clr I M Scandrett on page 38, Item 19.1 Questions with Notice 10/2018 - Council Meeting 24 October 2018 Provisions of Expenses and Facilities to Councillors, the word reinstated be replaced with "restated".

PASSED

6. BUSINESS ARISING

101, 101/5

Clr I M Scandrett acknowledged and thanked Mr Noel Ferguson, Manager Economic Development for his service to Council, wishing him success in his new endeavours.

Clr P W Nelson referred to Item 16.1 Petition 08/2018 – Gibraltar Park Estate, 133 Old Bowral Road, Bowral of Minutes of Ordinary meeting of Council of 28 November 2018; and suggested a press release be issued to ensure the public receive full information of what has occurred with this development.

Deputy Mayor Clr G M Turland referred to Item 16.1 Petition 08/2018 – Gibraltar Park Estate, 133 Old Bowral Road, Bowral of Minutes of Ordinary meeting of Council of 28 November 2018 and requested an update on when the building certificate would be issued.

The Mayor, Clr T D Gair noted Water NSW had been contacted. It was ascertained there had not been any permission granted for the sewer to be pumped out. Water NSW is working on behalf of the residents with Council, to enable a Building Certificate to be issued and ultimately an Occupation Certificate for occupancy. Council is waiting on concurrence from Water NSW concerning the legitimacy of the pump out and all associated requirements are met prior to the temporary pump out being signed off. Council will then issue s.68 approval. The Mayor Clr T D Gair expects the Building Certificate to be issued by Friday 14 December 2018, noting it is up to the Private Certifier to issue Occupation Certificate.

Deputy General Manager Corporate Strategy and Development Services confirmed both permits had been prepared. Council is waiting for sewer pump out sign off from Water NSW. Awaiting information from proponents regarding Building Information Certificate. Confirmed the Mayor Clr T D Gair's expectation of certificates to be issued by Friday 14 December 2018.

Clr G M Turland referred to Item 20.4 Notice of Motion 32/2018 – Mittagong Airfield and noted Council had resolved the issue.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

101/3.1, 18/0287

Deputy Mayor Clr G M Turland declared a significant non pecuniary interest in Item 10.1 – Development Application 18/0287 - For the Erection of a Dwelling House and Medical Centre, Lot 41 DP1048841, 36 Brigadoon Drive, Bundanoon; as he has had a business relationship with another medical centre in Bundanoon. He will be relinquishing or divesting the interest that creates the conflict; and absenting himself from Chambers for this Item.

101/3.1, 17/1638

Deputy Mayor Clr G M Turland declared a less than significant non pecuniary interest in Item 10.2 - Development Application 17/1638 444 Moss Vale Road, Bowral - Demolition of existing structures and construction of residential flat buildings; as he has a residential flat building approved in Bowral. He will be absenting himself from Chambers for this Item.

101/3, PN 964400, PN 175600, PN 964700, PN 1750380

Deputy Mayor Clr G M Turland declared a significant pecuniary interest in Item 12.4 - Request for Easement over Council property - 142 Mittagong Road, Bowral; as he owns this property. He will be absenting himself from Chambers for this Item.

101/3, 5901/49, PN125700, PN1700395, PN1748440

Deputy Mayor Clr G M Turland declared a significant pecuniary interest in Item 13.4 - Planning Proposals to reduce the minimum lot size of land in north-west Moss Vale; as he is a director of the company that owns the land near the site listed. He will be absenting himself from Chambers for this Item.

101/3, 107/22

Clr G McLaughlin declared a pecuniary interest in Item 14.2 Code of Conduct Matter - Legal Costs; as he is the Councillor named in the complaint. He will be absenting himself from Chambers for this Item.

101/3, PN 1050100, 5901/49

The Mayor Clr T D Gair declared a less than significant pecuniary interest in Item 13.3 - Planning Proposal to rezone Mt Ashby, 140 Nowra Road Moss Vale from E3 Environmental Management to SP3 Tourist as he is in the same line of business. He will be vacating the chair and absenting himself from Chambers for this Item.

8. MAYORAL MINUTES

8.1 Condolences - Mr Colin (Col) Collins

Reference: 102
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

The purpose of this report is to formally recognise and pass on Council's prayers and condolences to the family and friends of the former Wingecarribee Shire Clerk, Mr Col Collins.

MN 529/18

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

THAT Council offers its prayers and condolences to the family and friends of the former Wingecarribee Shire Clerk, Mr Col Collins.

PASSED

9. PUBLIC FORUM

5901/49, PN 1050100

13.3 Planning Proposal to rezone Mt Ashby, 140 Nowra Road Moss Vale from E3 Environmental Management to SP3 Tourist

Mayor Clr T D Gair left the chambers, the time being 02:20PM noting his previous declaration of interest in this matter.

Deputy Mayor Clr G M Turland in the chair.

Mr Peter Holt, representing Mr Peter Hoffman, addressed Council on this matter.

Mr Chris Harvey addressed Council on this matter.

The Mayor Clr T D Gair returned to the meeting, and resumed the role of Chair, the time being 02:31PM.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 12 December 2018



COMMITTEE OF THE WHOLE

There was no Committee of the whole at this meeting.

107/10

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 Development Application 18/0287 - For the Erection of a Dwelling House and Medical Centre, Lot 41 DP1048841, 36 Brigadoon Drive, Bundanoon

Reference:	18/0287
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Dr Anne Morris
Owner:	Toshio Inui
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 18/0287 which seeks approval for the erection of a dwelling house and medical centre at Lot 41, DP1048841, 36 Brigadoon Drive Bundanoon. This report is prepared for determination and recommends APPROVAL, subject to the attached conditions of consent (**Attachment 1**).

Deputy Mayor G M Turland left the chambers, the time being 02:32PM.

Ms Robyn Mamouney addressed Council on this matter.

MOTION

MN 530/18

MOTION moved by Cllr I M Scandrett and seconded by Cllr L A C Whipper

THAT Ms Robyn Mamouney be granted an extension of two minutes.

PASSED

Mr Scott Lee addressed Council on this matter.

Group Manager Planning, Development and Regulatory Services addressed Council in relation to this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 531/18

MOTION moved by Cllr G McLaughlin and seconded by Cllr G Markwart

THAT Development Application 18/0287 for the erection of a dwelling house and a medical centre at Lot 41 DP 1048841, No 36 Brigadoon Drive, Bundanoon be **REFUSED** for the following reasons:

1. **Having regard to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the objectives of Zone R2 Low Density Residential as specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010.**
[Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979]
2. **Having regard to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the development's dwelling house component exceeds two storeys in height, significantly exceeding the predominant height of existing residential development in the locality. Consequently, Council considers the development contrary to the building height objectives and specific controls specified by sections C2.9.1 and C2.9.2 of the Bundanoon Town Plan Development Control Plan.**
[Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979]
3. **Having regard to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the development's dwelling house component does not provide any off street car parking facilities behind the building line. Consequently, Council considers the development contrary to the garaging and driveways objectives and specific controls specified by sections C2.12.1 and C2.12.2(g) of the Bundanoon Town Plan Development Control Plan.**
[Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979]
4. **Having regard to section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant negative impacts on the locality's built environment in terms of:**
 - a. **The character and amenity of the locality;**
 - b. **The scale and character of development in the locality**
 - c. **Compatibility with surrounding land uses**
 - d. **Traffic generation and the capacity of the local road network**
 - e. **Design of vehicle manoeuvring, parking and loading/unloading facilities.****[Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979]**
5. **Having regard to section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the development is not considered in keeping with the locality's residential character and amenity, and the land's topography is not considered conducive to development as proposed. Consequently, Council**

considers the land unsuitable for the development.

[Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979]

6. *Having regard to section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, granting of consent for the development is considered contrary to the public interest.*

Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979]

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr I M Scandrett and Clr L A C Whipper

Against the motion: Clr P W Nelson

10.2 Development Application 17/1638 444 Moss Vale Road, Bowral - Demolition of existing structures and construction of residential flat buildings

Reference:	17/1638
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Applicant:	Nigel Dickson - Dickson Rothschild
Owner:	A R & G M De Angelis
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

This report provides an assessment of Development Application 17/1638 for the demolition of existing structures, lot consolidation and construction of three Residential Flat Buildings. The application is recommended for **APPROVAL** subject to conditions of consent.

Ms Jan Wilson addressed Council in relation to this matter.

Mr Nigel Dickson addressed Council in relation to this matter.

Group Manager Planning, Development and Regulatory Services addressed Council in relation to this matter.

MOTION

MN 532/18

MOTION moved by Cllr G McLaughlin and seconded by Cllr G Markwart

THAT Mr Nigel Dickson was granted an extension of two minutes in this matter.

PASSED

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 533/18

MOTION moved by Clr I M Scandrett and seconded by Clr G J Andrews

THAT Development Application 17/1638 for the demolition of existing structures, lot consolidation and construction of three Residential Flat Buildings at Lot 1 DP 406617, Lot 15 DP 740276, Lot Section E DP 3807 and Lot 1 DP 513337, 444 Moss Vale Road, Bowral, be **APPROVED** subject to conditions as described in Attachment 1.

AMENDMENT moved by Clr G McLaughlin and seconded by Clr L A C Whipper

THAT Development Application 17/1638 for the demolition of existing structures, lot consolidation and construction of three Residential Flat Buildings at Lot 1 DP 406617, Lot 15 DP 740276, Lot Section E DP 3807 and Lot 1 DP 513337, 444 Moss Vale Road, Bowral, be DEFERRED:

- a) until such time as staff report back to Council on the proposed changes to the Affordable Housing State Environmental Planning Policy No. 70.
- b) For Council's traffic engineer to provide advice on traffic access into and out of Holmhale Street, Bowral.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

VOTING ON THE AMENDMENT

For the amendment: Clr G McLaughlin and Clr L A C Whipper

Against the amendment: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr P W Nelson and Clr I M Scandrett

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Clr I M Scandrett

Against the motion: Clr L A C Whipper

PASSED

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Tender for the Construction of the Synthetic Hockey Field No.2, Welby

Reference:	6330/18.13
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of Synthetic Hockey Field No.2, Welby.

Deputy Mayor G M Turland returned to the meeting, the time being 03:48PM.

MN 534/18

MOTION moved by Clr G McLaughlin and seconded by Clr G Markwart

1. **THAT** the report concerning Tender for Construction of Synthetic Hockey Field No 2 Welby – be considered in Closed Council – Item 22.1. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PASSED

The Mayor Clr T D Gair asked the public if they objected to going into Closed Council. (No issues was raised by public)

12.2 Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets

Reference: 6330/18.20
Report Author: Electrical Engineer
Authoriser: Manager Water & Sewer
Link to Community
Strategic Plan: Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets.

MN 535/18

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

1. **THAT** in relation to the report concerning the Tender for Panel Arrangement for Operation and Maintenance of the High Voltage Electrical Assets, Council adopts the recommendations contained within the Closed Council Report – Item 22.2 as follows:
2. **THAT** Council accepts the tender from the following five (5) tenderers to be part of a contractor panel to undertake Operation and Maintenance of High Voltage Electrical Assets:
 - *ARA Electrical High Voltage Services Pty Ltd*
 - *Concept Engineering Services Pty Ltd*
 - *Downer EDI Engineering Power Pty Ltd*
 - *Integral Power Services Pty Ltd*
 - *UEA Electrical*
3. **THAT** the terms of the agreement are as follows:
 - *Initial two (2) year contract period;*
 - *two (2) extension periods of two (2) years respectively*
 - *subject to Council's satisfaction regarding contractor performance.*

PASSED

12.3 Tender for Kirkham Road Upgrade, Bowral - Stage 1

Reference:	6330/18.24
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Kirkham Road Upgrade, Bowral Stage 1.

MN 536/18

MOTION moved by Clr G McLaughlin and seconded by Clr I M Scandrett

THAT the matter be deferred to Ordinary Council Meeting to be held on 13 February 2019.

PASSED

12.4 Request for Easement over Council property - 142 Mittagong Road, Bowral

Reference:	PN 175600, PN 964700, PN 1750380, PN 964400
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to negotiate the grant of a property right over Council property. An Easement for Stormwater (2 metres wide) is sought by the applicant of an adjoining property over part of the outlying area of the Bowral Pool property, located at 142 Mittagong Road Bowral.

The owner/applicant of the adjoining property 164-178 Mittagong Road, Bowral requires the Easement for Stormwater in order to comply with a deferred commencement condition of development consent.

Deputy Mayor G M Turland left the chambers, the time being 04:02PM.

MN 537/18

MOTION moved by Cllr G McLaughlin and seconded by Cllr I M Scandrett

1. **THAT** the General Manager be delegated authority to negotiate with the owner/developer of 164-178 Mittagong Road, Bowral in respect of compensation payable to Council for the grant of the Easement for Stormwater (2 metres wide) over Council property Lot 1 in Deposited Plan 85220 being part 142 Mittagong Road, Bowral AND THAT the compensation payable to Council be negotiated within a 10% range of the formal valuation obtained.
2. **THAT** it be noted that all costs of creation of the Easement for Stormwater (referred to in resolution 1 above) are borne by the owner/developer of 164-178 Mittagong Road, Bowral.
3. **THAT** Council gives public notice to the end of January 2019 of its intention to grant an Easement for Stormwater over Council property (referred to in Resolution 1 above) as authorised within the Plan of Management for Bowral Swimming Centre adopted by Council on 10 March, 2004.
4. **THAT** Council affix the Common Seal of Council to any document required to be sealed in respect of the Easement for Stormwater referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and General Manager to execute those documents.
5. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the Easement for Stormwater referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

PASSED

12.5 Proposed Lease, Highlands Golf Course premises, Old Hume Highway Mittagong

Reference:	PN1766240
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is for Council to consider an amendment to the terms and conditions of the proposed lease of the Council property known as Highlands Golf Course, Old Hume Highway Mittagong.

Deputy Mayor G M Turland returned to the meeting, the time being 04:03PM.

MN 538/18

MOTION moved by Clr P W Nelson and seconded by Clr I M Scandrett

1. **THAT** in respect of the proposed Lease of the Highlands Golf Course premises, the annual rental shall be increased by 4% or the percentage rate set by the Consumer Price Index (Sydney All Groups) whichever is the greater.
2. **THAT** the current agreement be held over pending execution of the new Lease of the Highlands Golf Course premises Old Hume Highway Mittagong.
3. **THAT** pursuant to Section 47(1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed lease to Highlands Golf Club Limited of the Highlands Golf Course, Old Hume Highway Mittagong until the end of January 2019 AND THAT if no objections are received, the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of the Council.
4. **THAT** if there is any written objection/s to the proposed lease, Council will refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5)(a) of the Local Government Act 1993 **AND THAT** if the Minister does not grant consent to the lease a further report will be forwarded to a future Ordinary Meeting of Council for consideration.

PASSED

AMENDMENT moved by *Clr G McLaughlin* and seconded by *Clr G Markwart*

1. THAT in respect of the proposed Lease of the Highlands Golf Course premises, the annual rental shall be increased by the percentage rate set by the Consumer Price Index (Sydney All Groups).
2. THAT the current agreement be held over pending execution of the new Lease of the Highlands Golf Course premises Old Hume Highway Mittagong.
3. THAT pursuant to Section 47(1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed lease to Highlands Golf Club Limited of the Highlands Golf Course, Old Hume Highway Mittagong until the end of January 2019 AND THAT if no objections are received, the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of the Council.
4. THAT if there is any written objection/s to the proposed lease, Council will refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5)(a) of the Local Government Act 1993 AND THAT if the Minister does not grant consent to the lease a further report will be forwarded to a future Ordinary Meeting of Council for consideration.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

12.6 Crown Land Management Act 2016 - Initial Categorisation of Crown Land

Reference: 7136
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
Link to Community
Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek formal Council approval for the initial categorisation of Crown Land pursuant to the *Crown Land Management Act 2016*.

MN 539/18

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT in accordance with the *Crown Land Management Act 2016*, Council give written notice to the Minister for Lands and Forestry of the assigned categories of Crown Land managed by Council as Crown Land Manager as listed in Attachment 1 of this report.

PASSED

12.7 Highlands Golf Course premises, Old Hume Highway Mittagong

Reference: PN1766240
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council direction with respect to the estimated clean-up cost of the asbestos contamination which has been recently discovered on the Council property known as the Highlands Golf Course premises.

RECOMMENDATION

MN 540/18

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr G Markwart

THAT Council provide an interest free loan up to the amount of \$65,000 to the Licensee, on the basis of the repayment terms and conditions as outlined in this report.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 6 November 2018 to 5 December 2018

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 6 November 2018 to 5 December 2018.

Clr I M Scandrett left the chambers, the time being 04:06PM.

Clr I M Scandrett returned to the meeting, the time being 04:07PM

The Mayor Clr T D Gair noted staff have been under scrutiny for lack of processing expediency when in fact, the total amount of development applications determined was 158 applications. This is an extraordinary amount of development applications.

MN 541/18

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT the information relating to Development Applications Determined for the period 6 November 2018 to 5 December 2018 be received and noted.

PASSED

13.2 Development Applications Received from 6 November 2018 to 5 December 2018

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors on the Development Applications received in the period from 6 November 2018 to 5 December 2018

MN 542/18

MOTION moved by Clr P W Nelson and seconded by Clr G Markwart

THAT the information relating to Development Applications Received from 6 November 2018 to 5 December 2018 be received and noted.

PASSED

13.3 Planning Proposal to rezone Mt Ashby, 140 Nowra Road Moss Vale from E3 Environmental Management to SP3 Tourist

Reference: 5901/49, PN1050100
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Ensure tourism balances the economic benefits with impact on environment and community

PURPOSE

The purpose of this report is to enable Council to consider finalisation of an exhibited Planning Proposal to amend WLEP 2010 to rezone land at 140 Nowra Road Moss Vale from E3 Environmental Management to SP3 Tourist for the purposes of enabling ongoing use of the subject site for tourism activities.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Mayor Clr T D Gair left the chambers, the time being 04:08PM.

The Deputy Mayor Clr G M Turland took the chair.

MN 543/18

MOTION moved by Clr G McLaughlin and seconded by Clr K J Halstead

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot 7 DP 632169 (Mt Ashby, 140 Nowra Road Moss Vale) from E3 Environmental Management to SP3 Tourist be REFUSED.

THE MOTION WAS PUT TO THE VOTE AND LOST

VOTING ON THE MOTION

For the motion: Clr K J Halstead and Clr G McLaughlin

Against the motion: Clr G J Andrews, Clr G Markwart, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

MN 544/18

FORESHADOWED MOTION moved by Clr L A C Whipper and seconded by Clr I M Scandret

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot 7 DP 632169 (Mt Ashby, 140 Nowra Road Moss Vale) from E3 Environmental Management to SP3 Tourist be ADOPTED and finalised in accordance with s. 3.36 of the Environmental Planning and Assessment Act 1979.

THE FORESHADOWED MOTION WAS PUT TO THE MEETING AS A MOTION AND PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Clr G Markwart, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

Against the motion: Clr K J Halstead and Clr G McLaughlin

13.4 Planning Proposals to reduce the minimum lot size of land in north-west Moss Vale

Reference:	PN125700, PN1700395, PN1748440
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to enable Council to consider three (3) Planning Proposals to amend WLEP 2010 to rezone and reduce the minimum lot size of land to the north-west of Moss Vale in order to permit residential development.

Mayor Clr T D Gair returned to the meeting, the time being 04:33PM.

Deputy Mayor G M Turland left the chambers, the time being 04:33PM.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 545/18

MOTION moved by Clr L A C Whipper and seconded by Clr G J Andrews

1. **THAT** the proposed zoning and minimum lot size plan for the north-west Moss Vale study area be adopted.

2. **THAT** in accordance with the plan adopted at 1 above, a Planning Proposal be prepared and submitted to the NSW Department of Planning & Environment for a Gateway Determination to:
 - A) Rezone Lots 1-6 & 8 DP502535 and Lot 2 DP502535, 77 Beaconsfield Road, Moss Vale and that part of Lot 11 DP1084421, 74-76 Beaconsfield Road Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, and

 - B) Rezone Lot 1 DP812628, 69 Bulwer Road Moss Vale currently zoned RU4 Rural Landscape to E4 Environmental Living and apply a minimum lot size of 1 hectare.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Clr L A C Whipper

Against the motion: Nil.

13.5 Post exhibition report on Planning Proposal to rezone land at Penrose Road, Penrose

Reference:	PN1742820 5901/62
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To enable Council to consider a post-exhibition report on a Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to enable the provision of some infill residential lots on Penrose Road, Penrose.

Deputy Mayor G M Turland returned to the meeting, the time being 04:34PM.

Clr L A C Whipper left the chambers, the time being 04:35PM.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 546/18

MOTION moved by Clr I M Scandrett and seconded by Clr P W Nelson

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone to R2 Low Density Residential and apply a minimum lot size of 2000m² to:

- Lot 41 DP 1058534, 873 Penrose Road, Penrose
- Lot 22 DP 11288, 871 Penrose Road, Penrose
- Part of Lot 42 DP 1058534, 46 Koolilabah Road, Penrose fronting Penrose Road between Lot 13 DP 11288 and Lot 41 DP1058534 being approximately 4000m² in area,

be **ADOPTED** and finalised in accordance with s3.36 of the Environmental Planning and Assessment Act, 1979 and Regulation 2000.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland

Against the motion: Nil

13.6 Post Exhibition Report - Draft Equine Facilities Development Control Plan Amendments

Reference: 5700
Report Author: Coordinator Strategic Land Use Planning
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to enable Council to consider the outcomes of the public exhibition of the draft Development Control Plan Amendments for equine facilities, and to recommend the Amendments be formally adopted by Council.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 547/18

MOTION moved by Deputy Mayor G M Turland and seconded by Clr G Markwart

1. **THAT** draft amendments to the Rural Lands Development Control Plan and Rural Living Development Control Plan be adopted as exhibited with minor changes as outlined within the Report, and
2. **THAT** amended Development Control Plans be notified in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and its Regulations.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Nil

13.7 Request for a Refund of Development Fees by Bundanoon Men's Shed Inc.

Reference: 19/0438
Report Author: Senior Town Planner
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Work collaboratively to address social disadvantage

PURPOSE

The purpose of this report is to consider a request by the Bundanoon Men's Shed Inc for a refund of Development Application Fees pertaining to DA 19/0438.

As the application relates to a not for profit organisation, Council's adopted revenue policy provides via Council resolution a partial refund of the development fees upon application. Refunds of fees for charitable and not for profit organisations are sourced from the Council Contingency Fund.

Clr L A C Whipper returned to the meeting, the time being 04:36PM.

MN 548/18

MOTION moved by Clr P W Nelson and seconded by Clr G McLaughlin

1. **THAT** Council with regard to the request by Bundanoon Men's Shed Inc for a refund of Development Application Fees refund \$130 being 50% of Development Application fee amount by way of a donation sourced from the Council's Contingency Fund.
2. **THAT** a further \$130 be granted and sourced from the Mayor's Relief Fund.

PASSED

AMENDMENT moved by Deputy Mayor G M Turland and seconded by Clr I M Scandrett

THAT Council with regard to the request by Bundanoon Men's Shed Inc for a refund of all Development Application Fees, refund \$657 by way of a donation sourced from the Council's Contingency Fund.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

13.8 Outcomes of Consultation on the Proposed Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Street, Mittagong

Reference: 1826/14
Report Author: Group Manager Corporate and Community
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

The purpose of this report is to advise Council of the outcomes of the consultation on the future lease for Aboriginal Community Cultural Centre, 1A Rainbow Road, Mittagong.

Clr G McLaughlin left the chambers, the time being 04:48PM.

Clr G McLaughlin returned to the meeting, the time being 04:52PM.

Group Manager Corporate and Community addressed Council on this matter.

MN 549/18

MOTION moved by Cllr L A C Whipper and seconded by Deputy Mayor G M Turland

THAT Council note the report “Community and Stakeholder Consultation on the Future Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Road, Mittagong” dated December 2018 (Attachment 1), which contains the following recommendations:

1. *The community, stakeholders and other interested local Gundungurra people and local Aboriginal people are invited to meet and have an informal get together (Yarning up) with councillors and other invited guests*
2. *That ILALC attends the informal get together (Yarning up) to discuss the establishment of a new advisory group for working on stipulations associated with the lease of ACCC*
3. *That Council encourage and support the wider community and various stakeholders to appoint a new advisory that is inclusive and representative of the diversity with interest relating to the ACCC and leasehold arrangements*
4. *That the advisory group work with the ILALC and an independent Aboriginal property lawyer to include stipulations that are needed to ensure that the local community has control and self-determination over the running and ongoing use of the centre*
5. *That once the stipulations have been agreed upon, they are drafted for a community wide meeting for comments. Then ratified and accepted under the advice of a property lawyer as stated*
6. *A special event be held for the signing of the lease.*
7. *That a report be brought back to Council for the finalisation of this matter by the first ordinary council meeting of April 2019.*

PASSED

13.9 Report - Mittagong Airfield

Reference:	7300/3
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide Council with the outcomes of a meeting between representatives of the Mittagong Airfield Committee and Council in resolving subdivision matters involving the Mittagong Airfield.

MN 550/18

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr K J Halstead

THAT Council notes that a development application will be lodged for the subdivision of the northern section of the Mittagong Airfield runway from the existing privately owned land.

PASSED

13.10 State Government Changes to Parking Fines

Reference:	7450
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to inform Council of the NSW State Government's actions in reducing a range of State Government issued parking fines and for Council to determine its position on implementing a reduction in the parking fine amount administered within the Wingecarribee Local Government Area.

MN 551/18

MOTION moved by Clr K J Halstead and seconded by Clr G McLaughlin

THAT Council resolve to opt into reducing parking infringement fines and inform the NSW Treasurer prior to 1 January 2019.

PASSED

QUESTIONS FROM THE PUBLIC

There were no Questions from the Public.

100/10

14. GENERAL MANAGER

14.1 Code of Conduct Complaints - 1 September 2017 to 31 August 2018

Reference:	101/15
Report Author:	Group Manager Corporate and Community
Authoriser:	General Manager
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This purpose of this report is to advise Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2017 to 31 August 2018.

MN 552/18

MOTION moved by Cllr P W Nelson and seconded by Cllr G Markwart

THAT the information in relation to the Code of Conduct Complaints – 1 September 2017 to 31 August 2018 be received and noted.

PASSED

14.2 Code of Conduct Matter - Legal Costs

Reference:	880/2, 101/5, 101
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

To consider reimbursement of legal costs incurred by a Councillor related to a Code of Conduct complaint.

Clr G McLaughlin left the chambers, the time being 05:14PM.

Acting General Manager addressed Council in relation to this matter.

MN 553/18

MOTION moved by Deputy Mayor G M Turland and seconded by Clr P W Nelson

THAT the matter be DEFERRED until the Ordinary Council Meeting of 27 February 2019.

PASSED

15. DELEGATE REPORTS

Nil.

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Heritage Advisory Committee Meeting held on Friday 7 September 2018

Reference: 107/16.2
Report Author: Strategic Land Use Planner - Heritage

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday, 7 September 2018.

Clr G McLaughlin returned to the meeting, the time being 05:27PM.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

HAC 42/18

THAT the apologies of Councillor G McLaughlin, Mr I Stapleton and Ms C Webb be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

HAC 43/18

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 02 March 2018 MN HAC 35/18 to MN HAC 41/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Resignation and New Members of Committee

HAC 44/18

THAT the report be noted AND THAT Council formally acknowledge the efforts of Mr Dennis McManus and Ms Sarah Farnese and write to thank them for their contribution to the Heritage Advisory Committee.

Item 6.2 Joadja conservation Management Community Reference Group Update

HAC 45/18

THAT the information on the Joadja Conservation Management Community Committee Reference Group informal meeting be noted.

Item 6.3 Strategic Heritage Program Update

HAC 46/18

THAT the information on the Strategic Heritage Program Update be noted.

Item 6.4 Strategic Land Use Planning Update

HAC 47/18

THAT the information on the Strategic Land Use Planning Update be noted.

Item 6.5 Committee project – Radiata Pines in Burradoo

HAC 48/18

1. THAT the information in the report and presented by Ms L Cheetham on the project be noted.
2. That Ms L Cheetham be thanked for her work on the project.
3. THAT the report and its recommendations be forwarded to Council's Infrastructure Services Division for its information and consideration in its Assets management plans and operational projects for applicable roads and open space lands.
4. THAT the report and its recommendations be considered in the development of the local character statement for Burradoo in the review of strategic plans required by the Department of Planning and Environment in the recent changes to the NSW planning system.

MN 554/18

MOTION moved by Cllr P W Nelson and seconded by Cllr G Markwart

THAT recommendations Nos HAC 42/18 to HAC 48/18 – as detailed in the Minutes of the Heritage Advisory Committee Meeting held on Friday 7 September 2018 be adopted save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

18.2 Minutes of the Traffic Committee Meeting held on 22 November 2018

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday 22 November 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 6.1 Road Safety Officer Report

TC82/18

- *NSW Bike Week 2017 BBT Bike Ride /Bike Safety*

Conducted the NSW Bike Week Community BBT Bike Ride supported by Transport for NSW, Sunday 31 September. The ride took place along the 9km stretch of the Bong Bong shared cycle path. The event supports NSW Bike Week, helping to promote safe cycling as a fun and healthy recreational activity in the Southern Highlands. The ride was attended by 88 cyclists (see photo end of report).

- *Safe Seniors*

Initiated, coordinated and conducted a 65 Plus Senior Driver information session at the Aboriginal Cultural Centre Mittagong, 23 October. Reported to be the first 65 Plus workshop to be held in NSW, specific for Aboriginal community. 'Elders Art of Road Safety' attended by 23 participants from Yamanda Aboriginal Association and Yanma Walking Group. In attendance RMS Aboriginal Project Officer and RMS Acting Aboriginal Cultural Heritage Officer (see photos, end of report).

The free workshops for residents aged 65 years plus explore the many aspects of ageing, driving and safe road use.

- *U Turn the Wheel*

In conjunction with Moss Vale Rotary conducted the third day of the 2018 'U Turn the Wheel' program. The event was attended by 178 Year 11 students from Chevalier College, 31 October. Working with the community to help reduce incidence of road trauma for young, high risk road users.

- *Motorcycles*

Conducted a Roads and Maritime Services (RMS) motorcycle hazard identification evening with the 'Classic and Enthusiast Motorcycle Club' at Mittagong RSL, 12 November.

Motorcycle club members were invited to attend the interactive session to discuss and specifically target high risk crash locations and road side hazards in Wingecarribee Shire. 43 members participated. Further investigation to continue, regarding the sites identified.

Item 6.2 Triple Zero Challenge

TC83/18

THAT there is no objection to the traffic and parking arrangements proposed for the Triple Zero Challenge event on Wednesday 16 January 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event and Council's requirements for special events at Bradman Oval.

Item 6.3 2019 Australia Day Parade at Berrima

TC84/18

THAT there is no objection to the traffic and parking arrangements proposed for the Australia Day event on Saturday 26 January 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

Item 6.4 2019 Bundanoon Highland Gathering

TC85/18

THAT there is no objection to the traffic arrangements for the Bundanoon Highland Gathering on 6 April 2019 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

Item 6.5 2019 Burrawang Easter Saturday Fair

TC86/18

THAT there is no objection to the traffic arrangements proposed by the Burrawang Easter Market Committee to conduct the Burrawang Easter Saturday Fair on 20 April 2019 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

Item 6.6 Re-establishment of Alcohol Free Zones and Alcohol Prohibition Areas

TC87/18

1. *THAT the existing Alcohol Free Zones in Moss Vale, Bowral and Mittagong be re-established for a further four years.*
2. *THAT Rotoract Park in Moss Vale be added to the list of parks with a time limit on the consumption of alcohol.*
3. *THAT the signage for the Alcohol Free Zones be updated to reflect the new time period of Dec 2018 to Dec 2022.*

Item 6.7 Give Way Signs on Ivy Street at the Intersections of Jasmine Street and Azalea Street, Colo Vale

TC88/18

1. *THAT Give Way signs and line marking be installed on Ivy Street at its intersection of Jasmine Street in Colo Vale.*
2. *THAT Give Way signs and markings be installed on Ivy Street at its intersection with Azalea Street in Colo Vale.*

Item 6.8 No Left Turn signs at the Intersection of Station Street and Regent Street, Mittagong

TC89/18

THAT the installation of a No Left Turn with supplementary plate indicating vehicle length is not supported.

Item 6.9 No Stopping Restrictions – Station Street, Bowral

TC90/18

THAT No Stopping signage and line marking be installed on both sides of Station Street (Lane) in Bowral as shown in the plan.

Item 6.10 Proposed U-turn Facility – Old Hume Highway, Berrima

TC91/18

THAT the proposed U-turn facility to be located approximately 300 metres north of the northern boundary of the Bendooley Estate property, Berrima be approved subject to the submission of completed working drawings in accordance with relevant Australian Standards and guidelines.

Item 6.11 Parking Restrictions in Bessemer Street, Mittagong

TC92/18

THAT a "No Parking" zone 'not' be supported on the southern side of the driveway to the SES on Bessemer Street.

Item 6.12 Speeding and Sight Line Issues on Oxley Drive, Mittagong

TC93/18

THAT traffic classifiers be deployed in Oxley Drive, Mittagong in the vicinity of 198 Oxley Drive and that the data be presented to the next meeting of the Traffic Committee for consideration.

Item 6.13 Traffic Committee Action Sheet

TC94/18

THAT the information be received and noted.

MN 555/18

MOTION moved by Cllr K J Halstead and seconded by Deputy Mayor G M Turland

THAT recommendation Nos TC82/18 to TC94/18 - as detailed in the Minutes of the Traffic Committee meeting held on Thursday, 22 November 2018 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

18.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 November 2018

Reference: 107/25
Report Author: Administration Officer
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: Sustainably manage natural resources for broader community benefit

PURPOSE

This report provides the Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 November 2018.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ES 24/18

THAT the apologies of Mr Malcolm Hughes, Water NSW representative, Mr Geoff O'Connor Local Land Services representative, and Mr Paul Shanahan, Community representative be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

ES 25/18

THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 15 August 2018 ES14/18 to ES23/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Roadside Management Plan Project – Update 2

ES 26/18

THAT the report be noted and that feedback from the Committee on the materials provided and feedback focus areas be emailed to Barry Arthur, Manager Environment and Sustainability, by COB Friday 30 November, 2018.

Item 6.2 Environment Strategy Revision – Update 2

ES 27/18

THAT the report be noted

Item 6.3 Southern Highlands Koala Conservation Project – Stage 2

ES 28/18

THAT the report be noted.

MN 556/18

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

THAT recommendations Nos ES24/18 to ES28/18 – as detailed in the Minutes of the Environment and Sustainability Advisory Committee Meeting held on 21 November 2018 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

19. QUESTIONS WITH NOTICE

19.1 Question with Notice 13/2018 - Wombeyan Caves Road

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager
From: Cllr I M Scandrett
Received: 4 December 2018

Subject: Wombeyan Caves Road

Questions:

- a) What has been the amount provided each year by RMS to WSC for the Block grant progressively from 1998 to 2018?
- b) When can you make available all correspondence and meeting minutes between Council and RMS for the period above relating to the Block Grant?
- c) In that time, what submissions have been made by Council to increase the Block Grant on the basis not only of CPI but the rise in all other attendant costs of materials, labour, and the impact of new WHS requirements which in normal business have added exponentially to costs.
- d) What grants have been sought by Council from either Federal or State Govts for additional work, particularly on the unsealed section of Wombeyan Caves Road?
- e) What alternatives to road surfacing have been sought and investigated by Council for the above road section?
- f) When can you make all correspondence re (e) available?
- g) What external independent reports have been commissioned by Council for the above section in that time period? With what result in action by Council?

Response:

The QWN (Part a - d) would require council staff to locate and review records over a 20 year period. That research would require significant staff resources and in my view would not offer any significant benefit in the future efforts to attract greater funding from the State Government for Wombeyan Caves Road. Having noted that comment, if Council directs that the research be undertaken, resources will be prioritised and reallocated to complete the research and compile a report.

Noting the very short notice period for the QWN, Part (e–g) would best be addressed via an information session with Councillors in early 2019.

MN 557/18

MOTION moved by Cllr I M Scandrett and seconded by Deputy Mayor Cllr G M Turland

THAT the information in relation to Question with Notice 13/2018 – Wombeyan Caves Road – be noted and a Councillor Briefing Session be held in early 2019.

PASSED

20. NOTICES OF MOTION

20.1 Notice of Motion 33/2018 - Animal Shelter Transportable Administration Building

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Deputy Mayor Cllr G M Turland and Cllr L A C Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 December 2018:

THIS MATTER WAS DEFERRED FROM THE ORDINARY MEETING OF COUNCIL HELD ON 28 NOVEMBER 2018

MN 558/18

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr L A C Whipper

THAT Councillors carry out an inspection of the Animal Shelter Facility in early 2019 with an aim of consideration of funding for a transportable administration building to be considered in 2019/2020 budget.

PASSED

21. GENERAL BUSINESS

There was no general business items at this meeting.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 5.46 pm, Council moved into Closed Council.

Clr K J Halstead left the chambers, the time being 05:47PM.

MN 559/18

MOTION moved by Cllr P W Nelson and seconded by Cllr G J Andrews

1. ***THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 as addressed below to consider the following reports that are confidential for the reasons specified below:***

22.1 Tender for Construction of Synthetic Hockey Field No.2, Welby (Closed)

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of Synthetic Hockey Field No.2, Welby.

22.2 Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets (Closed)

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Operation and Maintenance panel agreement for High Voltage electrical assets.

22.3 Tender for Kirkham Road Upgrade, Bowral Stage 1 (Closed)

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Kirkham Road Upgrade, Bowral Stage 1.

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

PASSED

22.1 Tender for Construction of Synthetic Hockey Field No.2, Welby (Closed)

Reference:	RFT6330/18.13
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of Synthetic Hockey Field No.2, Welby.

Clr K J Halstead returned to the meeting, the time being 05:48PM.

MN 560/18

MOTION moved by Clr K J Halstead and seconded by Clr G Markwart

1. **THAT** Council rejects all tenders received for Tender number 6330/18.13 under 178(1)(b) of the Local Government (General) Regulation 2005.
2. **THAT** Council does not invite fresh tenders as there are submissions that could be acceptable to Council with some modification.
3. **THAT** Council enters into negotiations with Polytan Asia Pacific and Stefanutti Constructions to negotiate changes to scope with a view to entering into a contract in relation to the subject matter of the tender, in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005 and further that if those negotiations are unsuccessful, negotiations be undertaken with other compliant (tender) contractors in accordance with clause 178(3)(e) of the local government (general) regulation 2005.

PASSED

22.2 Tender for Panel Arrangement for Operation and Maintenance of High Voltage Electrical Assets (Closed)

Reference:	6330/18.20
Report Author:	Electrical Engineer
Authoriser:	Manager Water & Sewer
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Operation and Maintenance panel agreement for High Voltage electrical assets.

This matter was dealt with earlier in the meeting on page 16, MN535/18.

22.3 Tender for Kirkham Road Upgrade, Bowral Stage 1 (Closed)

Reference:	6330/18.24
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Kirkham Road Upgrade, Bowral Stage 1.

This matter was dealt with earlier in the meeting on page 17, MN536/18.

23. RESUMPTION OF OPEN AGENDA

107/10

MN 561/18

MOTION moved by Clr P W Nelson and seconded by Clr G Markwart

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 562/18

MOTION moved by Clr P W Nelson and seconded by Clr G Markwart

THAT the recommendations of the Closed Council held on Wednesday, 12 December 2018 being MN 559/18 be adopted.

PASSED



24. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.52 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 12 December 2018 numbered M/N 528/18 to M/N 563/18 were signed by me hereunder at the Council Meeting held on Wednesday 13 February 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 13 FEBRUARY 2019

CHAIRMAN

PUBLIC OFFICER