



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 13 June 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 13 JUNE 2018 COMMENCING AT 3.30 PM

Present: Clr K J Halstead (Mayor)
Clr G J Andrews
Clr T D Gair
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:

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
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Ms Liz Johnson
Administration Officer	Ms Samantha Woods

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 L A C Whipper 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

There were no apologies at this Meeting.

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 23 MAY 2018

MN 212/18

MOTION moved by Clr G M Turland and seconded by Clr T D Gair

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 23 May 2018 MN 188/18 to MN 211/18 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. GENERAL BUSINESS QUESTIONS AND REPLIES

Clr I M Scandrett referred to the replies to the General Business Questions sent to Councillors and asked if there had been a response from the OLG in relation to question 1.

The General Manager advised that no response had been received.

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.

There were no Declarations of Interest at this Meeting.

8. MAYORAL MINUTES

8.1 Attendance at the NSW Local Roads Congress

Reference: 102
Report Author: Mayor

PURPOSE

Local Government NSW (LGNSW) and the NSW Institute of Public Works Engineering Australasia (IPWEA NSW), held the NSW Local Roads Congress on Monday 4 June 2018, which was attended by Mayor, Cllr Ken Halstead and Deputy General Manager Operations Finance and Risk, Mr Barry Paull.

MN 213/18

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

THAT Wingecarribee Council adopt the thrust of the Roads Congress Communique and pursue the stated tasks and objectives contained under the heading NSW Local Government:

1. Continue to improve asset management performance by:
 - a. Continuing to work with the Office of Local Government to improve the transparency and consistency of infrastructure measures within the Integrated Planning and Reporting framework, including incorporation of a Road Safety Plan within Council Resource Plan
 - b. Building capacity within the Local Government industry by supporting ongoing training and knowledge sharing.
 - c. Taking responsibility for developing skilled professionals for tomorrow through cadetships, experiential development programs and supporting a phased requirement for the registration of Engineers.
 - d. Encouraging region based standing working groups on asset management to provide peer support to public works professional and Councils in each area.
2. Support the employment of better techniques and the importation of proven technology to better meet our community's needs.
3. Commit to encouraging modal change for people movement through promotion of public transport and active solutions in metropolitan and larger regional centre.

PASSED

9. PUBLIC FORUM

1. ITEM 20.3 – NOTICE OF MOTION 17/2018 - REQUEST FOR ONE-MONTH EXTENSION TO THE EXHIBITION PERIOD TO ALLOW SUBMISSIONS TO BE MADE TO THE SUTTON FOREST QUARRY PROPOSAL

100/4, 100/13, 5305, PN660700

Ms Bernadette Lawlor, representing SOS Save Our Sands Alliance, requested and was granted approval to speak on this matter which was listed on the Agenda.

The Mayor Clr K J Halstead thanked Ms Lawlor for her comments and noted that this matter would be considered later in the Meeting.

COMMITTEE OF THE WHOLE

107/10

MN 214/18

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

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 the Mayor Clr K J Halstead remaining in the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

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

CORPORATE AND STRATEGY

There were no Visitor Matters – Corporate and Strategy at this Meeting.

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Post Exhibition - Draft Liquid Trade Waste Policy and Guidelines

Reference:	7690/11
Report Author:	Coordinator Sewer
Authoriser:	Manager Water & Sewer
Link to Community Strategic Plan:	Work collaboratively to reduce pollution and its impact on our environment

PURPOSE

This report seeks the adoption of the draft Liquid Trade Waste Policy and Guidelines (the policy).

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

MN 215/18

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

THAT the draft Liquid Trade Waste Policy and Guidelines - Attachments 1 and 2 to the report - be adopted by Council.

PASSED

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

Reference: PN1804050
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
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's direction for the compulsory acquisition of land being Part Retford Farm, Old South Road Bowral (being Part Lot 50 DP1141888). The purpose of the land acquisition is to secure a site for a proposed future detention basin.

The General Manager read the recommendations as contained in the Closed Council report.

MN 216/18

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

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 – 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 of Retford Farm, Old South Road Bowral for the acquisition of part of the land known as Lot 50 Deposited Plan 1141888 ('the land') for drainage purposes within a 10% range of the updated formal valuation.
2. **THAT** it be noted that if an agreement is not executed with the owner of the land within 42 days of the date of this resolution, Council will proceed with the acquisition via the compulsory acquisition process in accordance with the resolutions of Council made on the 14 June 2017.

PASSED

12.3 Post Exhibition - Proposed Lease of Unformed Road Reserve to Southern Highlands Botanic Gardens Limited - Part Kangaloon and Old South Road, Bowral

Reference: 6500/22, PN1772970
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 notify Council of the outcome of the advertising of Public Notice of Intention to lease part of the unformed Road Reserve known as part Kangaloon and Old South Road, Bowral to Southern Highlands Botanic Gardens Limited.

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

MN 217/18

MOTION moved by Cllr T D Gair and seconded by Cllr L A C Whipper

1. **THAT** Council approve the proposed short-term lease of part unformed road reserve, known as corner Kangaloon and Old South Road, Bowral to Southern Highlands Botanic Gardens Limited for a maximum period of five (5) years **AND** **THAT** rental is \$1.00 per annum, in consideration of the not-for-profit status of the proposed lessee, Southern Highlands Botanic Gardens Limited.
2. **THAT** the person who made a submission in respect of the proposed Lease be notified in writing of Resolution 1 above.
3. **THAT** during the term of the lease, Council applies to the NSW Department of Industry – Lands for the closure of that part of the road reserve adjacent to Kangaloon Road, with the intention that upon closure the land will vest in Council and be consolidated with the title for the Botanic Gardens site.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 21 April 2018 to 27 May 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 21 April 2018 to 27 May 2018.

MN 218/18

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

THAT the information relating to the lists of Development Applications Determined for the period 21 April 2018 to 27 May 2018 be received and noted.

PASSED

13.2 Development Applications Received from 21 April 2018 to 27 May 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 21 April 2018 to 27 May 2018.

MN 219/18

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 21 April 2018 to 27 May 2018 be received and noted.
2. **THAT** further information be provided to Councillors via the Weekly Circular in relation to the following item:
 - (a) Item 10 – Section 96 Modification (Remove Conditions 15 and 16 pertaining to contributions – 33 Park Road, Bowral (Application 17/1292.05).
3. **THAT** the following item be submitted to the Heritage Advisory Committee for comment:
 - (a) Item 74 – Demolition of existing building, Construct 14 residential apartments and 29 single room boarding house – 5 Alice Street, Mittagong (Application 18/0539).

PASSED

13.3 Adoption of the 2018/19 Operational Plan and Budget Including Revenue Policy

Reference: 501/2018
Report Author: Group Manager Corporate and Community
Authoriser: Deputy General Manager Corporate, Strategy and Development Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

At its meeting on 24 April 2018 Council resolved to place on public exhibition the draft 2018/19 Operational Plan and Budget. The purpose of this report is to advise Council of the outcomes of the public exhibition and to recommend adoption of the following:

- 2018/19 Operational Plan and Budget
- 2018/19 Revenue Policy (including Fees and Charges schedule)
- The continuation of the approved Special Rate Variation comprising of a 9.25% increase in General Revenue (including 2.30% rate peg) for the 2018/19 financial year as determined by the Independent Pricing and Regulatory Tribunal.

As required under the *Local Government Act 1993*, Council is also required to resolve the following:

- Making and levying the rates and annual charges for 2018/19, and
- Authorisation of expenditure and voting of money for the 2018/19 Budget.

The Group Manager Corporate and Community, Chief Financial Officer and Deputy General Manager Operations, Finance and Risk addressed Council on this matter.

MN 220/18

MOTION moved by Cllr T D Gair and seconded by Cllr L A C Whipper

THAT Council:

1. **Adopt the 2018/19 Operational Plan and Budget including the Revenue Policy, Fees and Charges and Unfunded Projects and Services List, incorporating changes recommended in the report and Attachment 1 to the report.**

2. **In adopting the 2018/19 Budget and Revenue Policy that:**

a. **the funds to cover the 2018/19 Budget be voted.**

b. **a 9.25% rate increase be adopted under Section 508(A) of the Local Government Act, 1993, in accordance with the Special Rate Variation approved by IPART for the Investing in Our Future project.**

c. **Council make and levy the following ad valorem and minimum rates for the 2018/19 financial year (the period 1 July 2018 to 30 June 2019):**

Category	Sub Category	Ad Valorem	Minimum
Residential	Ordinary	0.0042491	\$1,043.63
Residential	Renwick	0.0046740	\$1,043.63
Business	Ordinary	0.0084982	\$1,043.63
Farmland	-	0.0027619	\$1,525.05
Mining	Ordinary	0.0140220	\$1,043.63

d. **Council make and levy a special rate of 0.00006138 cents in the dollar subject to a base rate in accordance with Section 499 of the Local Government Act, 1993 of \$25.83 per assessment on all rateable land for all rating categories for the 2018/19 financial year, noting that this special rate is referred to as Wingecarribee Our Future Environment Special Rate.**

e. **Council make and levy the annual charges for domestic waste management services in accordance with Section 496 of the Local Government Act, 1993 for the 2018/19 financial year as outlined within the Revenue Policy.**

f. **Council make and levy the annual charges for stormwater management services in accordance with Section 496A (1) of the Local Government Act, 1993 for the 2018/19 financial year as outlined within the Revenue Policy.**

g. **Council adopt that no increase will be applied for water access and user charges for the 2018/19 financial year, with the residential access charge remaining at \$158.00 per annum.**

h. **Council adopt a 3.05% increase for sewer access charges for the 2018/19 financial year, with the residential access charge increasing to \$845.00 per annum.**

- i. Council adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 7.50% per annum.*
- 3. Authorise loan borrowings of \$5,740,000 to part-fund the Civic Centre rectification works, Kirkham Road pavement upgrade, Bowral Cemetery improvements and a number of strategic land acquisitions.**
- 4. Write to formally thank those who made submissions.**
- 5. Thank staff for their excellence in the preparation of the 2018/19 Operational Plan and Budget including Revenue Policy.**

PASSED

The General Manager left the Chamber, the time being 4.47 pm.

AMENDMENT moved by Deputy Mayor I M Scandrett and seconded by Cllr G McLaughlin

THAT Council:

- 1. Adopt the 2018/19 Operational Plan and Budget including the Revenue Policy, Fees and Charges and Unfunded Projects and Services List; incorporating changes recommended in this report and Attachment 1.
- 2. In adopting the 2018/19 Budget and Revenue Policy that
 - a. the funds to cover the 2018/19 Budget be voted.
 - b. a 9.25% rate increase be adopted under Section 508(A) of the Local Government Act, 1993, in accordance with the Special Rate Variation approved by IPART for the Investing in Our Future project.
 - c. Council make and levy the following ad valorem and minimum rates for the 2018/19 financial year (the period 1 July 2018 to 30 June 2019)

Category	Sub Category	Ad Valorem	Minimum
Residential	Ordinary	0.0042491	\$1,043.63
Residential	Renwick	0.0046740	\$1,043.63
Business	Ordinary	0.0084982	\$1,043.63
Farmland	-	0.0027619	\$1,525.05
Mining	Ordinary	0.0140220	\$1,043.63

- d. Council make and levy a special rate of 0.00006138 cents in the dollar subject to a base rate in accordance with Section 499 of the Local Government Act, 1993 of \$25.83 per assessment on all rateable land for all rating categories for the 2018/19 financial year, noting that this special rate is referred to as Wingecarribee Our Future Environment Special Rate.

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- e. Council make and levy the annual charges for domestic waste management services in accordance with Section 496 of the Local Government Act, 1993 for the 2018/19 financial year as outlined within the Revenue Policy.
 - f. Council make and levy the annual charges for stormwater management services in accordance with Section 496A (1) of the Local Government Act, 1993 for the 2018/19 financial year as outlined within the Revenue Policy.
 - g. Council adopt that no increase will be applied for water access and user charges for the 2018/19 financial year, with the residential access charge remaining at \$158.00 per annum.
 - h. Council adopt a 3.05% increase for sewer access charges for the 2018/19 financial year, with the residential access charge increasing to \$845.00 per annum.
 - i. Council adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 7.50% per annum.
3. Authorise loan borrowings of \$5,740,000 to part-fund the Civic Centre rectification works, Kirkham Road pavement upgrade, Bowral Cemetery improvements and a number of strategic land acquisitions.
 4. Write to formally thank those who made submissions.
 5. Defer the approval of the expenditure on the Station Street upgrade project until the final full project scope can be determined together with a full budget costing, to include:
 - a. confirmation of the total scope and budget for all other stages in what is now called a “Multi-Phased Project”;
 - b. confirmation that duplication of the Wingecarribee Street bridge is now a stage of the project and full budget inclusion;
 - c. clarification and budget inclusion of the newly proposed signalisation of the Kirkham Road/Wingecarribee Street intersection “The latest proposals are looking at the signalisation of the Kirkham Road/Wingecarribee Street intersection to provide improved traffic and pedestrian safety at this difficult intersection”;
 - d. confirmation of the actual impacts now planned in the statement “improved personal safety by increasing visibility of the Station forecourt from the street”;
 - e. clarification of the final bus interchange design;
 - f. an independent assessment of the current and proposed parking provisions and confirmation of the proposed timed & untimed parking classifications;
 - g. confirmation of the access arrangements and budget for the proposed pedestrian ramp and stairs from Kirkham Road onto the Northbound Railway Platform;
 - h. an updated Cost Benefit Analysis has been received.

THE AMENDMENT WAS PUT TO THE VOTE AND WAS LOST

THE MOTION WAS PUT TO THE VOTE AND WAS PASSED

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

13.4 Election to Fill a Casual Vacancy in the Office of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of New South Wales

Reference: 202
Report Author: Group Manager Corporate and Community
Authoriser: Deputy General Manager Corporate, Strategy and Development Services
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

This report provides information about an election to fill a casual vacancy in the office of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of New South Wales (the Association).

MN 221/18

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

THAT Council nominates the following Councillors to vote to fill the casual vacancy in the office of Vice President (Rural/Regional Councils) on the Board of the Local Government and Shires Association of New South Wales:

- (a) The Mayor Clr K J Halstead***
- (b) Clr G J Andrews***
- (c) Clr T D Gair***

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

16.1 Petition 04/2018 - Objection to Increase in Fees at the Southern Regional Livestock Exchange, Moss Vale

Reference:	100/8, 7170/3, 501/2018
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

The purpose of this report is to table a petition in relation to Objection to Increase in Fees at the Southern Regional Livestock Exchange, Moss Vale. The petition has been signed by 18 signatories.

A copy of the Petition has been placed in the Councillors' Room and will be tabled at the Ordinary Meeting of Council.

MN 222/18

MOTION moved by Cllr T D Gair and seconded by Cllr P W Nelson

1. **THAT** Petition 04/2018 – Objection to Increase in Fees at the Southern Regional Livestock Exchange (SRLX), Moss Vale – be received and the content of the Petition be noted.
2. **THAT** the user group's concerns regarding the proposed 2018/19 budgetary increases for the SRLX be noted and they be informed of the revised fees and charges which have been endorsed by Council for 2018/2019.

PASSED

16.2 Petition 05/2018 - Support of Proposal to Extend a 99 Year Lease to the Illawarra Local Aboriginal Land Council (x2)

Reference:	100/8, PN700000, 1826/14
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

The purpose of this report is to table two petitions in relation to Support of the Proposal to Extend a 99 Year Lease to the Illawarra Local Aboriginal Land Council. The petitions together contain 176 names.

Copies of the Petitions have been placed in the Councillors' Room and will be tabled at the Ordinary Meeting of Council.

The General Manager returned to the Meeting at 5.09 pm.

MN 223/18

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

1. **THAT** Petition 05/2018 – Support of Proposal to Extend a 99 Year Lease to the Illawarra Local Aboriginal Land Council – be received and the content of the Petition be noted.
2. **THAT** the Petitions be included in the submissions to the proposed Lease of the Aboriginal Community Cultural Centre to the Illawarra Local Aboriginal Land Council.

PASSED

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

17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

18.1 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:

1. Canyonleigh Hall Management Committee held on Tuesday, 13 February 2018.
2. Yerrinbool Hall Committee Meeting held on Tuesday, 13 March 2018.
3. Bong Bong Common Management Committee held on Tuesday, 1 May 2018.
4. Canyonleigh Hall Management Committee held on Tuesday, 8 May 2018.

MN 224/18

MOTION moved by Cllr T D Gair and seconded by Cllr G M Turland

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

1. ***Canyonleigh Hall Management Committee held on Tuesday, 13 February 2018.***
2. ***Yerrinbool Hall Committee Meeting held on Tuesday, 13 March 2018.***
3. ***Bong Bong Common Management Committee held on Tuesday, 1 May 2018.***
4. ***Canyonleigh Hall Management Committee held on Tuesday, 8 May 2018.***

PASSED

18.2 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 16 May 2018

Reference: 107/25
Report Author: Administration Officer
Authoriser: Natural Resource Project Coordinator
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, 16 May 2018.

MN 225/18

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

THAT recommendations Nos ES 7/18 to ES 13/18 – as detailed in the Minutes of the Environment and Sustainability Advisory 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

18.3 Minutes of the Community Assistance Scheme Advisory Committee Meeting held on Monday, 28 May 2018

Reference:	1820./2018
Report Author:	Coordinator Community Development
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

This report provides the Minutes of the Community Assistance Scheme Advisory Committee Meeting held on Monday, 28 May 2018.

MN 226/18

MOTION moved by Cllr T D Gair and seconded by Cllr L A C Whipper

THAT recommendations Nos COM 1/18 to COM 4/18 – as detailed in the Minutes of the Community Assistance Scheme Advisory Committee Meeting held on Monday, 28 May 2018 be adopted.

PASSED

19. QUESTIONS WITH NOTICE

19.1 Question with Notice 06/2018 - OLSH Property

Reference: 101/2, PN332300, 5901/57
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

To: General Manager
From: Cllr Graham McLaughlin
Received: 23 May 2018

Subject: OLSH Property

Question:

1. Could I be provided with a copy of the Planning Proposal submitted to the Department of Planning in relation to removing "Seniors Housing" from Schedule 1 Additional Permitted Purposes Item 4 from WLEP 2010 being in relation to the OLSH Property.
2. Could I be provided with the date this Planning Proposal was submitted to the Department of Planning.
3. Could I be provided with an explanation as to why the Planning Proposal does not currently appear on the Department of Planning LEP Tracking Site.
4. Could I be provided with any response from the Department of Planning.
5. Could I be advised as to what steps have been taken to have the current interim heritage order extended or the interim heritage order converted to a permanent heritage conservation order and the property listed within Schedule 5 Environmental Heritage of WLEP 2010 as an item of Environmental a Heritage.

Response:

1. The Planning Proposal has been sent under separate cover to Councillor.
2. The Planning Proposal was submitted to the Department of Planning and Environment for Gateway Determination to remove the OLSH site from Schedule 1 of the Wingecarribee Local Environmental Plan on 24 January 2018.

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3. The Planning Proposal / LEP amendment will not appear on the Department's LEP Tracking Website until such time as a Gateway Determination is issued by the Department.
4. No response has been received by the Department of Planning and Environment to date.
5. Council staff are working with Council's heritage advisor to review existing heritage studies/reports to determine whether a site specific study is required over the OLSH site. It is anticipated that a report will be put to Council in July to seek a formal resolution to prepare a Planning Proposal to list the OLSH site as an item of Environmental Heritage under Wingecarribee LEP.

MN 227/18

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

THAT the information in relation to Question with Notice 06/2018 – OLSH Property - be noted.

PASSED

19.2 Question with Notice 07/2018 - Drought Assistance

Reference: 101/2, 5462
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

To: General Manager
From: Cllr Peter Nelson
Received: 29 May 2018

Subject: Drought Assistance

Question:

With the drought having set in for the Central and Far West of NSW, could the General Manager advise what Council has done in the past and what Council could do in the immediate future.

Response:

Council has previously donated funds, hay and silage to other local government areas intra and interstate during periods of drought. Currently funds are available in the Mayoral Relief Fund.

Wingecarribee Shire forms part of the Sydney sub region declared drought affected. Under this declaration the New South Wales Government provides:

- Drought transport fund through low interest loans of up to \$20,000 to cover 100% of costs to transport stock, fodder or water to and from drought affected properties
- 100% of the cost of transporting donated fodder to transport providers acting in conjunction with community groups
- A subsidy of up to 50% of eligible costs for the permanent transport of stock off a farm to a maximum of \$20,000 per financial year

Farmers affected by the current drought conditions requiring assistance should contact the Rural Assistance Authority on 1800 678 593.

However, drought relief is traditionally the responsibility of the Federal Government. There are a raft of financial measures which are triggered by the Federal Government once certain areas are declared in drought conditions, such as drought employment relief schemes with Council acting as the agent of the Federal Government employing locals affected by the drought. This assistance normally extends beyond the farming community into the entire community as sources of employment are lost because of drought affects. Generally speaking drought unemployment relief usually follows extended drought conditions.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 June 2018



Council needs to be very clear as its capacity to respond to the community on an issue like this is very limited by Councils' resources and the role of the State who are the lead agency. Councils have typically taken a role where they have coordinated community action through the use of "Mayoral appeals" and the like.

The community usually rallies to assist. This is where the Council may facilitate community actions with State and Federal levels or provide in-kind support although this is limited by the resources available to Council.

MN 228/18

MOTION moved by Cllr P W Nelson and seconded by Cllr T D Gair

THAT the information in relation to Question with Notice 07/2018 – Drought Assistance - be noted.

PASSED

20. NOTICES OF MOTION

20.1 Notice of Motion 15/2018 - Calling up of Development Applications

Reference:	100/4, 5302
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

Councillor Duncan Gair has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 13 June 2018:

THAT as an interim policy, any requests by a Councillor for a Development Application to be determined by Council (called up), must be submitted on a prescribed form with the accompanying signatures of at least two (2) other Councillors.

MN 229/18

MOTION moved by Cllr T D Gair and seconded by Cllr G M Turland

THAT as an interim policy, any requests by a Councillor for a Development Application to be determined by Council (called up), must be submitted on a prescribed form with the signatures of two (2) Councillors.

PASSED

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

COUNCIL MATTERS

MN 230/18

MOTION moved by *Clr T D Gair* and seconded by *Clr P W Nelson*

THAT Council move from Committee of the Whole back into Council, the time being 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

In accordance with the Code of Meeting Practice, the Group Manager Corporate and Community read the questions and responses, as follows:

QUESTION FROM MS LAUREL CHEETHAM

Station Street Upgrade

7457

I refer to my question 3 to Council which was responded to at the Council Meeting on Wednesday, 23 May 2018. I requested advice on when community consultation on the draft environmental assessment would occur. The response, that “the Review of Environmental Factors (REF) has been prepared in accordance with the EP&A Act 1979” did not answer my question.

There have been 2 public commitments made to public consultation on the REF – in Report 12.4 Station Street Upgrade – Community Consultation (considered by Council on 22/11/2017) and by Bob Lewis on 2ST (interview with Graeme Day on 18/05/2018). Bob stated that community consultation would occur once the REF document was completed. He stated that the document was already over 1500 pages with many appendices and was still a work in progress. At this stage it has clearly “not been prepared”.

I repeat my question “When will community consultation on the draft environmental assessment occur”?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

A response to the question was provided at the Council Meeting on Wednesday, 23 May 2018 and Council’s position remains the same.

QUESTION FROM MS JAN WILSON

Station Street Upgrade

7457

As Bowral Brickworks are moving their entire operation to New Berrima, why will Council not reconsider their plans for the proposed Station Street Upgrade which in its present form will not alleviate the traffic problems?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Council has not been advised formally of such intentions by Austral Bricks. The Austral Brick Company recently lodged a development application 18/0576 with Council to establish a new masonry plant for the manufacture of certain concrete products on a site they own on Berrima Road, Moss Vale adjoining their quarry site. The existing brick making manufacture

for Austral Bricks will remain on their site at Oxleys Hill Road and Kiama Street, Bowral for the foreseeable future. Until such time as a development application is lodged by Austral Bricks indicating its intentions to vacate the current Bowral plant Council cannot make any decisions on speculation.

QUESTIONS FROM MR CHARLIE JOHNS

Deposit items in yellow lid recycling bin

7520

Question 1

Most ratepayers would now be paying \$5 to \$10 a week, some more, for deposits and handling fees for certain beverage, glass and plastic bottles and all aluminium cans purchased. 90% of people I talk to still use the convenience of the yellow lidded kerb side recycling bin, this would probably reflect the action of most ratepayers, so who receives the 100 of 1000 of dollars, soon to be millions of dollars, recovered from these recycled beverage containers under the system, Council, the collection Contractor, the sorting Contractor, the NSW State Government or someone else?

REPLY FROM DEPUTY GENERAL MANAGER DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

The Container Deposit Scheme (CDS) requires Council and the waste contractor (Suez) to negotiate a split of the CDS rebate. This must be agreed to before 1 December 2018 and submitted to the EPA signed off by both parties. If it is not agreed to the EPA will not forward the rebate to the contractor. Currently audits are being undertaken by both the EPA and Council to determine the post introduction CDS volumes, this will be used to support Council's claim against the contractor and give the EPA an indication of fairness.

Council's DCP for Temporary Events signs

7415, 7415/1

Question 2

At the 9 May 2018 Meeting, Council answered my question relating to the Signage and Outdoor Advertising Policy approved on 24 May 2017 and questioning the hundreds of illegal signs marring the visual integrity of the Southern Highlands referencing the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Ratepayers, business and community groups seem to be totally unaware of any such code or policy. These signs breach Clause A1.4.13 Temporary Event, Signs and Banners of the WSC DCP provisions, they also breach Part 2 Division 2 Subdivision 2.103 of the mentioned State Planning Policy Codes. So who is the regulatory body for these illegal signs, some of which have been up for over 2 years?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Council is the regulatory body for signage generally except for Advertising and Signage as defined in State Environmental Planning Policy 64 – Advertising and Signage which falls within the responsibility of the Minister for Planning.

As advised on 9 May 2018 to a similar question, where illegal signage is identified and a complaint is lodged with Council, Council will investigate the substance of the complaint and accordingly take regulatory action if warranted. As yet Council has not been supplied with sufficient information of the particulars of the signage in order to undertake such investigation.

Question 3

7415, 7415/1, 5125

Why wouldn't Council make ratepayers, businesses and Community groups aware of the new temporary sign policy via Wingecarribee Today, Southern Highlands News Council Page and the WSC Website, then maybe some residents will assist by self-regulating if they know the signs are illegal and they can be fined? When will Council commence the 12 monthly review of the provision?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

The signage amendments under the Development Control Plans were adopted by Council in May 2017 and came into effect on 7 June 2017. Council gave notification of the introduction of the signage and outdoor advertising provisions in the Southern Highlands News on 7 June 2017. The provisions are also available on Council's website and have been since their adoption.

A comprehensive review of Council DCPs including the provisions relating to signage and outdoor advertising is currently in progress.

20. NOTICES OF MOTION (CONT)

20.2 Notice of Motion 16/2018 - Policy for Assistance to Local Farmers During Times of Hardship Because of Drought

Reference:	100/4, 5462
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

Councillor Larry Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 13 June 2018:

THAT Council consider a policy where it may establish methods of offering practical assistance to our local farmers during times of hardship because of drought.

MN 231/18

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

THAT Council hold an Information Session to consider a policy where it may establish methods of offering practical assistance to our local farmers during times of hardship because of drought, fire and flood.

PASSED

20.3 Notice of Motion 17/2018 - Request for One-month Extension to the Exhibition Period to Allow Submissions to be Made to the Sutton Forest Quarry Proposal

Reference:	100/4, 5305, PN660700
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

Councillor Larry Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 13 June 2018:

1. THAT in relation to the Sutton Forest Quarry Proposal (the Proposal), Council formally write to the Secretary of the Department of Planning and Environment seeking a one month extension to the exhibition period to allow submissions to be made, due to the constraints around Council meeting timeframes and the complexity of the Proposal.
2. THAT given the detailed nature of the Proposal and lack of general publicity around the proposal, that Council also make a request that this extension apply to the general community.

MN 232/18

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

1. **THAT** in relation to the Sutton Forest Quarry Proposal (the Proposal), Council formally write to the Secretary of the Department of Planning and Environment seeking a two (2) month extension to the exhibition period to allow submissions to be made, due to the constraints around Council meeting timeframes and the complexity of the Proposal.
2. **THAT** Council resolve to make a submission to the Secretary of the Department of Planning in relation to the Proposal including but not limited to the impact on the following:
 - water table
 - traffic
 - flora and fauna
 - offsets
 - endangered species
 - the Long Swamp, and
 - Aboriginal heritage.
3. **THAT** given the detailed nature of the Proposal and lack of general publicity around the Proposal, Council also make a request that this extension apply to the general community.
4. **THAT** an invitation be extended to the applicant to provide a presentation at an Ordinary Meeting of Council open to the public.

PASSED

21. GENERAL BUSINESS

1. TWO CAR PARKING SPACES ON MERRIGANG STREET 7460/8, RD1580

Clr G McLaughlin referred to the question he had previously asked in relation to the removal of the two car park spaces on Merrigang Street and noted that this has now occurred. Clr McLaughlin thanked Council staff for implementing the removal of these car spaces.

2. SKATE PARK IN BOWRAL 6500/17

Clr G McLaughlin asked if a rubbish bin could be supplied at the skate park in Bowral as residents are complaining about dumped rubbish.

The General Manager advised that this will be done.

3. WORK ON ERIDGE PARK ROAD RD1907, 77991/1-1

Clr K J Halstead referred to work currently being undertaken on Eridge Park Road, which seems to relate to water main replacement, and asked if this is programmed work.

The Deputy General Manager Operations, Finance and Risk advised that it is programmed work.

4. PROCESSING OF DEVELOPMENT APPLICATIONS 503/42

Clr K J Halstead asked for a brief update on the “where to now” in relation to the processing of Development Applications.

The General Manager advised that Council is looking at a number of initiatives, some of which are already in train and others under evaluation, to ensure that everything can be done to improve the processing times of Development Applications.

22. CLOSED COUNCIL

THERE WAS NO CLOSED SESSION AT THIS MEETING

107/9

There was no Closed Council at this Meeting as Item 22.1 was dealt with in Open Council.

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

Reference: PN1804050, 7121
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
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 216/18 on page 12).

23. RESUMPTION OF OPEN AGENDA

Not required at this Meeting as Council did not move into Closed Council.

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 233/18

MOTION moved by Cllr T D Gair and seconded by Cllr P W Nelson

THAT the recommendations of the Committee of the Whole held on Wednesday, 13 June 2018 being MN 215/18 to MN 230/18 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.32 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 13 June 2018 numbered M/N 212/18 to M/N 233/18 were signed by me hereunder at the Council Meeting held on Wednesday 27 June 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 27 JUNE 2018

CHAIRMAN

PUBLIC OFFICER