



# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss  
Vale

on

**Wednesday 28 March 2018**

The meeting commenced at 3.30 pm

*File No. 100/2018*

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<b>3. PRAYER</b>	
<b>4. APOLOGIES</b>	
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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 28 MARCH 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 Corporate, Strategy and Development Services	Mr Mark Pepping
Group Manager Corporate and Community	Mr Nick O'Connor
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Coordinator Strategic Land Use Planning	Mr Michael Park
Chief Financial Officer	Mr Richard Mooney
Coordinator Corporate, Strategy and Governance (in part)	Ms Danielle Lidgard
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.

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## **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."*

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### 3. PRAYER

The meeting was led in prayer by Reverend Doug McPherson, Presbyterian Church, Mittagong.

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### 4. APOLOGY

An apology was received from the Deputy General Manager Operations, Finance and Risk.

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### 5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY  
14 MARCH 2018

#### **MN 89/18**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 14 March 2018 MN 70/18 to MN 88/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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### 6. BUSINESS ARISING

1. ITEM 12.4 – PROPOSED LEASE TO ILLAWARRA LOCAL ABORIGINAL LAND COUNCIL, PROPOSED LOT 1, 1 RAINBOW STREET, MITTAGONG  
PN7000000, 1826/14

Clr I M Scandrett referred to this Item on page 14 of the Minutes and advised that he is proposing to add a Motion of Urgency in relation to that item. He advised that his proposed motion included consultation between Councillors, the ILC, the s355 Committee and other user groups, and that the matter be deferred until agreement was reached by all parties.

The Mayor Clr K J Halstead advised that he would not accept Clr Scandrett's request as the lease is now on public exhibition and that all Aboriginal groups and any other groups may make submissions during the exhibition period. The Mayor advised that all submissions would be given serious consideration.

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 28 March 2018



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Clr G M Turland called a point of order and advised that Council cannot bring a motion arising from the past Minutes.

The Mayor advised that that was correct. He advised that Clr Scandrett's request was not a matter of urgency and the process will proceed and will be looked at in the appropriate way and that Clr Scandrett, as one, could make a submission.

Clr G Markwart advised that he was surprised at the amount of feedback on the issue, and that he was aware that some people in the community had been somewhat upset and offended at this proposal. He advised that he would like to apologise for any hurt he may have caused, and at the end of the submission period he will very carefully read through the submissions and make a decision on the information at that time.

Clr L A C Whipper advised that it is not his opinion that the matter requires a motion of urgency, but he had made a direct offer to the s355 Management Committee to facilitate, through the Mayor, a meeting with all Councillors, the CEO of the Illawarra Local Aboriginal Land Council, representatives of the s355 Management Committee and that there has been no interest in a meeting. He advised that he would like to see some positive outcomes for the Aboriginal community in the long-term.

Clr I M Scandrett advised he was pleased that Clr Whipper extended the invitation but there had been enough dialogue, and that his emails speak for themselves, and that is why he raised it as a motion of urgency. He advised that the exhibition period should be longer.

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## 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. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

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101/3, 107/22

Clr G M Turland declared a pecuniary interest in Item 22.3 – Legal Report – Closed Council – No 20 of Ongoing Legal Cases. He stated that he would leave the chamber when this matter was discussed and take no part in the debate and voting thereon.

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101/3, 101/3.1

Clr I M Scandrett asked for clarification from the staff about Item 19.3 – [Question with Notice 04/2018 – Minimum Lot Size Made in the LEP – Lindsay Taylor Lawyers Infocus Newsletter] and does that affect strata developments in the Shire?

The General Manager advised that this is totally irrelevant to what we are dealing with at the moment which is Declarations of Interest and that, as Councillors well know, it is up to each individual Councillor to make their own decision as to whether or not they have a Declaration to make.

The Mayor Clr K J Halstead thanked the General Manager for her comment.

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## 8. MAYORAL MINUTES

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### 8.1 Tathra Fire Disaster Relief

Reference: 102/5  
Report Author: Mayor

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#### **PURPOSE**

The purpose of this Mayoral Minute is to seek Council's support for a financial contribution to assist the Bega Valley Shire Council in its Mayoral Appeal Fund for the recent bushfires which devastated the Tathra township on the NSW South Coast.

#### **MN 90/18**

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

**THAT Council supports the Bega Valley Shire Council Mayoral Appeal Fund by way of a \$5,000 financial contribution AND THAT it be funded from the Mayoral Relief Fund.**

**PASSED**

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## 8.2 Acknowledge the Achievements of Paralympians – Melissa Perrine and Sam Tait

Reference: 102/5  
Report Author: Mayor

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### **PURPOSE**

The purpose of this Mayoral Minute is to acknowledge the achievements of local Paralympians Melissa Perrine and Sam Tait at the recent Winter Olympics held in PyeongChang, Korea.

### **MN 91/18**

**MOTION** moved by Mayor K J Halstead and seconded by Cllr L A C Whipper

1. **THAT Council acknowledge the achievements of local residents and Paralympians Melissa Perrine and Sam Tait at the recent PyeongChang Winter Olympics.**
2. **THAT Council congratulate Alpine Skier, Melissa Perrine on her outstanding result in winning bronze medals in both the Women's Para-Super-Combined and the Women's Giant Slalom Vision-Impaired Class.**

**PASSED**

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## 8.3 2018 National General Assembly of Local Government – Call for Motions

Reference: 102/5  
Report Author: Mayor

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### **PURPOSE**

The purpose of this Mayoral Minute is to nominate a motion for inclusion in the National General Assembly Annual Conference Agenda Paper and this item be forwarded to the Australian Local Government Association by the closing date of Friday 30 March 2018.

Clr L A C Whipper noted a correction in the first paragraph under the Report heading that the word should be “sensitivities” not “insensitivities”.

### **MN 92/18**

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

1. **THAT** the National General Assembly support a call for the Australian Local Government Association to advocate for inclusion of issues surrounding exploitation of children, women and animals as a consideration in Council’s Procurement Policies.
2. **THAT** where goods and services are proven to have a negative social or environmental impact or exploits Indigenous Cultures, children, women or animals or negative social impact due to manufacture or production, that these be avoided.

**PASSED**

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## 9. PUBLIC FORUM

1. ITEM 13.2 – PROCESSING OF DEVELOPMENT APPLICATIONS IN WINGECARRIBEE SHIRE 503/42

Mr David O'Brien, representing G J Gardner Homes, requested and was granted approval to speak on this matter which was listed on the Agenda.

2. ITEM 19.1 – QUESTION WITH NOTICE 02/2018 – BIODIVERSITY LEGISLATION 101/2, 5450/20

Ms Rebecca Hogan requested and was granted approval to speak on this matter which is listed on the Agenda.

The Mayor Clr K J Halstead thanked Mr O'Brien and Ms Hogan for their comments and noted that these matters would be considered later in the Meeting.

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## SUSPENSION OF STANDING ORDERS

7457/4

Clr T D Gair advised that he would like to move a suspension of standing orders to address the comments raised on a local radio station this morning in relation to the Station Street Upgrade.

### **MN 93/18**

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

**THAT** Standing Orders be suspended in order to address the comments raised on a local radio station this morning regarding the Bowral Distributor Road.

**PASSED**

### **MN 94/18**

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

1. **THAT** Council express its disappointment regarding recent comments made by Clr Ian Scandrett about Station Street, Bowral in the media.
2. **THAT** Council issue under the Mayor and General Manager's signature, a statement outlining the facts in relation to the funding and proposed construction of the Bowral Distributor Road.
3. **THAT** a press release and covering letter be forwarded to the Office of Local Government and relevant members of State Parliament.

**PASSED**

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

## RESUMPTION OF STANDING ORDERS

### **MN 95/18**

**RESUMPTION OF STANDING ORDERS** moved by Clr T D Gair and seconded by Clr G McLaughlin

**THAT** Standing Orders be resumed.

**RESUMPTION OF STANDING ORDERS PASSED**

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COMMITTEE OF THE WHOLE

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107/10

**MN 96/18**

**MOTION** moved by Cllr G McLaughlin and seconded by Cllr P W Nelson

**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 M Turland to take the Chair.

**PASSED**

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## 10. VISITOR MATTERS

### OPERATIONS

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

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## **CORPORATE AND STRATEGY**

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

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## 11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

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## 12. OPERATIONS FINANCE AND RISK

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### 12.1 Investment Report - February 2018

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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#### **PURPOSE**

The purpose of this report is to present Council's Investment Portfolio held at 28 February 2018.

The Chief Financial Officer addressed Council on this matter.

#### **MN 97/18**

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

**THAT** the information on Council's Investments as at 28 February 2018 be received and noted.

**PASSED**

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## 12.2 Council Property - Lot 13 Kirkham Street, Moss Vale

Reference:	PN819550
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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### PURPOSE

The purpose of this report is to inform Council of a request to purchase a landlocked reserve at Lot 13 Kirkham Street, Moss Vale by the adjoining owner and to advise Council of its options.

The Chief Financial Officer addressed Council on this matter.

### **MN 98/18**

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

1. **THAT** Council give a minimum 28 days public notice of its intention to consider the reclassification of Lot 13 Kirkham, Street Moss Vale from Community Land to Operational Land **AND THAT** a further report be forwarded to a future Council meeting to advise Council of the outcome of that public notice.
2. **THAT** a covenant be registered on the title of the property specifying that no building structures are to be erected on the subject land at any time in the future.

**PASSED**

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## 12.3 Acquisition of Easement to Drain Water, Caalong Street Robertson

<b>Reference:</b>	<b>PN299000; PN299100; PN299200; PN299300; PN1789510</b>
<b>Report Author:</b>	<b>Coordinator Property Services</b>
<b>Authoriser:</b>	<b>Chief Financial Officer</b>
<b>Link to Community Strategic Plan:</b>	<b>Effective financial and asset management ensure Council's long term sustainability</b>

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### PURPOSE

The purpose of this report is to seek Council approval to negotiate for the acquisition of an Easement to Drain Water affecting the properties 42-44, 46, 48, 50 and 52-54 Caalong Street Robertson

**MN 99/18**

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

1. **THAT** the General Manager be delegated authority to negotiate with the owners of the following properties for the acquisition of an Easement to Drain Water (3 metres wide):
  - (a) 42-44 Caalong Street Robertson
  - (b) 46 Caalong Street Robertson
  - (c) 48 Caalong Street Robertson
  - (d) 50 Caalong Street Robertson
  - (e) 52-54 Caalong Street Robertson
  
2. **THAT** if the acquisitions referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
  - (a) acquire the easements by compulsory acquisition under Sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
  - (b) approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1993 (NSW) with respect to the easements **AND THAT** Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
  - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1993 (NSW) with respect to the easements.
  
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the land referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents.
  
4. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the land referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

**PASSED**

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## 12.4 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: Ensure systems and processes are in place to achieve mutual trust and collaboration

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### **PURPOSE**

The purpose of this report is to seek Council approval to negotiate compensation for the compulsory acquisition of land by agreement, being Part Retford Farm, Old South Road Bowral (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 recommendation as contained within the Closed Council report.

### **MN 100/18**

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

**THAT** in relation to the report concerning Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral - Council adopts the recommendation contained within the Closed Council report – Item 22.2 **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 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**

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## 12.5 Draft Procurement Policy

Reference: 104/7, 105/10  
Report Author: Chief Financial Officer  
Authoriser: Deputy General Manager Operations, Finance and Risk  
Link to Corporate Plan: Effective financial and asset management ensure Council's long term sustainability

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### **PURPOSE**

The purpose of this report is to seek Council approval for the public exhibition of the draft Procurement Policy.

The Chief Financial Officer addressed Council on this matter.

### **MN 101/18**

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

1. **THAT** the draft Procurement Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following the conclusion of the public exhibition period.

**PASSED**

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## 12.6 Public Exhibition of Draft Liquid Trade Waste Policy and Guidelines

Reference:	104/7, 7645
Report Author:	Coordinator Sewer
Authoriser:	Manager Water & Sewer
Link to Community Strategic Plan:	Work collaboratively to reduce pollution and its impact on our environment

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### **PURPOSE**

To gain approval to go out to public exhibition of the updated draft Liquid Trade Waste Policy and Guidelines.

### **MN 102/18**

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

1. **THAT** Council approves public exhibition of the draft Liquid Trade Waste Policy and Guidelines for 42 days.
2. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

**PASSED**

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## 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Tender for Bushland and Natural Resource Management Services

Reference:	6330/17.13
Report Author:	Natural Resource Project Coordinator
Authoriser:	Manager Environment and Sustainability
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

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#### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for Bushland and Natural Resource Management Services.

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

**MN 103/18**

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

**THAT** in relation to the report concerning Bushland and Natural Resource Management Services - Council adopts the recommendations contained within the Closed Council report – Item 22.1, as follows:

**THAT** Council accept Tender 6330/17.13 Bushland and Natural Resource Management Services in accordance with the associated categories and listed tenderers, including the submitted schedules of rates, to form a panel arrangement for a period of two (2) years with the option to extend for another two (2) x one (1) year periods, as follows:

<b>Category</b>	<b>Item Name</b>	<b>Eligible Contractors</b>
<b>Bushland Regeneration</b>	<b>Primary Weeding</b>	<ul style="list-style-type: none"> <li>• Bowantz Bushfire &amp; Environmental</li> <li>• CJ Environmental Pty Ltd</li> <li>• EnviroAg Services</li> <li>• Southern Habitat NSW Pty Ltd</li> <li>• Toolijooa</li> <li>• Total Earth Care Pty Ltd</li> </ul>
	<b>Comprehensive secondary and maintenance weeding</b>	<ul style="list-style-type: none"> <li>• Bowantz Bushfire &amp; Environmental</li> <li>• CJ Environmental Pty Ltd</li> <li>• EnviroAg Services</li> <li>• Southern Habitat NSW Pty Ltd</li> <li>• Toolijooa</li> <li>• Total Earth Care Pty Ltd</li> </ul>
	<b>Abseiling / Rope Access Work</b>	<ul style="list-style-type: none"> <li>• Canopy Tree Pty Ltd</li> <li>• EnviroAg Services</li> <li>• Toolijooa</li> <li>• TreeServe Pty Ltd</li> </ul>
<b>Herbicide Spraying</b>	<b>Hand Spraying</b>	<ul style="list-style-type: none"> <li>• Bowantz Bushfire &amp; Environmental</li> <li>• Bruce Noble Rural Contracting</li> <li>• CJ Environmental Pty Ltd</li> <li>• EnviroAg Services</li> <li>• Southern Habitat NSW Pty Ltd</li> <li>• Toolijooa</li> <li>• Total Earth Care Pty Ltd</li> <li>• TreeServe Pty Ltd</li> </ul>

<b>Herbicide Spraying (continued)</b>	<b>Vehicle Mounted Spraying</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>CJ Environmental Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>Total Earth Care Pty Ltd</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
<b>Revegetation</b>	<b>Preparation</b>	<ul style="list-style-type: none"> <li>• <b>All Scale Tree Services</b></li> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> </ul>
	<b>Planting</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> </ul>
	<b>Watering (post planting)</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> </ul>
<b>Seed Collection</b>	<b>Seed Collection and Processing for Storage</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>CJ Environmental Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Toolijooa</b></li> </ul>
<b>Arboricultural Work</b>	<b>Fell / Prune small trees</b>	<ul style="list-style-type: none"> <li>• <b>All Scale Tree Services</b></li> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Canopy Tree Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>

<b>Arboricultural Work (continued)</b>	<b>Fell / Prune large trees</b>	<ul style="list-style-type: none"> <li>• <b>All Scale Tree Services</b></li> <li>• <b>Canopy Tree Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
	<b>Trim and cross cut felled trees</b>	<ul style="list-style-type: none"> <li>• <b>All Scale Tree Services</b></li> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Canopy Tree Pty Ltd</b></li> <li>• <b>CJ Environmental Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>Total Earth Care Pty Ltd</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
<b>Infrastructure Installation and Repairs</b>	<b>Fire Trail Gate and Bollard installation and repairs</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Smiths Land Maintenance</b></li> </ul>
	<b>Supply and installation of Rural Fencing – 5 strand plain wire</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>Smiths Land Maintenance</b></li> </ul>
	<b>Supply and Installation of Rural Fencing – 5 strand plain wire + one offset-electric wire</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>Smiths Land Maintenance</b></li> </ul>
	<b>Supply and Installation of Rural Fencing – 3-strand electric wire</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>Smiths Land Maintenance</b></li> </ul>
<b>Vegetation Management</b>	<b>Mowing, Slashing and Brushcutting using small plant</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Smiths Land Maintenance</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>

<b>Vegetation Management (continued)</b>	<b>Tractor mounted vegetation slashing / mulching</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>Smiths Land Maintenance</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
	<b>Forestry mulching</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Bruce Noble Rural Contracting</b></li> <li>• <b>Smiths Land Maintenance</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
	<b>Chipping plant debris</b>	<ul style="list-style-type: none"> <li>• <b>All Scale Tree Services</b></li> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Canopy Tree Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
	<b>Green waste removal</b>	<ul style="list-style-type: none"> <li>• <b>All Scale Tree Services</b></li> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Canopy Tree Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>Toolijooa</b></li> <li>• <b>Total Earth Care Pty Ltd</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
	<b>Small rubber tracked excavator-assisted clearing of weeds (large shrubs and brambles)</b>	<ul style="list-style-type: none"> <li>• <b>All Scale Tree Services</b></li> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>Southern Habitat NSW Pty Ltd</b></li> <li>• <b>TreeServe Pty Ltd</b></li> </ul>
<b>Vertebrate Pest Control</b>	<b>Rabbit Warren Fumigation</b>	<ul style="list-style-type: none"> <li>• <b>CJ Environmental Pty Ltd</b></li> </ul>
	<b>Rabbit Baiting</b>	<ul style="list-style-type: none"> <li>• <b>Bowantz Bushfire &amp; Environmental</b></li> <li>• <b>CJ Environmental Pty Ltd</b></li> <li>• <b>EnviroAg Services</b></li> </ul>

**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

Wednesday 28 March 2018



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<b><i>Weed Inspections</i></b>	<b><i>Weed Inspection</i></b>	
		<ul style="list-style-type: none"><li>• <b><i>Bowantz Bushfire &amp; Environmental</i></b></li><li>• <b><i>EnviroAg Services</i></b></li><li>• <b><i>Smiths Land Maintenance</i></b></li><li>• <b><i>Southern Habitat NSW Pty Ltd</i></b></li></ul>

**PASSED**

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## 13.2 Processing of Development Applications in Wingecarribee Shire

Reference:	503/42
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

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### PURPOSE

The purpose of this report is to provide Council with information and data in relation to the processing of development applications through the Planning, Development and Regulatory Services Branch of Council and also inform Council of the recent changes to the NSW *Environmental Planning and Assessment Act 1979*.

The Deputy General Manager Corporate, Strategy and Development Services addressed Council on this matter.

### **MN 104/18**

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

1. **THAT** the information provided in the report in relation to Processing of Development Applications in Wingecarribee Shire be noted by Council.
2. **THAT** when required stand-alone Briefing Sessions be held for Councillors on development applications.

**PASSED**

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COUNCIL MATTERS

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**MN 105/18**

**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 5.50 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

**PASSED**

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## QUESTIONS FROM THE PUBLIC

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100/10

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

### **COUNCIL'S PLANNING DEPARTMENT**

503/42

Mr Charlie Johns asked:

#### **Question 1**

If there are no inappropriate and long delays in Council's Planning Department, why after a ratepayer rings Council to see how his application is progressing was he told by the planner that the CDC application, submitted 8 weeks ago on 17/1/2018 for a shed/studio of under 60m<sup>2</sup>, had not yet even been looked at?

### **REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**

The Application, the details of which have been withheld for privacy reasons, was lodged on 17 January 2018. Additional information was requested by letter on 15 March 2018. The application was determined by way of approval on 27 March 2018 and will be released to the applicant once all documents associated with the approval are collated.

#### **Question 2**

Following Mayor Halstead's statement on local radio that he considered there were major issues with the time DAs were taking, what action is Council taking to address these long, unacceptable and inappropriate delays in the Planning Department in relation to DAs and other processes that are now having serious financial effects on developers, builders, tradesmen, associated industries and the local economy?

### **REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**

Please refer to Agenda Item 13.2.

#### **Question 3**

Given the Mayor's remarks it is obvious these delays he speaks about will eventually have serious long term financial effects on applicants, including builders, tradesmen and other associated businesses; will Council be compensating them for their financial losses due to these long, inappropriate and unacceptable delays in the Councils Planning Department's processing of DAs, other associated documentation and procedures?



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**REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**

Please refer to Agenda Item 13.2.

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## 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES (CONT)

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### 13.3 Heritage Advisory Committee

Reference:	107/16
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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#### **PURPOSE**

The purpose of this report is to advise that Councillor Garry Turland has tendered his resignation from the Heritage Advisory Committee effective immediately.

The General Manager left the Chamber at 5.54 pm.

#### **MN 106/18**

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

**THAT** Clr P W Nelson be elected as the Alternate Chair on the Heritage Advisory Committee effective immediately.

**PASSED**

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## 14. GENERAL MANAGER

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### 14.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
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

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#### **PURPOSE**

Updating the report on the status of legal proceedings reported to Council at the meeting on 28 February 2018.

The Group Manager Corporate and Community and Chief Financial Officer addressed Council on this matter.

#### **MN 107/18**

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

1. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.3.
2. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.

#### **PASSED**

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

There were no representations from the public.

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## 15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

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## 16. PETITIONS

There were no Petitions at this Meeting.

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## 17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

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## 18. COMMITTEE REPORTS

### 18.1 Minutes of the Traffic Committee held on Thursday 1 March 2018

Reference:	107/6
Report Author:	Administration Officer
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

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#### **PURPOSE**

This report provides the Minutes of the Traffic Committee Meeting held on Thursday, 1 March 2018.

The General Manager returned to the Meeting at this juncture.

#### **MN 108/18**

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

1. **THAT** recommendations Nos TC1/18 to TC18/18 – as detailed in the Minutes of the Traffic Committee Meeting held on Thursday, 1 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.
2. **THAT** a formal expression of thanks on behalf of Council go to the Road Safety Officer, Ms Melanie Lausz who has resigned from Council.

**PASSED**

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## 18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018

Reference:	1823/3
Report Author:	PA for Mayor
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

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### **PURPOSE**

This report provides the Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 7 March 2017.

### **MN 109/18**

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

1. **THAT** recommendations Nos DEM 1/18 to DEM 5/18 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 7 March 2018 be adopted, with the exception of resolution No 2 of Item 6.2 Strategic Planning Programme for 2018, noting that the resolution should be worded as follows:  
  
“2. **THAT** the Committee’s concerns regarding the ability of the State Government to overrule Council’s policy position on greenfields development are noted.”
2. **THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

**PASSED**

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## 18.3 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 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

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### **PURPOSE**

This report provides the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 March 2018.

### **MN 110/18**

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

**THAT** recommendations Nos SOU 1/18 to SOU 6/18 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 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**

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## 19. QUESTIONS WITH NOTICE

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### 19.1 Question with Notice 02/2018 - Biodiversity Legislation

**Reference:** 101/2, 5450/20  
**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

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**To:** General Manager  
**From:** Clr Garry Turland  
**Received:** 21 March 2018

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**Subject:** Biodiversity Legislation

**Question:**

Would Council arrange to hold a Briefing Session on the new Biodiversity Legislation with staff and accredited consultant, Beck Hogan?

**Response:**

A number of Council staff have attended various sessions relating to the new Biodiversity Legislation. Initially it would be appropriate for staff only to brief the Councillors on the new Legislation.

***MN 111/18***

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

***THAT*** Council arrange a Briefing Session on the new Biodiversity Conservation Legislation with appropriate Council staff and a Biodiversity Conservation accredited consultant.

***PASSED***

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## 19.2 Question with Notice 03/2018 - Unfair Charges to Council by the Environment Protection Authority

**Reference:** 101/2, 5450/2  
**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

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**To:** General Manager  
**From:** Clr Garry Turland  
**Received:** 21/03/2018

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**Subject:** Unfair Charges to Council by the Environment Protection Authority

**Question:**

Has Council had a response from the EPA and the Environment Minister re the unfair charges to WSC being charged Metropolitan \$138 per tonne and the Wollondilly Council as \$79 per tonne as they are rated as a Rural Council?

Council should request a response from our local politicians and request held from our new Canberra Region Joint Organisation.

**Response:**

Letters were forwarded to:

1. Ms Sarah Gardner, Executive Director Waste and Resource Recovery, Environment Protection Authority
2. The Hon Gabrielle Upton, MP, Minister for Environment and Heritage
3. The Hon Penny Sharpe, MLC, Shadow Minister for Environment and Heritage
4. The Hon Luke Foley, MP, Opposition Leader
5. The Hon Pru Goward, MP, Member for Goulburn
6. Mr Jai Rowell, MP, Member for Wollondilly

To date no responses have been received to Council's correspondence.

The General Manager addressed Council on this matter.

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**MN 112/18**

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

**THAT** Council re-issue the letter to:

1. Ms Sarah Gardner, Executive Director Waste and Resource Recovery, Environment Protection Authority
2. The Hon Gabrielle Upton, MP, Minister for Environment and Heritage
3. The Hon Penny Sharpe, MLC, Shadow Minister for Environment and Heritage
4. The Hon Luke Foley, MP, Opposition Leader
5. The Hon Pru Goward, MP, Member for Goulburn
6. Mr Jai Rowell, MP, Member for Wollondilly

requesting a response to Council's previous correspondence forwarded in December 2017 **AND THAT** if no response is received Council will make public comment, noting the financial burden to the Shire over the period of time since implementation of the charges.

**PASSED**

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

**THAT** Council pay \$79 per tonne to the EPA until such time as a response is received to Council's correspondence sent in December 2017.

**THE ADVICE OF THE GROUP MANAGER CORPORATE AND COMMUNITY AND THE GENERAL MANAGER WAS THAT THE AMENDMENT WAS UNLAWFUL AND SHOULD NOT BE VOTED ON BY COUNCILLORS**

**IT WAS NOTED THAT CLR G MARKWART WITHDREW AS SECONDER OF CLR G M TURLAND'S AMENDMENT**

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### 19.3 Question with Notice 04/2018 - Minimum Lot Size Made in the LEP - Lindsay Taylor Lawyers Infocus Newsletter

**Reference:** 101/2  
**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

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**To:** General Manager  
**From:** Clr Garry Turland  
**Received:** 21/03/2018

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**Subject:** Minimum Lot Size Made in the LEP – Lindsay Taylor Lawyers Infocus Newsletter

**Question:**

Can staff brief Councillors on the recent court case re the interpretation of the minimum lot size that affects strata subdivisions, townhouses/apartments?

**Response:**

Council staff will investigate and review the matter initially with Council's Legal Consultants and arrange a Councillor Briefing.

**MN 113/18**

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

**THAT** Council staff investigate and review the matter initially with Council's Legal Consultants and arrange a Councillor Briefing

**PASSED**

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## 20. NOTICES OF MOTION

### 20.1 Notice of Motion 08/2018 - Water and Sewerage Development Servicing Plans

Reference:	100/4, 7799/14
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

#### PURPOSE

Councillors Ken Halstead and Larry Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 28 March 2018:

1. THAT Council adopt the amendment to the Water and Sewerage Development Servicing Plans with revised wording as follows:

For development consents (including complying development certificates) granted by the Council or a Private Certifier prior to 15 September 2017 and where an application is made to the Council under section 305 of the Water Management Act 2000 for a certificate of compliance for the development prior to close of business (4.30pm) on 6 July 2018, the following developer charges apply:

- Water Supply Developer Charge - \$6,736.74 per ET
- Sewerage Developer Charge - \$8,574.04 per ET

Where an application for a certificate of compliance is made after 6 July 2018, the development will be subject to the rates as adopted by the revised Development Servicing Plan that came into effect on 15 September 2017.

2. THAT the three (3) month moratorium period commence on Friday, 6 April 2018 and conclude at close of business (4.30 pm) on Friday, 6 July 2018.
3. THAT Council writes to all affected owners/applicants with existing development consents approved between 15 September 2012 and 15 September 2017 to notify them of Council's resolution.
4. THAT Council publicly notify the moratorium period in the local and Sydney media, signage at Council facilities, Council publications such as Wingecarribee Today and on Council's website.
5. THAT at the end of the moratorium period a report be provided to Council on the lost revenue for the Water and Sewerage Development Servicing Plans reductions.

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The Deputy General Manager Corporate, Strategy and Development Services and Group Manager Planning, Development and Regulatory Services addressed Council on this matter.

**MN 114/18**

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

1. **THAT** Council adopt the amendment to the Water and Sewerage Development Servicing Plans with revised wording as follows:

*For development consents (including complying development certificates) granted by the Council or a Private Certifier prior to 15 September 2017 and where an application is made to the Council under section 305 of the Water Management Act 2000 for a certificate of compliance for the development prior to close of business (4.30pm) on Friday, 18 May 2018, the following developer charges apply:*

- Water Supply Developer Charge - \$6,736.74 per ET
- Sewerage Developer Charge - \$8,574.04 per ET

*Where an application for a certificate of compliance is made after Friday, 18 May 2018, the development will be subject to the rates as adopted by the revised Development Servicing Plan that came into effect on 15 September 2017.*

2. **THAT** the six (6) weeks moratorium period commence on Friday, 6 April 2018 and conclude at close of business (4.30 pm) on Friday, 18 May 2018.
3. **THAT** Council writes to all affected owners/applicants with existing development consents approved between 15 September 2012 and 15 September 2017 to notify them of Council's resolution.
4. **THAT** Council publicly notify the moratorium period in the local and Sydney media, signage at Council facilities, Council publications such as Wingecarribee Today and on Council's website.
5. **THAT** at the end of the moratorium period a report be provided to Council on the lost revenue for the Water and Sewerage Development Servicing Plans reductions.

**PASSED**

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## 20.2 Notice of Motion 09/2018 - Council Operated Retirement Village

Reference:	100/4
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

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### PURPOSE

Councillor Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 March 2018:

THAT Council invite the Mayor, General Manager and representatives of Kiama Shire Council to brief Wingecarribee Shire Councillors and General Manager in relation to the Council operated Retirement Village facility and the benefits of such operation.

The General Manager addressed Council on this matter.

### **MN 115/18**

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

THAT Council invite the Mayor, General Manager and representatives of Kiama Shire Council to brief Wingecarribee Shire Councillors and General Manager in relation to the Council operated Retirement Village facility and the benefits of such operation.

### **LOST**

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## 21. GENERAL BUSINESS

1. OLSH DEVELOPMENT 17/1822

Clr G McLaughlin noted that Council passed a resolution last year for an Interim Heritage Order to be placed on the OLSH property which, he understood, had been done. He advised that a further part of the Council resolution was that Council proceed forthwith with a Planning Proposal to remove the additional purpose of “seniors living” from WLEP2010 in relation to the OLSH property. Clr McLaughlin asked about the progress of the Planning Proposal?

The General Manager advised that this question would be taken on notice and referred to Planning, Development and Regulatory staff.

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2. OLSH DEVELOPMENT 17/1822

Clr G McLaughlin asked about the notification process in relation to the Waterbrook development of the OLSH site, noting that the notification advice was far too limited. He asked that, given the faults in the notification process, if the DA could be notified to a large area of West Bowral?

The General Manager advised that this question would be taken on notice and referred to Planning, Development and Regulatory staff.

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3. LAMOND LANE, BOWRAL RD1570

Clr L A C Whipper asked if it is possible to install a pedestrian crossing at the location of Lamond Lane and Wingecarribee Street in Bowral to ensure protection of people in and around Corbett Plaza. He advised that it is difficult for elderly people to cross at this location.

The General Manager advised that this matter will be referred to the Traffic Engineer.

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4. STATION STREET 7457

Clr I M Scandrett asked:

- (a) What is the revised draft or proposed budget for Station Street and Kirkham Road (with grants to be detailed) as presented to the community?

The General Manager advised that information on Station Street and Kirkham Road will be included in the draft documents that go out on public exhibition in April following Council's endorsement of the draft Operational Plan and Budget.

- (b) Does the new budget need to go to the Finance Committee before going out on exhibition and if not, why not?



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The General Manager advised that the Finance Committee reviews the last quarter of the financial year that we are in, and it does not look forward to an un-adopted Budget.

- (c) Under our consultation policy when would we consult the project and its changes and its budget with the projects in (a) above.

The General Manager advised that she has already answered that question – when we go out to public exhibition.

- (d) Does Council intend to review this project and its cost benefits analysis and if not, why not?

The General Manager and Mayor Clr K J Halstead advised that Clr Scandrett is only entitled to three questions.

The Mayor asked Clr Scandrett to hand up his other questions.

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5. COMMUNITY ENGAGEMENT

5704

Clr I M Scandrett asked what community engagement for villages and towns visits does Council intend this year and if none, why?

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6. CAR PARKS

5702/4

Clr I M Scandrett referred to informal discussions relating to Council's parking lot in Wattle Lane, and asked:

- (a) for a formal report on the suggestion that PPP proposals be sought so that any such suggestion could be dealt with in public;
- (b) that a policy be developed to consider such suggestion; and
- (c) that the source of funding for those existing car parks be confirmed, namely that they be funded for shopper and commercial parkers, for 3 hours and not for all day and commuter parking;
- (d) when can council be provided with an urgent briefing and report on solutions proposed to planning approval delays?

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7. DEVELOPMENT CONSENTS ISSUED CONTRARY TO THE PROVISIONS OF SEPP (HOUSING AND SENIORS OR PEOPLE WITH A DISABILITY) 2004

5320/5

The Mayor Clr K J Halstead asked the General Manager to bring a report to Council outlining development consents issued contrary to the provisions of SEPP (Housing for Seniors and People with a Disability) 2004, whereby this land use is prohibited under Clause 4(6) which lists Schedule 1 (Environmentally Sensitive Land), namely in a Water Catchment. He noted that Water Catchment land-use is a large area of the Shire, namely most of the urban area.

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

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8. DISCLOSING OF INFORMATION

101

The Mayor Cllr K J Halstead asked if the General Manager could investigate the implications of Cllr I M Scandrett disclosing information from the Information Session presented to the Council on Wednesday, 21 March 2018. The Mayor advised that this investigation should include consultation with the Office of Local Government.

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

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Cllr G M Turland left the chambers, the time being 7.23 pm.

## **22. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

107/9

At this juncture, the time being 7.23 pm, Council moved into Closed Council.

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**MN 116/18**

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

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

**22.1 Tender for Bushland and Natural Resource Management Services**

**Relevant Legal Provisions**

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

**Brief description**

***The purpose of this report is to present the evaluation of the Request for Tender for Bushland and Natural Resource Management Services.***

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

**Relevant Legal Provisions**

***This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.***

**Brief description**

***The purpose of this report is to seek Council approval to negotiate compensation for the compulsory acquisition of land by agreement. The property the subject of this report is Part Retford Farm, Old South Road Bowral (Part Lot 50 DP1141888). The purpose of the land acquisition is to secure a site for a proposed future detention basin.***

**22.3 Legal Report - Closed Council**

**Relevant Legal Provisions**

***This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as***

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*comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

**Brief description**

*Updating the report on the status of legal proceedings reported to Council at the meeting on 28 February 2018.*

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

**PASSED**

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Deputy Mayor I M Scandrett left the chambers, the time being 7.25 pm and returned to the meeting at 7:26 pm.

Clr G M Turland returned to the meeting, the time being 7.25 pm.

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## INTRODUCTION TO NEW STAFF MEMBER

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The Group Manager Corporate and Community introduced the new General Counsel, Mr Ian Lacy, to Councillors. Nick advised that Ian has had extensive experience in the legal field and more than 10 years' experience as an in-house counsel in NSW local government including extensive experience in Land and Environment Court matters. Councillors welcomed Ian.

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## ACKNOWLEDGEMENT OF RETIRING STAFF MEMBER

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Clr G M Turland noted that Mr Nick O'Connor, the Group Manager Corporate and Community has resigned from Council and wished to pass on Council's thanks to Nick. Clr Turland noted that Nick had provided Councillors with a great deal of assistance, as and when required, and that he will be missed. The Councillors acknowledged Nick by acclamation.

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## 22. CLOSED COUNCIL (CONT)

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### 22.1 Tender for Bushland and Natural Resource Management Services

<b>Reference:</b>	<b>6330/17.13</b>
<b>Report Author:</b>	<b>Natural Resource Project Coordinator</b>
<b>Authoriser:</b>	<b>Manager Environment and Sustainability</b>
<b>Link to Community Strategic Plan:</b>	<b>An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities</b>

*This Item was dealt with earlier in the meeting (see MN 103/18 on pages 22 to 26).*

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## **22.2 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:** Ensure systems and processes are in place to achieve mutual trust and collaboration

*This Item was dealt with earlier in the meeting (see MN 100/18 on page 18).*

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## 22.3 Legal Report - Closed Council

Reference:	107/22
Report Author:	General Counsel
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

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### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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### PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 28 February 2018.

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

Clr G McLaughlin left the chambers, the time being 7.29 pm and returned to the Meeting at 7.31 pm.

Clr L A C Whipper left the chambers, the time being 7.30 pm and returned to the meeting, at 7.32 pm.

Clr G Markwart left the chambers, the time being 7.31 pm and returned to the meeting at 7.33 pm.

It was noted that Clr G M Turland left the chambers prior to consideration of No 20 of Ongoing Legal Cases, the time being 7.32 pm, and retired from the Meeting.

**MN 117/18**

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

**THAT** the information in the Legal Affairs Report be noted.

**PASSED**

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## 23. RESUMPTION OF OPEN AGENDA

107/10

**MN 118/18**

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

**THAT** Council moves from Closed Council into Open Council.

**PASSED**

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No members of the public were present in the Chamber.

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## ADOPTION OF CLOSED COUNCIL

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107/9

**MN 119/18**

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

**THAT** the recommendation of the Closed Council held on Wednesday, 28 March 2018 being MN 117/18 be adopted.

**PASSED**

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## 24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

**MN 120/18**

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

**THAT** the recommendations of the Committee of the Whole held on Wednesday, 28 March 2018 being MN 97/18 to MN 105/18 be adopted.

**PASSED**

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## **25. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.43 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 28 March 2018 numbered M/N 89/18 to M/N 120/18 were signed by me hereunder at the Council Meeting held on Wednesday 11 April 2018.

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CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 11 APRIL 2018**

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CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER