



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 23 May 2018

The meeting commenced at 3.30 pm

File No. 100/2018

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 23 May 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 23 MAY 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 |
| Acting Group Manager Corporate and Community | Ms Danielle Lidgard |
| Group Manager Planning, Development and Regulatory Services | Mr Nicholas Wilton |
| Chief Financial Officer | Mr Richard Mooney |
| Legal Counsel | Mr Ian Lacy |
| 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 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 9 MAY 2018

MN 188/18

MOTION moved by Clr T D Gair and seconded by Clr G Markwart

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 09 May 2018 MN 168/18 to MN 187/18 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. ITEM 20.1 - NOTICE OF MOTION 12/2018 - SUPERFLUOUS COUNCIL OWNED LAND 100/4, 7120

Clr T D Gair referred to this item on page 33 of the Minutes, and noted that Council agreed to conduct an Information Session in relation to the matter. Clr Gair advised that Clr Scandrett had posted on his Facebook page – publicly - information about him (Clr Gair) which he believed to be misleading and false. Clr Gair advised that he took great exception to his name being posted by any Councillor on their Facebook page without his permission, particularly if it gave a false statement. Clr Gair asked Clr Scandrett to remove his (Clr Gair's) name from all of his posts that have denigrated him and also that denigrate other Councillors.

Clr I M Scandrett referred to page 8 of the Media Policy - 5.0 Personal views of elected members - and read from the Policy.

The Mayor Clr K J Halstead asked Clr Gair what his intent was.

Clr Gair asked Clr Scandrett to take down his name from his public Facebook page.

Clr I M Scandrett asked if Clr Gair could put his request in an email.

Clr P W Nelson suggested that it was appropriate for Clr Scandrett to apologise to Clr Gair at this point in time and further asked if it is possible for the General Manager to send the Facebook comments to the Office of Local Government.

The Mayor Clr K J Halstead advised that he will investigate this matter.

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2. ITEM 20.2 – NOTICE OF MOTION 13/2018 – STATION STREET UPGRADE 100/4, 7457

Clr G J Andrews referred to this item on pages 34 and 35 of the Minutes. Clr Andrews noted that he is a new Councillor and is well aware of how important his role is and how important it is for him to be in the Council Chamber. He advised that when the public and Councillors come through the door there is a subliminal message that is quite clear and that is the Chamber must be respected and they must behave accordingly. Clr Andrews commented that the outburst from several community members following the lapsed motion was a disgrace and an embarrassment to the Chamber and what it stood for.

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, 107/22

Clr G M Turland declared a less than significant non-pecuniary interest in Item 14.1 – Legal Report - as it is dealing with the legal costs spent to date. 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, 107/22

Clr G M Turland declared a pecuniary interest in Item 22.1 – Legal Report – Closed Council - as he currently has a legal case with Council. He stated that he would be absent from the Chambers for consideration or discussion that involved that matter.

101/3.1, 17/1144

Clr G M Turland declared a less than significant non-pecuniary interest in Item 10.1 – DA 17/1144 Three Lot Subdivision at 43 Valetta Street, Moss Vale - as he had in the past employed the consultant who was speaking on behalf of the Owner. 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, 17/1144

Clr P W Nelson declared a less than significant non-pecuniary interest in Item 10.1 – DA 17/1144 Three Lot Subdivision at 43 Valetta Street, Moss Vale - as he had served on the Board of the Moss Vale Golf Club Limited with one of the Owners and had played a couple of golf games with him. 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.

REPRESENTATIONS

102, 600/8

Clr P W Nelson advised that he was very happy to represent the Mayor at the Moss Vale Rotary Club 70th Anniversary celebrations last Saturday evening at the Moss Vale Services Club. Clr Nelson advised that the event was attended by 135 people including Mr Stephen Jones, MP, The Hon Pru Goward, MP, and Clr Gair and Clr McLaughlin. Clr Nelson advised that the Rotary Club donated a cheque for \$5,000 to the Queen Street Centre at Moss Vale, and noted that the Queen Street Centre was an initiative of the Rotary Club and that Council donated the land as part of that project.

The Mayor Clr K J Halstead thanked Clr Nelson for representing him at this function.

Clr G McLaughlin thanked the Mayor for the opportunity of representing him at the Bi-Annual Heritage Awards on Monday night. Clr McLaughlin advised that there were 25 to 30 people in attendance, and he thanked staff and the judging panel for their contribution to the event. He advised that there were marvelous winners of the Awards, including the Old Bank in Mittagong.

The Mayor Clr K J Halstead thanked Clr McLaughlin for his commitment to heritage generally and for representing him at the Awards.

Clr I M Scandrett advised that he attended the official opening of the Colo Vale Rural Fire Station to represent the Mayor. Clr Scandrett advised that it was a well-attended function, with the Hon Jai Rowell, MP, Member for Wollondilly and the Hon Angus Taylor, MP, Member for Hume, as well as senior members and officers of the RFS in attendance. He advised that it was a great honour to attend this function.

The Mayor Clr K J Halstead thanked Clr Scandrett.

COMMITTEE OF THE WHOLE

107/10

MN 189/18

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

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 McLaughlin to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

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

CORPORATE AND STRATEGY

10.1 DA 17/1144 Three Lot Subdivision at 43 Valetta Street, Moss Vale

| | |
|-----------------------------------|--|
| Reference: | 17/1144 |
| Report Author: | Town Planner |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | NM and PM Cormie C/- Bureaucracy Busters Town Planning Consultants |
| Owner: | NM and PM Cormie |
| Link to Community Strategic Plan: | Identify and protect the unique characteristics of towns and villages to retain a sense of place |

PURPOSE

The application has been requested to be determined by full Council and accordingly this report is to provide Council with an assessment of the development application and a recommendation for its determination. The recommendation is for APPROVAL as a Deferred Commencement consent.

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

Interest: Clr P W Nelson declared a less than significant non-pecuniary interest in this matter as he had served on the Board of the Moss Vale Golf Club Limited with one of the Owners and had played a couple of golf games with him. He remained in the chamber, took part in the debate and voted on the matter.

Mr John McKindley addressed Council on behalf of the Objectors.

Mr Darren Hogan, the Applicant, addressed Council 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 190/18

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

THAT development application DA 17/1144 for a proposed three (3) lot subdivision at Lot 105 DP 1189592, No 43 Valetta Street, Moss Vale be **ADJOURNED** until later in the Meeting to allow Council staff and the Applicant to discuss the objections raised in relation to the location of the driveway with a view to re-locating the alignment of the driveway to minimise impacts of vehicles on adjoining properties.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

10.2 DA17/1826 - Conversion of Existing Dwelling and Construction of New Building to Create a Single Storey 6 Room Boarding House - 26 Leopold Street, Mittagong

| | |
|-----------------------------------|--|
| Reference: | 17/1826 |
| Report Author: | Senior Town Planner |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | John R Webb & Associates |
| Owner: | Harrob2 Pty Ltd |
| 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 17/1826 which seeks approval for the conversion of the existing dwelling and construction of a new building to create a single storey 6 room boarding house at Lot 2 DP 859143, 26 Leopold Street, Mittagong. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

Ms Virginia Romney, an Objector, addressed Council.

Mr Wayne Robinson, the Owner addressed Council.

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 191/18

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

THAT Development Application 17/1826 which seeks approval for the conversion of the existing dwelling and construction of a new detached single-storey building to create a six (6) room boarding house development at Lot 2 DP 859143, 26 Leopold Street, Mittagong be APPROVED, subject to conditions of consent as described in Attachment 1 to the report.

PASSED

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 23 May 2018



VOTING ON THE MOTION

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

Against the motion: Deputy Mayor I M Scandrett

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Investment Report - April 2018

| | |
|-------------------|--|
| Reference: | 2104 |
| Report Author: | Deputy Chief Financial Officer |
| 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 present Council's Investment Portfolio held at 30 April 2018.

The General Manager addressed Council on this matter.

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

THAT in response to the documented public unethical behaviour by the major banks and some financial institutions, Council reduce its investments with A1 and A financial institutions by 10% from values as of February 2018, within the next six (6) months.

MN 192/18

AMENDMENT moved by *Clr L A C Whipper* and seconded by *Deputy Mayor I M Scandrett*

THAT the information on Council's Investments as at 30 April 2018 be received and noted.

ON BEING PUT TO THE VOTE THE AMENDMENT WAS PASSED

THE AMENDMENT BECAME THE MOTION

ON BEING PUT TO THE VOTE THE MOTION WAS PASSED

12.2 Post Exhibition Report - Urban Tree Policy

| | |
|-----------------------------------|--|
| Reference: | 900/2 |
| Report Author: | Tree and Vegetation Management Officer |
| Authoriser: | Manager Open Space, Recreation and Building Maintenance |
| Link to Community Strategic Plan: | Work collaboratively to improve and revitalise town and village centres throughout the Shire |

PURPOSE

This report provides a detailed summary of the draft Urban Tree Policy (the draft Policy) public exhibition period.

Deputy Mayor I M Scandrett left the chambers, the time being 5.16 pm.

The Manager Open Space, Recreation and Building Maintenance addressed Council on this matter.

Deputy Mayor I M Scandrett returned to the meeting, the time being 5.17 pm.

MN 193/18

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

1. **THAT** the draft Urban Tree Policy as at Attachment 1 to the report be adopted, noting an amendment to dot point 3 under the heading "Objectives" to add after the word "reduce" the words "climate change and" and the wording now to read as follows:
 - ***Maintain and increase the species, age diversity and canopy cover and function of the urban forest and streetscapes to moderate or reduce climate change and urban heat island effects.***
2. **THAT** Council acknowledges the staff involved in development and preparation of the draft Urban Tree Policy.
3. **THAT** Council notes that Endeavour Energy did not provide any response to the draft Urban Tree Policy.

PASSED

12.3 Post Exhibition Report - Draft Procurement Policy

Reference: 104/7
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Delivery Program: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This report seeks the adoption of the draft Procurement Policy (the policy).

MN 194/18

MOTION moved by Mayor K J Halstead and seconded by Deputy Mayor I M Scandrett

THAT the draft Procurement Policy included as Attachment 1 to the report be adopted by Council.

PASSED

COUNCIL MATTERS

MN 195/18

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

THAT Council move from Committee of the Whole back into Council, the time being 5.30 pm with the Mayor **Cllr 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 Acting Group Manager Corporate and Community read the questions and responses, as follows:

QUESTION FROM MS ANN PEARSON

Question 1

Item 16.1 of Council Meeting 14 March 2018 – 03/2018 – Petition To Seal 120 Metres of Ranelagh Road, Burradoo 100/8, RD1918, 7810/3

What is the progress of the contact with the developer and the outcome of the petition to seal the unsealed 120 metre section of Ranelagh Road between Hurlingham Avenue and Riversdale Road, Burradoo?

REPLY FROM GROUP MANAGER PLANNING, DEVELOPMENT AND REGULATORY SERVICES

Council made representation to the developer of Kerever Park on 20 April 2018 in accordance with the Council resolution of 14 March 2018 with a view to seeking a position on the finalising of stage 2 of the subdivision which includes the sealing of Ranelagh Road Burradoo. Council also requested what contribution the developer would make to the cost of the works.

The developer responded to Council on 7 May 2018 advising that they have no immediate plans to finalise stage 2 of the subdivision at this time and accordingly are not in a position to form and seal Ranelagh Road Burradoo. Accordingly, the developer has not indicated that they are willing to provide any contribution to the cost of sealing Ranelagh Road, Burradoo.

Council has received correspondence from Ms Pearson and also Mr McNulty dated 11 May 2018 seeking an update on the Council resolution and Council staff provided a response on 11 May 2018 outlining the developer's position.

QUESTIONS FROM MS LAUREL CHEETHAM

Station Street Upgrade

100/10, 7457

Question 1

Has the final design of the high capacity roundabout on Mittagong Road, a State classified Main Road, been approved by, or even discussed with Roads and Maritime Services? (Required for the Station Street Upgrade).

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Council is working with its design consultants to finalise the design for the Station Street Upgrade Project. Council staff have consulted the Roads and Maritime Services on the roundabout design and will have further discussions once the final designs are available.

Question 2

What are the options available to Council should it not be able to purchase the 5 parcels of land that are in State Government ownership that are required to construct the Station Street Upgrade?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Council will shortly finalise the purchase of land at the southern end of Station Street required for the roadway realignment, with a memorandum in place with the property owner for the acquisition by Council. Council continues to negotiate with the property owner of land adjacent to the Bowral Railway Station and has the support of Infrastructure NSW to assist in facilitating those discussions.

Question 3

The next step in community consultation was stated in Report 12.4 Station Street Upgrade – Community Engagement (considered by Council on 22 November 2017) as being focussed on a review of environmental factors. When will community consultation on the draft environmental assessment occur?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

The environmental assessment and determination of the Station Street Upgrade is being undertaken in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the proposed works may be carried out by or on behalf of a public authority without consent on any land under Part 4 of the EP&A Act by virtue of Clause 94 of State Environmental Planning Policy (Infrastructure) 2007. For the Station Street Upgrade proposal Wingecarribee Shire Council is both a public authority proponent (EP&A Act s1.4) and the determining authority (as defined in the EP&A Act s5.1). The Station Street Upgrade Review of Environmental Factors (REF) has been prepared in accordance with Clause 228 of the EP&A Regulation (2000).

Part 5 of the EP&A Act specifies that the determining authority, in consideration of an “activity”, has a duty to consider environmental impact.

Council is complying with its requirements under the EP&A Act and is currently completing an REF for the project. Pursuant to s5.8 of the EP&A Act, further consultation with the public is only required to be undertaken if it is determined that an Environmental Impact Statement is required for this project.

QUESTION FROM MR PETER EDWARDS

Station Street Upgrade

100/10, 7457

As Council refused to hear a motion from the Deputy Mayor on 9 May regarding aspects of the Station Street “Upgrade” and its budget that is now on public display, I ask when will Council publish for public review an Economic Cost Benefit Analysis of the Station Street “Upgrade” based on the now proposed expenditure of \$15.075 million to show the benefits to be expected, not only road user costs but also wider benefits to the community and to businesses in Bowral and the Shire?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Council does not propose to further review the Economic Cost Benefit Analysis previously completed for the Station Street Upgrade and will not therefore be exhibiting any additional information in this regard.

QUESTION FROM MR CLIVE PROBYN

Station Street Upgrade

100/10, 7457

If Council is obliged to consult with the community on its Station Street Upgrade, why is it unwilling to discuss and disclose in a public forum the loss of amenity (pedestrian bridge, existing treescape, diminished parking provision and a shrunken interchange) should this project go ahead?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Council has conducted extensive consultation with the community and provided detailed information on the Station Street Upgrade project during 2017- 2018 and continues to provide regular updates to the community via FAQs, community updates etc. on <https://www.yoursaywingecarribee.com.au/SSU>

QUESTIONS FROM MS JAN WILSON

Station Street Upgrade

100/10, 7457

Question 1

Will Council confirm the true number of all-day commuter parking spaces that will be removed from Bowral Station carpark?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Council can confirm that there will be a net loss of 10 car spaces as a result of the Station Street Upgrade Project.

Question 2

Will Council commission a survey of rail commuters at Bowral Station to ascertain their view on the loss of all day parking spaces at the station?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Council does not currently intend to conduct such a survey.

Question 3

Is the Council in breach of the Local Government Act, Division 2, Section 226(e) and Section 369?

REPLY GENERAL MANAGER

No

10. VISITOR MATTERS (ADJOURNED FROM EARLIER IN THE MEETING)

CORPORATE AND STRATEGY

10.1 DA 17/1144 Three Lot Subdivision at 43 Valetta Street, Moss Vale

| | |
|-----------------------------------|--|
| Reference: | 17/1144 |
| Report Author: | Town Planner |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | NM and PM Cormie C/- Bureaucracy Busters Town Planning Consultants |
| Owner: | NM and PM Cormie |
| Link to Community Strategic Plan: | Identify and protect the unique characteristics of towns and villages to retain a sense of place |

PURPOSE

The application has been requested to be determined by full Council and accordingly this report is to provide Council with an assessment of the development application and a recommendation for its determination. The recommendation is for APPROVAL as a Deferred Commencement consent.

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

Interest: Clr P W Nelson declared a less than significant non-pecuniary interest in this matter as he had served on the Board of the Moss Vale Golf Club Limited with one of the Owners and had played a couple of golf games with him. He remained in the chamber, took part in the debate and voted on the matter.

Mr John McKindley addressed Council on behalf of the Objectors.

Mr Darren Hogan, the Applicant, addressed Council 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 190/18

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

THAT development application DA 17/1144 for a proposed three (3) lot subdivision at Lot 105 DP 1189592, No 43 Valetta Street, Moss Vale be DEFERRED to later in the Meeting to allow Council staff and the Applicant to discuss the objections raised in relation to the location of the driveway with a view to re-locating the alignment of the driveway to minimise impacts of vehicles on adjoining properties.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

IT WAS NOTED THAT THIS MATTER WAS ADJOJURED FROM EARLIER IN THE MEETING (REFER MN 190/18 ON PAGES 10 AND 11) AND WAS RESUBMITTED TO COUNCIL FOR FURTHER CONSIDERATION FOLLOWING CONSULTATION BETWEEN COUNCIL STAFF AND THE APPLICANT. IT WAS FURTHER NOTED THAT AN AMENDED MARKED-UP SITE PLAN WAS PROVIDED VISUALLY FOR COUNCILLORS' ASSISTANCE

MOTION moved by Deputy Mayor I M Scandrett

THAT development application DA 17/1144 for a proposed three (3) lot subdivision at Lot 105 DP 1189592, No 43 Valetta Street, Moss Vale be REFUSED for the following reasons:

1. Decline of the applicant to centre the access driveway.
2. Loss of neighbour amenity.
3. Impact on hillside vistas.
4. Concern about the cut and fill and roadway construction.
5. Variation that 4 homes be served by 1 driveway.
6. The fact that the easement across the Community Oval is not agreed to as yet.
7. Impact of loss of light and loss of view to surrounding properties.

IT WAS NOTED THAT THE MOTION MOVED BY DEPUTY MAYOR I M SCANDRETT LAPSED THROUGH THE WANT OF A SECONDER

MN 196/18

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

THAT development application DA 17/1144 for a proposed three (3) lot subdivision at Lot 105 DP 1189592, No 43 Valetta Street, Moss Vale be APPROVED by way of Deferred Commencement in accordance with section 4.16(3) subject to the conditions set out in Attachment 1 to the report and also in accordance with the following additional conditions as presented to Council during the meeting and marked up on the site plan:

- (a) 1.8 metre high lap and cap fence for a distance of 45 metres on the western boundary, or as agreed to with the adjoining owners;
- (b) establishing a vegetation screen to a height limit, to be maintained at maturity, of 2.4 metres, along the boundaries of 41 and 33C Valetta Street; and
- (c) the layout variation of the driveway.

PASSED

VOTING ON THE MOTION

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

Against the motion: Deputy Mayor I M Scandrett

12. OPERATIONS FINANCE AND RISK (CONT)

12.4 Post Exhibition - Draft Backflow Prevention Policy

| | |
|-------------------|---|
| Reference: | 7790/17 |
| Report Author: | Coordinator Sewer |
| Authoriser: | Manager Water & Sewer |
| Link to Community | |
| Strategic Plan: | Manage and plan for future water, sewer and stormwater infrastructure needs |

PURPOSE

This report seeks the adoption of the Backflow Prevention Policy (the policy).

MN 197/18

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

THAT the draft Backflow Prevention Policy included as Attachment 1 to the report be adopted by Council

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Update of the Asbestos Management Policy

| | |
|-------------------|--|
| Reference: | 5450/28.3 |
| Report Author: | Environmental Policy Officer |
| Authoriser: | Environment and Health Systems Coordinator |
| Link to Community | |
| Strategic Plan: | Work collaboratively to reduce pollution and its impact on our environment |

PURPOSE

Council's Asbestos Management Policy has been reviewed. This report seeks readoption of the updated Policy at Attachment 1 to the report.

The Manager Environment and Sustainability addressed Council on this matter.

MN 198/18

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

THAT the Asbestos Management Policy at Attachment 1 to the report be adopted AND THAT the Asbestos Guide at Attachment 2 to the report be noted.

PASSED

13.2 Fees Payable to Mayor and Councillors 2018/19

Reference: 101/6
Report Author: Acting 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

To advise of the Local Government Tribunal's determination under Section 241 of the *Local Government Act 1993* in respect of the annual fees payable to Mayor and Councillors for the 2018/19 financial year.

The Acting Group Manager Corporate and Community addressed Council on this matter.

It was noted that the Attachment to the report was incorrect and the correct Attachment was handed to Councillors prior to the Meeting.

The General Manager left the Chamber at 6.03 pm.

MN 199/18

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

THAT Council determines to increase the fees paid to Councillors for the period 1 July 2018 to 30 June 2019 by 2.5% in line with Local Government Remuneration Tribunal.

PASSED

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

14. GENERAL MANAGER

14.1 Legal Report

| | |
|-------------------|--|
| Reference: | 107/22 |
| Report Author: | General Counsel |
| Authoriser: | Acting 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

Updating the report on the status of legal proceedings reported to Council at the meeting on 24 April 2018.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in Item 14.1 - as it is dealing with the legal costs spent to date. 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 Item 22.1 – Legal Report – Closed Council - as he currently has a legal case with Council. He stated that he would be absent from the Chamber for consideration or discussion that involved that matter. He remained in the chamber, took part in the debate and voted on the matter.

The General Manager returned to the Meeting at 6.17 pm.

MN 200/18

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

1. **THAT** *the information relating to ongoing legal costs in Attachment 1 to the report be noted.*
2. **THAT** *the status of the legal proceedings involving Council as set out in the Closed Council report – Item 22.1 – be noted.*

PASSED

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 Joadja Conservation Management Community Reference Group held on Friday, 2 March 2018

| | |
|-----------------------------------|--|
| Reference: | 107/16.2 |
| Report Author: | Strategic Land Use Planner - Heritage |
| Authoriser: | Coordinator Strategic Land Use Planning |
| Link to Community Strategic Plan: | Identify and protect the unique characteristics of towns and villages to retain a sense of place |

PURPOSE

This report provides the Minutes of the Joadja Conservation Management Community Reference Group Meeting held on Friday, 2 March 2018.

MN 201/18

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

THAT recommendation No JOA 9/18 - detailed in the Minutes of the Joadja Conservation Management Community Reference Group Meeting held on Friday, 2 March 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 Heritage Advisory Committee Meeting held on Friday, 2 March 2018

| | |
|-----------------------------------|--|
| Reference: | 107/16 |
| Report Author: | Strategic Land Use Planner - Heritage |
| Authoriser: | Coordinator Strategic Land Use Planning |
| Link to Community Strategic Plan: | Conserve the key natural resources of the Shire and minimise the impact from development |

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday, 2 March 2017.

MN 202/18

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

THAT recommendations Nos HAC 35/18 to HAC 41/18 – as detailed in the Minutes of the Heritage Advisory Committee Meeting held on Friday, 2 March 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 Traffic Committee held on Thursday 3 May 2018

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 3 May 2018.

MN 203/18

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

1. **THAT** recommendation Nos TC 19/18 to TC 51/18 - as detailed in the Minutes of the Traffic Committee meeting held on Thursday, 3 May 2018 be adopted, with the exception of recommendation No TC 38/18 on page 21 of the Minutes - Item 6.19 – Pedestrian Crossing Over Lamond Lane at Wingecarribee Street, Bowral **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.
2. **THAT** Item 6.19 - Pedestrian Crossing Over Lamond Lane at Wingecarribee Street, Bowral (TC 38/18) be re-submitted to the Traffic Meeting for further consideration of the installation of a pedestrian crossing over Lamond Lane or other pedestrian safety measures.

PASSED

18.4 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 4 May 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, 4 May 2018.

MN 204/18

MOTION moved by Cllr T D Gair and seconded by Cllr G J Andrews

THAT recommendations Nos SOU 7/18 to SOU 12/18 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 4 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

18.5 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 7 May 2018

| | |
|-----------------------------------|--|
| Reference: | 107/35 |
| Report Author: | Coordinator Community Development |
| Authoriser: | Acting 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 Wingecarribee Community Safety Committee Meeting held on Monday, 7 May 2017.

MN 205/18

MOTION moved by Mayor K J Halstead and seconded by Cllr G McLaughlin

THAT recommendations Nos WCSC 10/18 to WCSC 13/18 – as detailed in the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 7 May 2018 be noted.

PASSED

18.6 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 8 May 2018

Reference: 1880/58
Report Author: Administration Officer
Authoriser: Acting Group Manager Corporate and Community
Link to Community Strategic Plan: Work collaboratively to address social disadvantage

PURPOSE

This report provides the Minutes of the Community Development Advisory Committee Meeting held on 8 May 2018.

MN 206/18

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

THAT recommendation No. CD 11/18 as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 8 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

18.7 Minutes of the Finance Committee Meeting held on Wednesday, 16 May 2018

Reference: 107/21
Report Author: Administration Officer
Authoriser: Chief Financial Officer
Link to Community
Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 16 May 2018.

The General Manager addressed Council on this matter.

MN 207/18

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

THAT recommendations Nos FC 7/18 to FC 13/18 – as detailed in the Minutes of the Finance Meeting held on Wednesday, 16 May 2018 be adopted.

PASSED

19. QUESTIONS WITH NOTICE

There were no Questions with Notice at this Meeting.

Clr L A C Whipper flagged that he would raise a Matter of Urgency after the Notice of Motion was dealt with.

20. NOTICES OF MOTION

20.1 Notice of Motion 14/2018 - Election of Mayor and Deputy Mayor

| | |
|-----------------------------------|--|
| Reference: | 100/4, 102/4, 102/1 |
| Report Author: | Administration Officer |
| Authoriser: | Acting 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 Graham McLaughlin has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 23 May 2018:

1. THAT there be no Extraordinary Meeting of Council to elect the Mayor and Deputy Mayor on Wednesday, 19 September 2018.
2. THAT the election of the Mayor and Deputy Mayor take place at the following Ordinary Meeting of Council on Wednesday, 26 September 2018.

MN 208/18

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

1. **THAT** there be no Extraordinary Meeting of Council to elect the Mayor and Deputy Mayor on Wednesday, 19 September 2018.
2. **THAT** the election of the Mayor and Deputy Mayor take place at the following Ordinary Meeting of Council on Wednesday, 26 September 2018.

PASSED

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

MATTER OF URGENCY

Pie Fest Event, 23 and 24 June 2018

Clr L A C Whipper noted that the Pie Fest event is being held on the weekend of 23 and 24 June 2018 at the “Wyeera” Racecourse. He advised that there is a Council Policy that any development application that came in to Council under clause 2.8 [Temporary Use of Land under Wingecarribee LEP 2010 Environmental Management zoned land] has to be determined by Council, but the timeframe for the event does not permit this to occur. Clr Whipper asked if this matter could be dealt with as a matter of urgency so as to enable staff to determine the application.

The Mayor Clr K J Halstead ruled that this is a matter of urgency.

MN 209/18

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

THAT the request for staff to deal with the application for the Pie Fest event to be held on the weekend of 23 and 24 June 2018 at the “Wyeera” Racecourse - be dealt with as a matter of urgency.

PASSED

MN 210/18

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

THAT Council delegates authority to the General Manager to determine the Development Application for the Pie Fest event to be held on the weekend of 23 and 24 June 2018 at the “Wyeera” Racecourse venue.

PASSED

21. GENERAL BUSINESS

1. CLR I M SCANDRETT'S FACEBOOK POSTING

Clr T D Gair asked the General Manager if it was appropriate for the Facebook page of Clr I M Scandrett to be sent to the Office of Local Government to determine whether there had been misrepresentation of Councillors on his Facebook page. Clr Gair advised that he would hand up documents.

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

2. HARDSHIP POLICY IN RELATION TO RATES DEFERRAL

Clr I M Scandrett asked if staff could advise if the Hardship Policy in relation to rates deferral could be applied to the deferral of rates requests that may be received during this time of drought.

The Deputy General Manager Operations, Finance and Risk advised that the Hardship Policy is broad enough to allow for consideration of the type of situation that Clr Scandrett spoke about. He advised that people need to fill out an application and provide the necessary financial details, and it would be assessed.

3. SUPPORT FOR FARMERS

Clr I M Scandrett asked if staff could advise whether there are any opportunities in a similar way, eg, slashing of hay on Council owned properties, that could provide feed for farmers who may be experiencing difficulties at this time. Clr Scandrett suggested that there may be other opportunities to provide assistance as the situation deteriorated.

The General Manager advised that the question would be taken on notice.

4. RANELAGH ROAD, BURRADOO 100/4, RD1918, 7810/3

Clr G M Turland asked when Council would undertake the sealing work in Ranelagh Road, Burradoo, as the developer is not going to do it.

The General Manager advised that the question would be taken on notice.

5. KINGS ROAD, MOSS VALE RD3365, RD8025 1010

Clr G M Turland asked if the Traffic Committee could consider the right-hand turn for traffic travelling on Argyle Street and turning right into Kings Road, Moss Vale, as it is extremely dangerous and there are often long delays for other traffic.

The General Manager advised that the question would be taken on notice.

6. MEDIA POLICY

Clr G M Turland asked if the letters had been sent to media representatives seeking their accreditations.

The Deputy General Manager Corporate, Strategy and Development Services advised that letters have been sent out.

Clr G M Turland advised that he was tabling some documentation from Clr Scandrett.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

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

22.1 Legal Report - Closed Council

| | |
|--------------------------|---|
| Reference: | 107/22 |
| Report Author: | General Counsel |
| Authoriser: | Acting 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 |

This Item was dealt with earlier in the Meeting (refer MN 200/18 on page 29).

23. RESUMPTION OF OPEN AGENDA

107/10

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

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 211/18

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 23 May 2018 being MN 190/18 to MN 195/18 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.48 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 23 May 2018 numbered M/N 188/18 to M/N 211/18 were signed by me hereunder at the Council Meeting held on Wednesday 13 June 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 13 JUNE 2018

CHAIRMAN

PUBLIC OFFICER