



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 14 November 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 14 NOVEMBER 2018 COMMENCING AT 3.30 PM

Present: Mayor Cllr T D Gair (Mayor)
Cllr G J Andrews
Cllr K J Halstead
Cllr G McLaughlin
Cllr G Markwart
Cllr I M Scandrett
Cllr G M Turland (Deputy Mayor)
Cllr L A C Whipper

| | | |
|-----------------------|---|------------------------|
| In Attendance: | General Manager | Ms Ann Prendergast |
| | Deputy General Manager Operations, Finance and Risk | Mr Barry W Paul |
| | 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 |
| | Coordinator Media and Communications | Mr David Sommers |
| | Administration Officer | Ms Michelle Richardson |

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

Cllr G Markwart 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.

4. APOLOGY

It was noted that an apology had been received from Clr P W Nelson

PERS

MN 464/18

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

THAT the apology of Clr P W Nelson be accepted and leave of absence granted.

PASSED

Clr I M Scandrett asked that his dissenting vote be recorded

100/1

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 24 OCTOBER 2018

MN 465/18

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 24 October 2018 MN 428/18 to MN 463/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

107

6. BUSINESS ARISING

Clr I M Scandrett referred to Page 2 of the Minutes from the meeting of 24 October 2018, where he expressed concern regarding the procedural fairness of the vote for councillor membership on committees, which took place on 10 October 2018. Clr I M Scandrett queried whether his concerns had yet been looked into by staff.

101

Clr G McLaughlin asked why Clr I M Scandrett wished for his dissenting vote to be recorded against his apology. Clr I M Scandrett indicated his concerns were with absenteeism in general and were not of a personal nature.

101/3.1, 101/15

Clr I M Scandrett referred to page 3 of the Minutes from the meeting of 24 October 2018, Item 7 – Declarations of Interest. Clr I M Scandrett expressed concern regarding Clr G M Turland's declaration of significant non-pecuniary interest in relation to two items in Closed Council. Clr I M Scandrett was concerned Deputy Mayor Clr G M Turland made these declarations but failed to leave the Chamber.

The Mayor Clr T D Gair advised that it was the decision of the Councillor making the declaration as to whether to leave the Chamber.

101/15, 101/5

Clr G M Turland referred to page 30 of the Minutes from the meeting of 24 October 2018, Item 13.4 – Provision of Expenses and Facilities to Councillors. Deputy Mayor Clr Turland tabled a document that allegedly showed that Clr I M Scandrett in six years made 63 expense claims totalling nearly \$30,000. Deputy Mayor Clr Turland stated that by contrast, he had claimed seven times within the same period.

1700

Clr G McLaughlin presented two heritage books to the Mayor on Bowral for the local library.

5901/19, 14/0650

Clr G McLaughlin advised that he had met with Dr Nick Hartnell and spoken about the hospice development, and informed the meeting that Dr Hartnell said to him that he would not destroy items in a heritage precinct.

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.

101/3,15/0888.02

Clr I M Scandrett declared a pecuniary interest in Item 10.3 – 15/088.02 section 4.55 Modification to Extend Period of Consent for Events from 3 to 6 Calendar Years, 581 Greenhills Road, Berrima – as the applicant is well known to Clr I M Scandrett and he has attended functions at the property. Clr I M Scandrett will be absent from the Chambers for consideration of that item.

101/3, 19/0531

Clr K J Halstead declared a significant pecuniary interest in Item 13.4 DA 19/0531 – Dwelling House – 5 Allen Avenue, Renwick – as he is the owner of the property. Clr K J Halstead will be absent from the Chambers for consideration of that item.

101/3, PN1702240, LUA 09/1157

Clr I M Scandrett declared a significant pecuniary interest in Item 13.6 Section 4.55 Application to Modify Development Consent DA09/1157 – Proposed Alterations and Additions to Existing Dwelling – as he is the owner. Clr Scandrett will be absent from the Chambers for consideration of that item.

101/3.1, PN578200, 5901/52

The Deputy General Manager Corporate Strategy and Development Services declared a significant non pecuniary interest in Item 13.7 – Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong – as he is friends with the applicants. The Deputy General Manager Corporate Strategy and Development Services will be absent from the Chambers for consideration of that item.

101/3.1, 5901, PN1733790

Clr G M Turland declared a significant non-pecuniary interest in Item 13.8 – Post Exhibition Report on Rezoning of 22 Park Road, Moss Vale – as he has a business arrangement with the applicant. Clr G M Turland will be absent from the Chambers for consideration of that item.

101/3, 6330/17.10

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 22.1 - Contract: Supply and Delivery of Premixed Concrete – as he was previously employed with Boral and has shares in the company. Clr G McLaughlin will remain in the Chambers and vote on the matter.

8. MAYORAL MINUTES

8.1 2018 Local Government NSW Conference Debrief

Reference: 203/3 204/2018
Report Author: Mayor T D Gair

PURPOSE

The purpose of this report is to provide an update on the Local Government NSW Annual Conference held in Albury NSW from 21-23 October 2018.

MN 466/18

MOTION moved by Clr G J Andrews and seconded by Mayor Clr T D Gair

THAT the report on the Local Government NSW Annual Conference held in Albury NSW from 21-23 October 2018 be received and noted.

PASSED

8.2 Condolences – Mrs Patricia Tuddenham

Reference: 102
Report Author: Mayor T D Gair
Authoriser: Mayor T D Gair

PURPOSE

To formally recognise and pass on Council's prayers and condolences to the family and friends of Mrs Patricia Tuddenham.

MN 467/18

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

THAT Council offers its prayers and condolences to the family and friends of Mrs Patricia Tuddenham.

PASSED

9. PUBLIC FORUM

100/13, PN578200, 5901/52

Item 13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong

Ms Melissa Meredith addressed Council in relation to this item.

Ms Meredith sought and was granted an extension of two minutes for her presentation.

COMMITTEE OF THE WHOLE

107/10

MN 468/18

MOTION moved by Cllr I M Scandrett and seconded by Cllr 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 Cllr G Markwart to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 DA 18/0565 Concept Development Application (Master Plan) for Tourist Facilities and Associated Development at 3020 Old Hume Highway and 214 Greenhills Road Berrima

Reference: 18/0565
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Concept Plan Development DA 18/0565 which seeks approval at Lots 2 and 3 DP 584423, 3020 Old Hume Highway and 214 Greenhills Road, Berrima for a Concept Master Plan for Tourist Facilities and Associated Accommodation.

Mrs Rae Maree Dickson addressed Council in relation to this Item.

Mr Kerry Nash addressed Council in relation to this Item.

Mr Nash sought, and was granted an extension of two minutes for his presentation.

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

MN 469/18

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

1. **THAT** Development Application 18/0565 for a Concept Master Plan for Tourist Facilities and Associated Development at Lots 2 and 3 DP 584423, No 3020 Old Hume Highway and No 214 Greenhills Road, Berrima be APPROVED subject to conditions as described in Attachment 1 to the report and as amended in Item 2 below.
2. **THAT** Council notes the following amendments to the Conditions of Consent contained within Attachment 1:

Condition 8 - All buildings including their associated car parking shall be set back by a minimum of 30m from the common boundary with 3092 Old Hume Highway Berrima.

The proponent shall provide earth mounding constructed with the toe of the batter no closer than 2m from the property boundary to a maximum height of 2m and shall include continuous landscape treatments to enable suitable screening to the adjacent property to the satisfaction of the Council. The earth mounding and landscaping shall be provided to the extent of the developed area adjacent to the Southern Boundary of Bendooley Estate.

VOTING ON THE MOTION

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

Against the motion: NIL

PASSED

10.2 DA 18/0743 - Increase in Capacity of Premises, Number of Events and Car Parking Provision at “Bendooley Estate” 3020 Old Hume Highway, Berrima being part of Lot 3 DP 584423

| | |
|--|---|
| Reference: | 18/0743 |
| Report Author: | Development Assessment Planner |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | Paul Berkelouw |
| Owner: | Antikvorem Pty Ltd |
| Link to Community Strategic Plan: | Conserve the key natural resources of the Shire and minimise the impact from development |

PURPOSE

The purpose of this report is to consider Development Application 18/0743 which seeks approval at 3020 Old Hume Highway Berrima NSW 2577 part of Lot 3 DP 584423 for an increase in capacity of the premises from 130 persons (120 patrons and 10 staff) to 192 persons (180 patrons and 12 staff), increase the number of events from 52 days to 156 per calendar year and increase car parking provision from 50 spaces plus 1 accessible space to 72 spaces plus 2 accessible spaces. This report is prepared for determination, and recommends APPROVAL, subject to attached conditions of consent.

Mr Kerry Nash addressed Council in relation to this Item.

The Deputy General Manager Corporate Strategy and Development Services addressed Council in relation to this Item.

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

MN 470/18

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

1. **THAT** development application 18/0743 for a proposed increase in capacity of the Function Centre from 130 persons (120 patrons and 10 staff) to 192 persons (180 patrons and 12 staff), increase the number of events from 52 days to 156 days per calendar year and increase car parking provision from 50 spaces plus 1 accessible space to 72 spaces plus 2 accessible spaces at Lot 3 DP 584423, No 3020 Old Hume Highway, Berrima be APPROVED subject to conditions as described in Attachment 1 to the report and as amended in Item 2 below.
2. **THAT** Council notes the following amendments to the Conditions of Consent contained within Attachment 1:

Condition 1 – insert prior to “events” in the third line “full day (9am – 11pm)”
Condition 49 – Prior to the issue of the occupation certificate for the function centre an evacuation plan complying with AS 3745 shall be prepared and implemented.

PASSED

VOTING ON THE MOTION

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

Against the motion: NIL

**10.3 15/088.02 Section 4.55 Modification to Extend Period of
Consent for Events from 3 to 6 Calendar Years, 581
Greenhills Road, Berrima**

| | |
|--|---|
| Reference: | 15/088.02 |
| Report Author: | Development Assessment Planner |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | Brigid Kennedy |
| Owner: | B C Kennedy & K R Nott |
| Link to Community Strategic Plan: | Ensure tourism balances the economic benefits with impact on environment and community |

PURPOSE

The purpose of this report is to consider a Section 4.55 Modification Application to modify development consent 15/0888. 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. This report is prepared for determination and recommends APPROVAL, subject to the attached Conditions of Consent.

Clr I M Scandrett declared a pecuniary interest in this Item, as the applicant is well known to Clr I M Scandrett and he has attended functions at the property. Clr I M Scandrett removed himself from the Chambers for consideration of the Item.

Clr I M Scandrett left the chamber, the time being 5:00pm

Mr Thomas Mithen addressed Council in relation to this Item.

Mr Mithen sought, and was granted, an extension of two minutes.

The Deputy General Manager Corporate Strategy and Development Services addressed Council in relation to this Item.

The General Manager left the Chamber, the time being 5:24pm.

MN 471/18

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

1. **THAT** Modification Application 15/0888.02 under section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 to extend the period of consent for events from 3 to 6 calendar years at Lot 3 DP 597610, 581 Greenhills Road, Berrima be APPROVED subject to proposed draft conditions of development consent contained in Attachment 1 to the report.
2. **THAT** the issues raised around parking on Greenhills Road which does not comply with the conditions be referred to Council's compliance Officer for investigation.
3. **THAT** Council refer a request to the Traffic Committee a consideration of "no stopping" signs along Greenhills Road in the area around "The Loch".

PASSED

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

1. **THAT** Modification Application 15/0888.02 under section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 to extend the period of consent for events from 3 to 4 calendar years at Lot 3 DP 597610, 581 Greenhills Road, Berrima be APPROVED subject to proposed draft conditions of development consent contained in Attachment 1 to the report.
2. **THAT** the alleged parking issues on Greenhills Road associated with the development be addressed by the Applicant in conjunction with Council over the next twelve months.

ON BEING PUT TO THE VOTE THE AMENDMENT WAS LOST

VOTING ON THE AMENDMENT

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

Against the amendment: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Deputy Mayor Clr G M Turland and Clr L A C Whipper

ON BEING PUT TO THE VOTE THE MOTION WAS PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Deputy Mayor Clr G M Turland and Clr L A C Whipper

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

COUNCIL MATTERS

MN 472/18

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

THAT Council move from Committee of the Whole back into Council, the time being 5:47 pm with the Mayor Clr T D Gair resuming the Chair to conduct the remainder of Council Business.

PASSED

Clr I M Scandrett returned to the meeting, the time being 5:47pm.

The General Manager returned to the meeting, the time being 5:48pm.

QUESTIONS FROM THE PUBLIC

100/10, 5650, 5651

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

Mr Tim McCartney asked:

FITZROY IRON WORK RELICS

In relation to the Fitz Roy Iron Work relics held in trust at the Resource Recovery Centre, can you please advise:

- (a) the whereabouts and location of these important relics that were held in trust by the Council for the community?
- (b) Will Councillors support a full internal open investigation to find these important relics?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Council staff are conducting further enquiries to gather any corporate knowledge on the stone noting it is over ten years since the material was collected.

15/0678, 15/0495, 5457/7

Mr Larry Stone asked:

RETFORD PARK DEVELOPMENT

- (a) Since the Retford Park development has been up and running for a considerable time, at what time frame does the council consider it will start clearing/cleaning the Mittagong rivulet to minimise future flooding; or
- (b) Does council expect it to never happen.

This hard water surface area surely must have been taken into consideration when it was signed off for development.

REPLY FROM GROUP MANAGER ASSETS AND PROJECT DELIVERY

A proposed project to clean out the creek is planned for 2019 / 2020 financial year. This project is yet to be formally approved.

The Retford Development as part of the DA certainly addressed flood affectation considering the adopted Bowral Floodplain Management Study and Plan. Detention basins have been installed in the Retford Park development to ensure water flows off the site post development do not exceed pre development.

10.4 **Mittagong Development Control Plan - Site Specific Provisions for Affordable Housing Proposal**

Reference: 5700/69
Report Author: Coordinator Strategic Land Use Planning
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 enable Council to consider a request to incorporate site specific provisions into the Mittagong Development Control Plan to facilitate a residential development including a mix of affordable housing, seniors living and standard residential apartments.

Coordinator Strategic Land Use Planning addressed Council in relation to this Item.

MN 473/18

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

THAT Council not give in-principle support for the inclusion of site specific provisions into the Mittagong Town Plan Development Control Plan as proposed in the Report to facilitate an affordable housing development proposal in the location bound by Rainbow Road, Brewster Street, Old Hume Highway and Mineral Springs Reserve, and invite the Applicant into Council to discuss a more appropriate scale of development.

PASSED

AMENDMENT moved by Clr I M Scandrett

1. **THAT** Council give in-principle support for the inclusion of site specific provisions into the Mittagong Town Plan Development Control Plan to facilitate an affordable housing development proposal in the location bound by Rainbow Road, Brewster Street, Old Hume Highway and Mineral Springs Reserve, subject to more detailed design controls being prepared.
2. **THAT** Council support bonus floor space provisions for affordable housing to be incorporated into the 'precinct' controls on a sliding scale; with bonus floor space to be proportionate to the percentage of affordable housing to be provided.
3. **THAT** following the preparation of more detailed design controls, a draft Amendment to the Mittagong Development Control Plan be reported to Council to be endorsed for public exhibition.

AMENDMENT LAPSED FOR WANT OF A SECONDER

ON BEING PUT TO THE VOTE THE MOTION WAS PASSED

VOTING ON THE MOTION

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

Against the motion: Clr I M Scandrett

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Contract: Supply and Delivery of Premixed Concrete

| | |
|-------------------|--|
| Reference: | 6330/17.10 |
| Report Author: | Coordinator Procurement and Fleet |
| Authoriser: | Chief Financial Officer |
| Link to Community | |
| Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

The purpose of this report is to obtain Council approval to extend the existing Supply and Delivery of Premixed Concrete contract for an additional one (1) year.

MN 474/18

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

1. **THAT** in relation to the report concerning the Supply and Delivery of Premixed Concrete Contract Extension - Council adopts the recommendations contained within the Closed Council report – 22.1:

THAT Council extend the existing Supply and Delivery of Premixed Concrete Contract for a period of one (1) year with the following contractors:

- **Boral Resources Pty Ltd**
- **Concrete Pty Ltd**

PASSED

12.2 Tender for the Tree Supply and Storage - Station Street

| | |
|-----------------------------------|--|
| Reference: | 6330/18.4 |
| Report Author: | Project Manager |
| Authoriser: | Manager Project Delivery |
| Link to Community Strategic Plan: | Work collaboratively to improve and revitalise town and village centres throughout the Shire |

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Tree Supply and Storage – Station Street, Bowral.

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

MN 475/18

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

1. **THAT** *in relation to the report concerning the Tree Supply and Storage – Station Street, Council adopts the recommendations contained within the Closed Council report – Item 22.2:*

THAT *Council accepts the tender from Taradiddle Pty Ltd (t/a Winter Hill Tree Farm) at a lump sum value of \$65,900 to undertake Tree Supply and Storage – Station Street.*

PASSED

Clr I M Scandrett requested that his dissenting vote be recorded.

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 4 October 2018 to 5 November 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 4 October 2018 to 5 November 2018

MN 476/18

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

THAT the information relating to Development Applications Determined for the period 4 October 2018 to 5 November 2018 be received and noted.

PASSED

13.2 Development Applications Received from 4 October 2018 to 5 November 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 4 October 2018 to 5 November 2018

MN 477/18

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

1. **THAT** the information relating to Development Applications Received from 4 October 2018 to 5 November 2018 be received and noted.
2. **THAT** further information be provided to Council via Weekly Circular, for the following properties:
 - Item 67 - 22 Caalong Street, Robertson DA18/0423.01
 - Item 68 - "Quiet Hills" 1 Old Jamberoo Road, Robertson DA18/0758.05
 - Item 84 - "Miranda Park" 254 Centennial Road, Bowral DA16/0491.01
3. **THAT** Item 7, 39-41 Aitkin Road, Bowral be referred to Council's Heritage Advisor for comment.

PASSED

13.3 DA 18/0296 - Covered Equestrian Arena and Stables Building - 60 Ringwood Lane, Exeter

Reference: 18/0296
Report Author: Senior Town Planner
Authoriser: Group Manager Planning, Development and Regulatory Services
Applicant: A.D. Lungerhausen c/- Bureaucracy Busters
Owner: D. Lungerhausen
Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 18/0296 which seeks approval for the construction of a covered equestrian arena and stables building for private use only, at Lot 4 DP 1183141, being 60 Ringwood Lane, Exeter. This report is prepared for determination, and recommends APPROVAL, subject to attached conditions of consent.

MN 478/18

MOTION moved by Deputy Mayor Clr G M Turland and seconded by Clr G J Andrews

THAT Development Application 18/0296 which seeks approval for the construction of a covered equestrian arena building and stables building for private use only, at Lot 4 DP 1183141, being 60 Ringwood Lane, Exeter be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

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

Against the motion: NIL

13.4 DA 19/0531 - Dwelling House - 5 Allen Avenue, Renwick

| | |
|-----------------------------------|--|
| Reference: | PN1813940 & DA19/0531 |
| Report Author: | Trainee Accredited Certifier |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | K Halstead & G Halstead |
| Owner: | K Halstead & G Halstead |
| 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 development application 19/0531, which seeks consent for a dwelling house at 5 Allen Avenue, Renwick. The application has been referred to Council for determination as one of the property owners is a Councillor. Consequently this report is prepared for determination and recommends APPROVAL.

Clr K J Halstead declared a significant pecuniary interest in this Item as he is the owner of the property. Clr K J Halstead left the Chambers for consideration of the item.

Councillor K J Halstead left the chambers, the time being 6:25PM.

Councillor K J Halstead returned to the meeting, the time being 6:26PM.

MN 479/18

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

THAT development application DA 19/0531 for a proposed Dwelling House at Lot 105 DP 1221206, No 5 Allen Avenue, Renwick be APPROVED subject to conditions as described in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

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

Against the motion: NIL

13.5 DA 18/0744 - Proposed Alterations and Additions to the Wingecarribee Shire Council Administration Building, 68 Elizabeth Street, Moss Vale

| | |
|--|---|
| Reference: | 18/0744 |
| Report Author: | Contract Planner |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | Wingecarribee Shire Council |
| Owner: | Wingecarribee Shire Council |
| 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 development application 18/0744, which seeks consent for alterations and additions including re-roofing, building upgrade and infilling of internal courtyard of the Wingecarribee Shire Council Civic Centre at 68 Elizabeth Street Moss Vale. This report is prepared for determination and recommends APPROVAL, subject to attached conditions of consent.

The Group Manager Planning, Development and Regulatory Services addressed the Council in relation to this Item.

MN 480/18

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

1. **THAT** Council assume the concurrence of the Secretary Department of Planning and Environment and invoke the provisions of clause 4.6 of Wingecarribee Local Environmental Plan 2010 and resolve **THAT** in the circumstances of the case the submissions under clause 4.6 of the Wingecarribee Local Environmental Plan 2010 seeking variation of the statutory height standard contained in Clause 4.3 and FSR standard contained in Clause 4.4 are well founded, having regard to all relevant considerations under clause 4.6 of Local Environmental Plan 2010.
2. **THAT** Development application 18/0744 for re-roofing, building upgrade and courtyard infill at Wingecarribee Council Civic Centre, 68 Elizabeth Street, Moss Vale be APPROVED subject to the conditions as set out in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

For the motion: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead, Cllr G Markwart, Cllr G McLaughlin, Deputy Mayor Cllr G M Turland and Cllr L A C Whipper

Against the motion: NIL

13.6 Section 4.55 Application to Modify Development Consent DA09/1157 - Proposed Alterations and Additions to Existing Dwelling - "Mount Broughton", 144 Mt Broughton Road, Werai

| | |
|--|---|
| Reference: | PN1702240, DA09/1157.05 |
| Report Author: | Senior Accredited Certifier |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | Kathy Barnsley Architect |
| Owner: | I. Scandrett & J. Scandrett |
| 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 consider a Section 4.55 modified development application 09/1157.05, which seeks consent to carry out alterations and additions to an existing dwelling at "Mount Broughton" 144 Mt Broughton Road, Werai. The application has been referred to Council for determination as the property owner is a Councillor. This report is prepared for determination and recommends APPROVAL.

Clr I M Scandrett declared a significant pecuniary interest in this Item as he is the owner. Clr Scandrett left the Chambers for consideration of the item.

Clr I M Scandrett left the chambers, the time being 6:29PM

MN 481/18

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

THAT modified development application DA 09/1157.05 for the carrying out of alterations and additions at Lot 1 DP 804846, "Mount Broughton" 144 Mt Broughton Road Werai be **APPROVED** subject to conditions as described in Attachment 1 to the report.

PASSED

AMENDMENT moved by Deputy Mayor Clr G M Turland and seconded by Clr G McLaughlin

THAT modified development application DA 09/1157.05 for the carrying out of alterations and additions at Lot 1 DP 804846, "Mount Broughton" 144 Mt Broughton Road Werai be **DEFERRED** to undertake a site inspection of the proposed development.

ON BEING PUT TO THE VOTE THE AMENDMENT WAS LOST

VOTING ON THE AMENDMENT

For the amendment: Clr G J Andrews, Clr G McLaughlin and Deputy Mayor Clr G M Turland

Against the amendment: Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart and Clr L A C Whipper

ON BEING PUT TO THE VOTE THE MOTION WAS PASSED

VOTING ON THE MOTION

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

Against the motion: Clr G J Andrews and Deputy Mayor Clr G M Turland

13.7 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong

| | |
|-----------------------------------|--|
| Reference: | PN578200, 5901/52 |
| Report Author: | Senior Strategic Land Use Planner |
| Authoriser: | Coordinator Strategic Land Use Planning |
| Link to Community Strategic Plan: | Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns |

PURPOSE

The purpose of this report is to enable Council to consider the resolution of 12 July 2017 to amend WLEP 2010 to reduce the minimum lot size of land at Gibraltar Road Mittagong and confirm its decision specifically with regard to Lot 107 DP15496, 15 Gibraltar Road Mittagong.

The Deputy General Manager Corporate Strategy and Development Services declared a significant non pecuniary interest in this Item as he is friends with the applicants. The Deputy General Manager Corporate Strategy and Development Services left the Chambers for consideration of the item.

Clr I M Scandrett returned to the meeting, the time being 6:42PM

==

MOTION moved by Clr G Turland and seconded by Clr L Whipper

1. THAT Council amend WLEP 2010 to enable an application for a three (3) lot subdivision on the subject land to be considered to enable each of three (3) habitable buildings to be located on its own lot
2. THAT a restriction be placed on the title of any newly created lot to limit the number of dwellings on that allotment to one (1).

MN 482/18

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

1. **THAT Council amend WLEP 2010 to enable an application for a two (2) lot subdivision on the subject land to be considered to locate each of (2) two existing dwellings on its own lot.**
2. **THAT a restriction be placed on the title of any newly created lot to limit the number of dwellings on that allotment to one (1)**

VOTING ON THE AMENDMENT

For the amendment: Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin and Clr I M Scandrett

Against the amendment: Clr G J Andrews, Clr K J Halstead, Deputy Mayor Clr G M Turland and Clr L A C Whipper

ON BEING PUT TO THE VOTE THE VOTES WERE TIED AT FOUR (4) VOTES ALL

THE MAYOR USED HIS CASTING VOTE IN FAVOUR OF THE AMENDMENT

THE AMENDMENT WAS PASSED

THE AMENDMENT BECAME THE MOTION

VOTING ON THE MOTION

For the motion: Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin and Clr I M Scandrett

Against the motion: Clr G J Andrews, Clr K J Halstead, Deputy Mayor Clr G M Turland and Clr L A C Whipper

ON BEING PUT TO THE VOTE THE VOTES WERE TIED AT FOUR (4) VOTES ALL

THE MAYOR USED HIS CASTING VOTE IN FAVOUR OF THE MOTION

THE MOTION WAS PASSED

13.8 Post Exhibition Report on Rezoning of 22 Parkes Road Moss Vale

| | |
|-----------------------------------|--|
| Reference: | 5901/59, PN1733790 |
| Report Author: | Senior Strategic Land Use Planner |
| Authoriser: | Coordinator Strategic Land Use Planning |
| Link to Community Strategic Plan: | Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living |

PURPOSE

The purpose of this report is to enable Council to consider the finalisation of the post exhibition of a Planning Proposal to amend WLEP 2010 to rezone Lot 2 DP 1049909 (22 Parkes Road Moss Vale) from IN2 Light Industrial to R2 Low Density Residential with a minimum lot size of 700m².

Deputy Mayor Clr G M Turland declared a significant non pecuniary interest in this Item as he has a business arrangement with the applicant. Clr G M Turland left the Chambers for consideration of the item.

Deputy Mayor Clr G M Turland left the chambers, the time being 7:04PM.

MN 483/18

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

THAT the exhibited Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to rezone Lot 2 DP 1049909 (22 Parkes Road, Moss Vale) from IN2 Light Industrial to R2 Low Density Residential with a minimum lot size of 700m² be adopted, AND THAT the amendment to Wingecarribee Local Environmental Plan 2010 supported in the Planning Proposal be finalised in accordance with s.3.36 of the Environmental Planning and Assessment Act 1979.

PASSED

VOTING ON THE MOTION

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

Against the motion: NIL

13.9 Adoption of the 'Notification of Development Proposals Policy' - Post Exhibition

| | |
|-----------------------------------|--|
| Reference: | 5704/6 |
| Report Author: | Group Manager Planning, Development and Regulatory Services |
| Authoriser: | Deputy General Manager Corporate, Strategy and Development Services |
| Link to Community Strategic Plan: | Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities |

PURPOSE

The purpose of this report is to consider submissions received during the exhibition of the draft 'Notification of Development Proposals' policy and to seek final adoption of the draft policy position.

MN 484/18

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

1. **THAT** Council adopt the draft 'Notification of Development Proposals' Policy as per (Attachment 1) to this report.
2. **THAT** the 'Notification of Development Proposals' Policy take effect from 7 days following its adoption by Council.

PASSED

13.10 Consultation on the Draft Neighbourhood Noise Policy

| | |
|-------------------|--|
| Reference: | 5450/28.4 |
| Report Author: | Environmental Policy Officer |
| Authoriser: | Manager Environment and Sustainability |
| Link to Community | |
| Strategic Plan: | Work collaboratively to reduce pollution and its impact on our environment |

PURPOSE

This report provides feedback from the exhibition of the draft Neighbourhood Noise Policy and seeks the adoption of the draft Neighbourhood Noise Policy at **Attachment 1**.

Clr L A C Whipper left the chambers, the time being 7:05PM

MN 485/18

MOTION moved by Clr G J Andrews and seconded by Clr G Markwart

THAT the Neighbourhood Noise Policy at Attachment 1 be adopted.

PASSED

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

Nil

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

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. Minutes of the East Bowral Community Centre AGM, 30 July 2018
2. Minutes of the Wingello Mechanics Institute Management Committee 4 August 2018
3. Minutes of the Moss Vale Senior Citizens and Community Centre Management Committee 15 October 2018
4. Minutes of the Yerrinbool Hall Management Committee Meeting 23 October 2018
5. Minutes of the Loseby Park Community Hall Management Committee Minutes 26 October 2018.

Deputy Mayor Clr G M Turland returned to the meeting, the time being 7:07PM.

MN 486/18

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

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

1. ***Minutes of the East Bowral Community Centre AGM, 30 July 2018***
2. ***Minutes of the Wingello Mechanics Institute Management Committee 4 August 2018***
3. ***Minutes of the Moss Vale Senior Citizens and Community Centre Management Committee 15 October 2018***
4. ***Minutes of the Yerrinbool Hall Management Committee Meeting 23 October 2018***
5. ***Minutes of the Loseby Park Community Hall Management Committee Minutes 26 October 2018***

PASSED

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

Nil

21. GENERAL BUSINESS

1400/3, 2151

Clr L A C Whipper returned to the meeting, the time being 7:08PM

Clr G McLaughlin referred to comments made by The Hon Pru Goward MP expressing concern that council had not put in enough applications for funding. Clr McLaughlin would like to know what funding applications have been submitted to date.

LUA 03/0786.06, 101/8

Deputy Mayor Clr G M Turland tabled a petition in relation to the Gibraltar Park development on behalf of residents unable to move into their property to date. He would like to ensure the petition is addressed at the next Council meeting.

101/8

Deputy Mayor Clr G M Turland passed to Clr I M Scandrett a second document which was the front page of a petition seeking that Council be dismissed and an administrator put in place. Deputy Mayor Clr G M Turland asked Clr I M Scandrett if he had signed the document or had any knowledge of the petition. Deputy Mayor Clr G M Turland tabled a copy of the front page of the petition.

LUA 03/0786.06

Deputy Mayor Clr G M Turland requested that Council staff arrange a briefing session with Gibraltar Park Estate management before the next meeting in relation to the building certificate and sewer works that are underway at the moment.

The General Manager took Deputy Mayor Clr G M Turland's question on notice.

The Mayor T D Gair confirmed that if the briefing session can be done, it will include all Councillors.

LUA03/0786.06

Clr I M Scandrett indicated his support for a briefing session with Gibraltar Park Estate management. He requested an answer for when all orders on Gibraltar Park will be issued. In particular those orders that refer to the occupancy of the existing 16 units.

The Group Manager Planning, Development and Regulatory Services responded stating there were a number of compliance actions in relation to the site. He is looking into infrastructure servicing in and around that in terms of certification. Orders are in preparation but Group Manager Planning, Development and Regulatory Services was unable to confirm if they had been issued at this stage.

101/16, 5302

Clr I M Scandrett requested that answers to General Business questions be circulated within seven (7) days of the Council meeting. The questions are contained within the Minutes of the meeting of Council on 24 October 2018 except the answers were not provided when the minutes were dealt with. Therefore they could not be raised in Business Arising.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 14 November 2018



Clr I M Scandrett asked the Deputy General Manager Operations, Finance and Risk if there have been any discussions, unsolicited approaches or internal discussions regarding housing developments or mixed use developments involving housing on Frankland Street/Roscoe Street.

The Deputy General Manager Operations, Finance and Risk replied in the negative.

22. CLOSED COUNCIL

107/9

There was no Closed Council at this meeting as all matters were deal with earlier at the meeting.

22.1 Contract: Supply and Delivery of Premixed Concrete

| | |
|--------------------------|---|
| Reference: | 6330/17.10 |
| Report Author: | Coordinator Procurement and Fleet |
| Authoriser: | Chief Financial Officer |
| Link to Community | |
| Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

This matter was dealt with earlier in the meeting (minute no. MN474/18 on page 21).

22.2 Tender for Tree Supply and Storage - Station Street

| | |
|--------------------------|---|
| Reference: | 6330/18.18 |
| Report Author: | Project Manager |
| Authoriser: | Manager Project Delivery |
| Link to Community | |
| Strategic Plan: | Work collaboratively to improve and revitalise town and village centres throughout the Shire |

This matter was dealt with earlier in the meeting (minute no. MN475/18 on page 22)

23. RESUMPTION OF OPEN AGENDA

107/10

Not required as there was no Closed Council at this meeting.

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 487/18

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

THAT the recommendations of the Committee of the Whole held on Wednesday 14 November, 2018 being MN 469/18 to MN 471/18 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:15pm

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 14 November 2018 numbered M/N **MN 464/18** to M/N **MN 487/18** were signed by me hereunder at the Council Meeting held on Wednesday 28 November 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 28 NOVEMBER 2018

CHAIRMAN

PUBLIC OFFICER