



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 12 September 2018

The meeting commenced at 3.30 pm

File No. 100/2018

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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 SEPTEMBER 2018 COMMENCING AT 3.30 PM

Present: Clr K J Halstead (Mayor)
Clr G J Andrews
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

In Attendance:

General Manager	Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk	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
Manager Business Services (in part)	Mr Neil Townsend
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Ms Liz Johnson

1. OPENING OF THE MEETING

The Mayor Clr K J Halstead opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr G J Andrews 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 Reverend Matthew Brooks-Lloyd of Mittagong Anglican Church.

4. APOLOGY

It was noted that apologies were received from Clr G McLaughlin and Clr T D Gair.

PERS

MN 337/18

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

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

PASSED

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY
22 AUGUST 2018

MN 338/18

MOTION moved by Clr L A C Whipper and seconded by Clr G M Turland

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 22 August 2018 MN 310/18 to MN 336/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

1. BUSINESS ARISING

101, 101/5

Clr G M Turland referred to Business Arising on page 4 and advised that he had asked Clr Scandrett on three occasions to sign a Statutory Declaration that he [Clr Scandrett] had never provided personal and confidential information to the media and the general public. Clr Turland stated that it was the business of Council, and asked Clr Scandrett if he would sign the Statutory Declaration as he was the only one who had not signed it.

The Mayor Clr K J Halstead asked Clr Scandrett if he wished to provide a respond to this question.

Clr I M Scandrett advised that there was a continual pattern of questions to him about matters that were not the business of Council and that, in this particular case, the matter related to an email forwarded by Clr Turland and it was not a matter of Council. He stated that it was not a matter that he should be called out publicly on, as it related to a personal matter of Clr Turland. He asked if the matter could be brought out in the Minutes, and he stated again that it is not part of Council.

Clr P W Nelson stated that “enough is enough” and that the Mayor should take the two Councillors into his office, with the General Manager as adjudicator, to sort out the matter.

2. BUSINESS ARISING

102/5, 5462, 2200/7, 101/3

Clr I M Scandrett referred to pages 4 and 5 of the Minutes relating to the matter to do with of drought relief and the semantics of the matter of the processing of a Mayoral Minute, and the fact that he had declared an interest and left the Chamber. He advised that he only wanted to leave the Chamber for the consideration of the waiving of the rates for primary producers for a year, noting that he is a primary producer. He said that he did ask to come back into the Chamber for the second part of the motion but it was unfortunate that he had not returned to the Chamber for that part. He stated that he wanted to make it clear to the community that it was a unanimous decision of the eight Councillors who were in the room, and that it was not that he was against helping farmers, but that he would have a different viewpoint on the amount of \$10,000 being donated to the Bowral Co-op. He stated that it does not want to be aligned with that decision and that he would like this to be corrected through Council's Media Officer.

The Mayor Clr Halstead asked Clr Scandrett if he was suggesting it was a lack of probity in the funds being paid to the Bowral Co-op.

Clr Scandrett advised that he was not making that allegation and that he had used the word “semantics”.

The Mayor suggested that he would need to sit Clr Scandrett down for a legal discussion.

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, 03/2011.05

Clr G J Andrews declared a less than significant non-pecuniary interest in Item 10.1 - Section 4.55 Application 03/2011.05 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP751275 and Lot 2 DP531503, Wombeyan Caves Road, High Range as the objector, Ms Jenny Bailey ran second on his group for the 2016 Local Government election. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1, 03/2011.05

Clr G M Turland declared a less than significant non-pecuniary interest in Item 10.1 - Section 4.55 Application 03/2011.05 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP751275 and Lot 2 DP531503, Wombeyan Caves Road, High Range as he had engaged the consultant of the owner in the past. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1, 1830/24

Clr L A C Whipper declared a significant non-pecuniary interest in Item 13.5 - Request for Financial Assistance from Police Citizens Youth Club (PCYC) Southern Highlands as he is the President of the PCYC Committee. He stated that he would be absent from the Chambers for consideration of that item.

101/3.1,

Mayor K J Halstead declared a less than significant non-pecuniary interest in Item 13.2 - Development Applications Received from 23 July 2018 to 4 September 2018 – No 15 on page 61 - as the owner had handed out brochures for him at the 2016 Local Government Elections. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

8. MAYORAL MINUTES

There were no Mayoral Minutes at this Meeting.

9. PUBLIC FORUM

There was no Public Forum at this Meeting.

COMMITTEE OF THE WHOLE

107/10

MN 339/18

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

THAT in accordance with Section 373 of the Local Government Act, 1993, Council moves into Committee of the Whole to consider various matters detailed in the Agenda with Cllr G J Andrews to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

There were no Visitor Matters – Operations – at this Meeting.

CORPORATE AND STRATEGY

10.1 Section 4.55 Application 03/2011.05 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP751275 and Lot 2 DP531503, Wombeyan Caves Road, High Range

Reference:	03/2011.05
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	Woodbine Park Nominees Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report details assessment of an application to modify development consent 03/2011. The modification application is to be determined by the Council because the original development application was determined by the Council, as was a previous application to modify the consent.

Interest: Clr G J Andrews declared a less than significant non-pecuniary interest in this matter as the objector, Ms Jenny Bailey ran second on his group for the 2016 Local Government elections. He remained in the Chamber, took part in the debate and voted on the matter.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he had engaged the consultant of the owner in the past. He remained in the Chamber, took part in the debate and voted on the matter.

Ms Jennifer Bailey, an objector, addressed Council on this matter.

Mr Scott Lee addressed Council on this matter on behalf of the owner.

The Group Manager Planning, Development and Regulatory Services addressed Council on this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 340/18

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

THAT modification application 03/2011.05 under section 4.55 (2) of the Environmental Planning and Assessment Act 1979 be DEFERRED to the Ordinary Meeting of Council to be held on Wednesday, 10 October 2018 to enable Council staff, the Owner/Applicant and the Objectors to meet in an endeavour to resolve the Objectors' concerns.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Proposed Easement To Drain Water Over Council Property, Highlands Golf Course, Old Hume Highway Mittagong

Reference:	PN1766240; PN1608300
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
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. The property right being sought is an Easement to Drain Water over part of Highlands Golf Course at Mittagong. The owner/developer of 33 Willow Street Willow Vale requires the grant of the Easement in order to comply with a condition of development consent.

The General Manager read the recommendation as contained within the Closed Council report.

MN 341/18

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr P W Nelson

THAT in relation to the report concerning Proposed Easement to Drain Water over Council Property, Highlands Golf Course, Old Hume Highway Mittagong- Council adopts the recommendation contained within the Closed Council report – Item 22.1 **AND THAT** the General Manager read out the recommendation which Council has adopted, as follows:

1. **THAT** the General Manager be delegated authority to negotiate with the owner/developer of 33 Willow Street Willow Vale in respect of the compensation payable to Council for the grant of an Easement To Drain Water (5m wide and variable) over Council property Lot 2 Deposited Plan 101415 being part of Highlands Golf Course, Old Hume Highway Mittagong **AND THAT** the compensation negotiated be within a 10% range of the formal valuation received by Council.
2. **THAT** it be noted that all costs of creation of the Easement To Drain Water (referred to in Resolution 1 above) are borne by the owner/developer of 33 Willow Street Willow Vale.
3. **THAT** Council gives a minimum 28 days public notice of its intention to grant an Easement To Drain Water over Council property (referred to in Resolution 1 above) as authorised within the Plan of Management for Sportsgrounds & Associated Sites adopted by Council on Wednesday 10 December 2014.
4. **THAT** Council affix the Common Seal of Council to any document required to be sealed in respect of the Easement To Drain Water 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 document associated with the Easement To Drain Water referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

PASSED

12.2 Transfer of Crown Roads to Council - Part Railway Avenue Colo Vale and part Lynwood Avenue, Colo Vale

Reference: RD2221, RD2226, 7136
Report Author: Property and Project Officer
Authoriser: Coordinator Property Services
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 make an application to the NSW Department of Industry (Land and Water) to transfer part of the Crown Roads known as Railway Avenue and Lynwood Avenue, Colo Vale to Council as roads authority.

MN 342/18

MOTION moved by Mayor K J Halstead and seconded by Clr P W Nelson

THAT Council make an application to NSW Department of Industry – Lands & Water for the transfer of Crown roads being part Railway Avenue Colo Vale and part Lynwood Avenue Colo Vale to Council as roads authority.

PASSED

12.3 Proposed Easement for Electrical Supply Over Council Property, 4 Kirkham Street Moss Vale

Reference: PN810700; PN479100
Report Author: Property and Project Officer
Authoriser: Coordinator Property Services
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 regarding the granting of a property right over Council property. The property right being sought is an Easement for Electrical Supply over part of 4 Kirkham Street Moss Vale, being public car park.

MN 343/18

MOTION moved by Clr G M Turland and seconded by Clr L A C Whipper

THAT the report concerning Proposed Easement for Electrical Supply over Council Property, 4 Kirkham Street, Moss Vale – be considered in Closed Council – Item 22.2.

PASSED

Dissenting vote: Clr I M Scandrett requested that his dissenting vote be recorded in respect of this motion.

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

No objections were received from the public.

12.4 Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral

Reference: PN1804050
Report Author: Property and Project Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council direction regarding the acquisition of land for a proposed future detention basin. The property the subject of this report is Part Retford Farm, Old South Road, Bowral (Part Lot 50 Deposited Plan 1141888).

The General Manager read the recommendation as contained within the Closed Council report.

MN 344/18

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

THAT in relation to the report concerning Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral - Council adopts the recommendation contained within the Closed Council report – Item 22.3 **AND THAT** the General Manager read out the recommendation which Council has adopted, as follows:

THAT Council confirms its intention to proceed with the acquisition of part of the land known as Lot 50 Deposited Plan 1141888 at Bowral via the compulsory acquisition process in accordance with the resolutions of Council made on the 14 June 2017.

PASSED

Dissenting vote: Clr I M Scandrett requested that his dissenting vote be recorded in respect of this motion.

12.5 Inert Waste Recycled Into An Alternate Fuel

Reference:	7503
Report Author:	Manager Business Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Maximise the recovery of resources from the waste stream

PURPOSE

The purpose of this report is to gain Council's approval to secure future capacity with Resource Co. to recycle Council's inert waste into alternative fuel rather than sending it to landfill.

The Deputy General Manager Operations, Finance and Risk and Manager Business Services addressed Council on this matter.

MN 345/18

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

THAT Council enters into negotiations with Resource Co with a view to entering into a contract in relation to the disposal of inert waste, in accordance with Section 55 (3i) of the Local Government Act 1993, on the basis that a satisfactory result would not be achieved by inviting tenders due to the unavailability of competitive or reliable tenderers.

PASSED

Dissenting vote: Cllr L A C Whipper requested that his dissenting vote be recorded in respect of this motion.

12.6 2017/18 Annual Financial Statements

Reference:	2105
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to advise Council of the following:

- The draft Annual Financial Statements for the year ended 30 June 2018 have been finalised for audit;
- To seek Council's endorsement of the preparation of the Statement by Councillors and Management to Council's auditor, The Audit Office of NSW, in accordance with Section 413(2c) of the *Local Government Act 1993*; and
- To set a date for the presentation of the Audit Report to Council and give public notice of the date in accordance with Section 418 (1a) & (1b) of the *Local Government Act 1993*.

MN 346/18

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

1. **THAT** the Mayor and Deputy Mayor be authorised to sign the Statement by Councillors and Management made pursuant to Section 413 (2)(c) of the *Local Government Act 1993*, with the General Manager and the Responsible Accounting Officer.
2. **THAT** Council note the audited Annual Financial Statements and Audit Report will be presented to Council on 24 October 2018.

PASSED

12.7 Proposed Groundwater Monitoring Bore on Council Property - Lot 41 Deposited Plan 850568 Suttor Road Moss Vale.

Reference: PN1704125, 7790, LIC18/003
Report Author: Property and Project Officer
Authoriser: Coordinator Property Services
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 issue a Licence Agreement to allow NSW Public Works to construct a Groundwater Monitoring Bore on Lot 41 in Deposited Plan 850568 being Public Reserve located on Suttor Road, Moss Vale.

MN 347/18

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

1. **THAT** authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement to NSW Public Works for the installation of a Groundwater Monitoring Bore on Council property at Lot 41 DP 850568 Suttor Road, Moss Vale **AND THAT** it be noted that the term of the Licence Agreement is five (5) years.
2. **THAT** NSW Public Works be advised in writing that Council will not proceed with the Licence Agreement of Lot 42 DP 850568 due to the historical and archaeological significance of the site.
3. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to enter in to the Licence Agreement referred to in Resolution 1 above.
4. **THAT** if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of the Council (if required) **AND THAT** if any objections are received, a further report will be presented to a future Ordinary Meeting of Council.

PASSED

12.8 Cattle Feeding Charges - Southern Regional Livestock Exchange (SRLX)

Reference:	5800, 7170/17
Report Author:	Manager Business Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to introduce a flexible feeding surcharge at the Southern Regional Livestock Exchange to cover the cost of purchasing hay / silage due to the exceptional circumstance created by the ongoing drought conditions.

The Deputy General Manager Operations, Finance and Risk addressed Council on this matter.

MN 348/18

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr P W Nelson

1. **THAT** Council introduces a (market price) surcharge for the feeding of cattle at the Southern Regional Livestock Exchange (SRLX) for each bale of feed, noting that the current drought conditions have caused the cost of feed to escalate to levels that make the current operations at the SRLX for the feeding of cattle unsustainable.
2. **THAT** the market surcharge be calculated utilising a formula that offsets a standard bale charge (price as at 30 June 2018) against the current "market price" of bales of fodder as delivered to the SRLX.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 23 July 2018 to 4 September 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 23 July 2018 to 4 September 2018

MN 349/18

MOTION moved by Cllr P W Nelson and seconded by Cllr G M Turland

THAT the information relating to Development Applications Determined for the period 23 July 2018 to 4 September 2018 be received and noted.

PASSED

13.2 Development Applications Received from 23 July 2018 to 4 September 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 23 July 2018 to 4 September 2018.

Interest: The Mayor Cllr K J Halstead declared a less than significant non-pecuniary interest in No 15 on page 61 of the Agenda as the owner had handed out brochures for him at the 2016 Local Government Elections. He remained in the Chamber, took part in the debate and voted on the matter.

MN 350/18

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr P W Nelson

1. **THAT** the information relating to Development Applications Received from 23 July 2018 to 4 September 2018 be received and noted.
2. **THAT** further information be provided to Councillors via the Weekly Circular, for the following application:
 - No 139 – Temporary Use of Land (Function Centre), “Kennerton Green” 125-127 Bong Bong Road, Mittagong (Application ID 19/0349)

PASSED

13.3 S.4.55 Modification 09/0969.06 Seeking Approval to Alter Staging of Approved 6 Lot Subdivision

Reference:	09/0969.06
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Fousel Pty Ltd & Christopher Treuen c/- LandTeam
Australia Pty Ltd	
Owner:	C Treuen and D&S Selby
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 consider s.4.55 modification 09/0969.06 which seeks approval for the approved 6 lot subdivision to occur in 3 stages, instead of the previously approved 2 stages at Lot 1 DP 603071, 16 Gladstone Road Bowral, now known as Lot 7 DP 1189572, being 2 Queen Street Bowral. This report is prepared for determination of the s.4.55 modification application, and recommends **APPROVAL**.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 351/18

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

THAT s.4.55 modification 09/0969.06 for the approved 6 lot subdivision to occur in 3 stages, instead of the previously approved 2 stages at Lot 7 DP 1189572 (previously Lot 1 DP 603071), being 2 Queen Street Bowral, be APPROVED.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

13.4 Southern Highlands Arts Fund

Reference:	1650/4
Report Author:	Cultural Development Officer
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Support and promote the creative and cultural sector

PURPOSE

To advise Council on the status of the Southern Highlands Arts Fund.

MN 352/18

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

THAT the termination of the Memorandum of Understanding with the Southern Highlands Foundation in regard to the Southern Highlands Arts Fund be noted.

PASSED

13.5 Request for Financial Assistance from Police Citizens Youth Club (PCYC) Southern Highlands

Reference: 1830/24
Report Author: Coordinator Community Development
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Increase promotion of healthy lifestyle choices

PURPOSE

The purpose of this report is to seek Council's position on a request from PCYC Southern Highlands to provide sponsorship for an upcoming charity golf day to help raise funds to send their junior competitive gymnastics team to America in 2019.

Interest: Clr L A C declared a significant non-pecuniary interest in this matter as he is the President of the PCYC Committee. He left the Chamber, the time being 4.51 pm, took no part in the debate and refrained from voting on the matter.

MN 353/18

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

THAT Council supports the request from the PCYC Southern Highlands for sponsorship for an upcoming charity golf day to help raise funds to send their junior competitive gymnastics team to America in 2019 in the sum of \$500 **AND THAT** it be funded from Council's Contingency Fund.

PASSED

Clr L A C Whipper returned to the meeting, the time being 4.53 pm.

13.6 Request for financial sponsorship for the Triple Zero Cricket Challenge

Reference: 1850/24
Report Author: Coordinator Community Development
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Enhance partnerships to maintain a safe community

PURPOSE

The purpose of this report is to seek Council's determination in regards to a request for financial support to cover Traffic Management of the Triple Zero (000) Cricket Challenge at Bradman Oval on 21 October 2018 in support of the Southern Highlands Suicide Prevention Program.

MN 354/18

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

THAT Council allocates the sum of \$2,178.00 to cover Traffic Management of the Triple Zero (000) Cricket Challenge at Bradman Oval on 21 October 2018 [in support of the Southern Highlands Suicide Prevention Program] AND THAT it be funded from Council's Contingency Fund.

PASSED

13.7 Canberra Region Joint Organisation - Draft Governance Documents

Reference: 102, 5607/6
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

Council endorse the key governance documents for the recently established Canberra Region Joint Organisation, including:

- Canberra Region Joint Organisation Code of Meeting Practice
- Canberra Region Joint Organisation Charter
- Payment of Expenses, Provision of Facilities and Allowances for Board Members.

MN 355/18

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

1. **THAT** Council endorse the following key governance documents for the Canberra Region Joint Organisation:
 - Canberra Region Joint Organisation Code of Meeting Practice;
 - Payment of Expenses, Provision of Facilities and Allowances for Board Members Policy;
 - Canberra Region Joint Organisation Charter, with the exception of references to 'critical matter' in section 3.4d 'Other Contributions' and section 3.5 'Dispute Resolution' in the Canberra Region Joint Organisation Charter.
2. **THAT** any additional financial contributions other than Annual Member Contributions be referred to the Finance Committee for consideration
3. **THAT** Council invite the Chief Executive Officer and Chair of the Canberra Region Joint Organisation to a Councillor Information Session to present the priorities for the Joint Organisation for the upcoming twelve (12) months.
4. **THAT** Council seek a review of the strategic priorities of the Canberra Region Joint Organisation given the recent membership of Wingecarribee Shire Council.

PASSED

14. GENERAL MANAGER

There were no General Manager reports at this Meeting.

15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

16. PETITIONS

There were no Petitions at this Meeting.

17. Correspondence for Attention

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

18.1 Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 15 August 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 Committee Meeting held on Wednesday, 16 May 2018.

Clr L A C Whipper requested that an Information Session be held for Councillors in relation to the NSW Government Biodiversity Conservation Reforms.

MN 356/18

MOTION moved by Clr L A C Whipper and seconded by Clr G Markwart

THAT recommendations Nos ES 7/18 to ES 13/18 – as detailed in the Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 16 May 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 Southern Regional Livestock Exchange Advisory Committee Meeting - 3 August 2018

Reference: 107/40
Report Author: Organisational Support Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Develop and implement initiatives which allow rural industries to innovate, adapt and prosper

PURPOSE

This report provides the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 3 August 2018.

MN 357/18

MOTION moved by Mayor K J Halstead and seconded by Cllr P W Nelson

THAT recommendations Nos SOU 13/18 to SOU 17/18 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 3 August 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 Management and Advisory Committee Reports

Reference:	107/1
Report Author:	Committee Coordinator
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

- East Bowral Community Centre Management Committee Minutes 26 June 2018
- East Bowral Community Centre Management Committee Meeting Minutes 30 July 2018
- East Bowral Community Centre Minutes AGM 30 July 2018
- Hill Top Community Centre Management Committee Meeting Minutes 24 May 2018
- Hill Top Community Centre Management Committee Meeting Minutes 26 July 2018
- Mittagong Memorial Hall Management Committee Meeting Minutes 12 July 2018
- Yerrinbool Hall Management Committee AGM Minutes 24 July 2018
- Loseby Park Community Hall Management Committee AGM Minutes 3 August 2018

MN 358/18

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

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

1. ***East Bowral Community Centre Management Committee Minutes – 26 June 2018***
2. ***East Bowral Community Centre Management Committee Meeting Minutes – 30 July 2018***
3. ***East Bowral Community Centre Minutes AGM – 30 July 2018***
4. ***Hill Top Community Centre Management Committee Meeting Minutes – 24 May 2018***
5. ***Hill Top Community Centre Management Committee Meeting Minutes – 26 July 2018***
6. ***Mittagong Memorial Hall Management Committee Meeting Minutes 12 July 2018***
7. ***Yerrinbool Hall Management Committee AGM Minutes 24 July 2018***
8. ***Loseby Park Community Hall Management Committee AGM Minutes 3 August 2018***

PASSED

18.4 Minutes of the Traffic Committee Meeting held on 30 August 2018

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday 30 August 2018.

MN 359/18

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

THAT recommendation Nos TC52/18 to TC80/18 - as detailed in the Minutes of the Traffic Committee meeting held on Thursday, 30 August 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

There were no Questions with Notice at this Meeting.

COUNCIL MATTERS

MN 360/18

MOTION moved by *Clr L A C Whipper* and seconded by *Clr P W Nelson*

THAT Council move from Committee of the Whole back into Council, the time being 5.03 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

PASSED

QUESTIONS FROM THE PUBLIC

100/10, 100/7, 7457

In accordance with the Code of Meeting Practice, the Group Manager Corporate and Community, read the Questions from the Public and the Replies

Mrs Jan Wilson submitted the following:

TOPIC: COUNCIL'S WEEKLY CIRCULAR OF 24 AUGUST 2018 RE INFRASTRUCTURE NSW "DEEP DIVE" REPORT ON STATION STREET UPGRADE BOWRAL

Questions:

1. Why were the following words

"Failure to satisfactorily resolve these matters in a timely manner will compromise the rail property acquisition that is critical for the continuation of this project. This is a "drop dead" issue for the project."

omitted from the Weekly Circular?

2. Who authorised the omission of the most critical part of the findings?
3. Why was it necessary to attempt to deny the Councillors and residents of this critical advice of the inadequately prepared project?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Councillors were provided with a "balanced" high level summary of the Deep Dive Report including the following quote from the Executive Summary.

"Overall, the Review Team considers that the Station Street Upgrade Project continues to be competently managed by the Council and that both scope and design offer a scheme that is consistent with the community and economic outcomes set forth in the original application for funding. However, there are several important matters as identified above that have the potential to compromise successful delivery of the project. These need to be appropriately addressed by Council as a matter of priority."

The weekly circular also provided the link to the full report making it available to any interested person.

20. NOTICES OF MOTION

20.1 Notice of Motion 26/2018 - Request for donation to Bowral Hospital Auxiliary Group

Reference:	100/4, 1732/3
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
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

Councillors K J Halstead and G Markwart have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 September 2018:

THAT an amount of \$500 be donated to the Bowral Hospital Auxiliary Group for their financial support AND THAT such funds be allocated from Council's Contingency Fund.

MN 361/18

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

THAT an amount of \$500 be donated to the Bowral Hospital Auxiliary Group for their financial support **AND THAT** such funds be allocated from Council's Contingency Fund.

PASSED

20.2 Notice of Motion 27/2018 – Home and Garden Show Development Application Approval Delegation

Reference:	100/4,19/0102
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
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

Councillors P Nelson, I Scandrett and G Turland have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 September 2018:

It was noted that the heading for this Notice of Motion contained in the Agenda incorrectly stated that the Notice of Motion was in relation to the Southern Highlands Food and Wine Festival but it should have related to the holding of the Home and Garden Show at Wyeera Racecourse Kangaloon Road, Bowral. The Agenda placed on Council's website was corrected as soon as staff became aware of this oversight.

THAT the Council delegate the General Manager authority to assess and determine Development Application 19/0102 for the Home and Garden Show at Wyeera Racecourse, Kangaloon Road Bowral.

MN 362/18

MOTION moved by Deputy Mayor I M Scandrett and seconded by C/r P W Nelson

THAT Council delegates to the General Manager authority to assess and determine Development Application 19/0102 for the Home and Garden Show at Wyeera Racecourse, Kangaloon Road Bowral.

PASSED

21. GENERAL BUSINESS

1. VOLUNTARY PLANNING AGREEMENTS 101/2, 5607

Clr I M Scandrett referred to his Question with Notice 05/2017 regarding Voluntary Planning Agreements (VPAs) and asked whether there is an update on this, particularly with reference to Chelsea Gardens and Commungie which Council staff are now processing the planning for, and when can Councillors have a briefing on VPAs and Chelsea Gardens/Commungie.

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

2. OFF-LEASE DOGS IN THE AREA OF CHERRY TREE WALK, BOWRAL
6527/14.1, 5500/1.3

Clr I M Scandrett referred to dogs walking off-lease in the area of Cherry Tree Walk towards the Bowral Street precinct and asked if staff can increase activity in that area as there have been reported instances of unleashed dog issue with pedestrians and their dogs. Clr Scandrett asked if additional signage re on-lease provisions could be considered at the Bowral Road area and nearby on local walks.

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

3. BRIEFING ON PLANNING THROUGHPUT AND STAFFING 800

Clr I M Scandrett asked when a briefing could be held for Councillors on Council's planning throughput and staffing, which could follow the format from the last presentation.

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

4. DCP ON THE SIZE OF NON-RESIDENTIAL RURAL BUILDINGS 5700/61

Clr G M Turland asked when Council will complete the DCP on the size of nonresidential rural buildings, as Councillors had a briefing on the matter on 4 April 2018. He asked if an information session can be held for Councillors.

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

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 5.17 pm, Council moved into Closed Council.

MN 363/18

MOTION moved by Cllr G J Andrews and seconded by Cllr G M Turland

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 **Proposed Easement to Drain Water over Council property, Highlands Golf Course, Old Hume Highway Mittagong**

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 seek Council approval to negotiate the grant of a property right over Council property. The property right being sought is an Easement to Drain Water over part of Highlands Golf Course at Mittagong. The owner/developer of 33 Willow Street Willow Vale requires the grant of the Easement in order to comply with a condition of development consent.

- 22.2 **Proposed Easement for Electrical Supply over Council property, 4 Kirkham Street Moss Vale**

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 seek Council direction regarding the granting of a property right over Council property. The property right being sought is an Easement for Electrical Supply over part of 4 Kirkham Street Moss Vale, being public car park.

- 22.3 **Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral**

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 seek Council direction regarding the acquisition of land for a proposed future detention basin. The property the subject of this report is Part Retford Farm, Old South Road Bowral (Part Lot 50 Deposited Plan 1141888).

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

PASSED

22.1 Proposed Easement to Drain Water over Council property, Highlands Golf Course, Old Hume Highway Mittagong

Reference: PN1766240; PN1608300
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

[This item was dealt with earlier in the Meeting \(refer MN 341/18 on page 13\).](#)

22.2 Proposed Easement for Electrical Supply over Council property, 4 Kirkham Street Moss Vale

Reference:	PN810700; PN479100
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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

The purpose of this report is to seek Council direction regarding the granting of a property right over Council property. The property right being sought is an Easement for Electrical Supply over part of 4 Kirkham Street Moss Vale, being public car park.

The General Manager and Deputy General Manager Operations, Finance and Risk addressed Council on this matter.

MN 364/18

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

THAT Council decline to grant the Easement for Electrical Supply over part of 4 Kirkham Street, Moss Vale, being public car park.

PASSED

22.3 Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral

Reference: PN1804050
Report Author: Property and Project Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Effective financial and asset management ensure Council's long term sustainability

This item was dealt with earlier in the Meeting (refer MN 344/18 on page 16).

23. RESUMPTION OF OPEN AGENDA

107/10

MN 365/18

MOTION moved by Clr L A C Whipper and seconded by Clr P W Nelson

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 366/18

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

THAT the recommendation of the Closed Council held on Wednesday, 12 September 2018 being MN 364/18 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 367/18

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 12 September 2018 being MN 340/18 to MN 360/18 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.35 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 September 2018 numbered M/N 337/18 to M/N 367/18 were signed by me hereunder at the Council Meeting held on Wednesday 26 September 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 26 SEPTEMBER 2018

CHAIRMAN

PUBLIC OFFICER

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

