



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 28 November 2018

The meeting commenced at 3.30 pm

File No. 100/2018

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 14 November 2018

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 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 28 NOVEMBER 2018 COMMENCING AT 3.30 PM

Present: Clr T D Gair (Mayor in the Chair)
Clr G J Andrews
Clr K J Halstead
Clr G McLaughlin
Clr G Markwart
Clr I M Scandrett
Clr G M Turland

In Attendance:

General Manager	Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk	Mr Barry W Paull
Deputy General Manager Corporate Strategy and Development Services	Mr Mark Pepping
Group Manager Corporate and Community	Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Chief Financial Officer	Mr Richard Mooney
Legal Counsel	Mr Ian Lacy (in part)
Coordinator Media and Communications	Mr David Sommers
Coordinator Corporate Strategy and Governance	Ms Samantha Woods
Administration Officer	Ms Michelle Richardson

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

Clr I M Scandrett 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 of Highlands Christian Church, Mittagong.

4. APOLOGY

PERS

MN 488/18

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

THAT the apologies of Clr P W Nelson and Clr L A C Whipper be accepted and leave of absence granted.

PASSED

The Mayor advised the meeting that Clr P W Nelson would like it noted his absence is not due to personal reasons. He is representing Council at a Library Conference in Coffs Harbour.

5. CONFIRMATION OF MINUTES

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

MN 489/18

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 14 November 2018 MN 464/18 to MN 487/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting subject to the following correction:

- A. Clr Markwart noted in Item 13.5 DA 18/0744 – Proposed Alterations and additions to the Wingecarribee Shire Council Administration Building, 68 Elizabeth Street, Moss Vale, Clr I M Scandrett's name was omitted from voting on the motion. Clr I M Scandrett should be recorded for or against the motion. Clr I M Scandrett confirmed he voted for the motion.

PASSED

6. BUSINESS ARISING

Clr I M Scandrett referred to Item 6 Business Arising and asked if responses had been investigated by staff. Clr I M Scandrett noted nothing had been reported to him to date. The General Manager replied no request was made of staff to investigate the appropriateness of the procedure of the meeting in question. It was the Mayor's responsibility to manage procedures and matters in the Chamber. Council staff had no further comment to make on the matter.

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.

Deputy Mayor Cllr G M Turland declared a less than significant non-pecuniary interest in 14.1 Legal Report as he is named in the legal report. He stated that he would remain in the Chamber when this matter was considered, take part in the debate and vote on the matter.

8. MAYORAL MINUTES

8.1 Acknowledgement for Tourism and Environment and Sustainability Staff

Reference: 102
Authoriser: The Mayor
Link to Community
Strategic Plan:

PURPOSE

The purpose of this Mayoral Minute is to acknowledge the achievements of both Tourism and Environment and Sustainability staff in winning recent awards.

MN 490/18

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

1. **THAT Council acknowledges the achievements of Tourism staff on their win at the 2018 Canberra Region Tourism Awards.**
2. **THAT Council acknowledges the achievements of Environment and Sustainability staff on being a finalist at the Cities Power Partnership Summit.**

PASSED

9. PUBLIC FORUM

1. ITEM 20.3 – NOTICE OF MOTION 31/2018 – RE-ESTABLISHMENT OF HERITAGE COMMITTEE

Mr Dennis McManus addressed Council on this item.

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

2. ITEM 20.4 – NOTICE OF MOTION 32/2018 - MITTAGONG AIRFIELD

Mr Chris Byrne addressed Council on this item

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

3. ITEM 16.1 PETITION 08/2018 - Gibraltar Park Estate, 133 Old Bowral Road, Bowral

Ms Sandra Boland addressed Council in relation to this item.

Ms Boland's presentation was distributed to Councillors.

COMMITTEE OF THE WHOLE

107/10

MN 491/18

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

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

PASSED

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 Audit, Risk and Improvement Advisory Committee Chair's Report to Council

Reference:	2102/3
Report Author:	Senior Governance Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The Charter for Council's Audit, Risk and Improvement Advisory Committee requires the Chair to provide an annual report on the management of risk and internal controls. Audit, Risk and Improvement Advisory Committee Chair Ms Jan Edwards will provide Council with an update on risk and internal audit matters for the 2017/18 financial year.

Ms Jan Edwards Chair of the Audit, Risk and Improvement Advisory Committee addressed Council in relation to this matter.

MN 492/18

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

THAT Council note the content of the Audit, Risk and Improvement Advisory Committee Chair's update on the management of risk and internal controls for the 2017/18 financial year.

PASSED

10.2 DA17/1794 - Demolition of Existing Dwelling and Shed and Erection of a Child Care Centre - 71- 73 Colo Road, Colo Vale

Reference:	17/1794
Report Author:	Senior Town Planner
Authoriser:	Group Manager Corporate, Strategy and Development Services
Applicant:	Carla Colavito
Owner:	C & F Colavito
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 17/1794 which seeks approval for the demolition of an existing dwelling and shed and erection of a Child Care Centre at Lot 1 DP 709251, being 71-73 Colo Road Colo Vale. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

Mr Andrew Randall addressed Council in relation to this matter.

Mr Chris White addressed Council in relation to this matter.

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

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 493/18

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

THAT Development Application 17/1794 which seeks approval for the demolition of an existing dwelling and shed and erection of a Child Care Centre at Lot 1 DP 709251, being 71-73 Colo Road Colo Vale be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report and the following amendment:

- a) *the proposed hours of operation be trialled for a period of six months and reviewed by Council staff after the trial period to consider public concerns, if any.*

PASSED

VOTING ON THE MOTION

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

Against the motion: Clr I M Scandrett

SUSPENSION OF STANDING ORDERS

MN 494/18

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

THAT Standing Orders be suspended in order to enable Item 16.1 Petition 08/2018 – Gibraltar Park Estate, 133 Old Bowral Road, Bowral, be dealt with at this junction of the meeting.

PASSED

16. PETITIONS

16.1 Petition 08/2018 - Gibraltar Park Estate, 133 Old Bowral Road, Bowral

Reference:	100/8, PN1757570, LUA 03/0786
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present to Council a petition received from future residents and families of Gibraltar Park Estate, 133 Old Bowral Road, Bowral, relating to delays to the development. The petitioners have expressed concern that some of them have sold their homes, many of them are elderly, and many have been exposed to uncertainty which has caused undue stress, financial distress and health issues.

The petition contains 12 signatures.

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

THAT Council consider a Notice of Motion in relation to Gibraltar Park Estate, 133 Old Bowral Road, Bowral, be dealt with as a matter of urgency.

The General Manager advised the meeting that Petitions are only Tabled and Noted in a Council meeting. It was further noted the General Manager confirmed no notice of motion was given for what was being proposed. The General Manager advised motions dealing with the matter cannot be considered at the Council meeting. If the Mayor or the Chair wishes to treat it as a matter of urgency, he can rule on that.

The Chair of Committee of the Whole at this point invited the Mayor Cllr T D Gair to resume the Chair to rule on the matter of urgency.

MN 495/18

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

THAT Council move from Committee of the Whole back into Council, the time being 5:00pm with the Mayor Cllr T D Gair resuming the Chair to conduct the remainder of Council Business.

PASSED

THE MAYOR RULED THAT THERE WAS NO MATTER OF URGENCY

Clr I M Scandrett challenged the ruling of the Mayor.

The Mayor acknowledged his ruling has been challenged and sought a seconder for the challenge.

MN 496/18

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

THAT it be deemed a matter of urgency.

THE MOTION WAS LOST

VOTING ON THE MOTION

For the motion: Deputy Mayor Clr G M Turland, Clr I M Scandrett, Clr G J Andrews

Against the motion: Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin Clr K J Halstead

MN 497/18

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

THAT *Petition 08/2018 relating to Gibraltar Park Estate, 133 Old Bowral Road, Bowral be received and noted by Council.*

PASSED

RESUMPTION OF STANDING ORDERS

MN 498/18

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

THAT Standing Orders be resumed.

PASSED

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Proposed Lease of Council property, Part Memorial Hall, 114 Main Street Mittagong

Reference:	PN698900
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

PURPOSE

The purpose of this report is to seek Council approval to grant a twenty one (21) year Lease to Berrima District Historical & Family History Society Inc. for the continued occupation of part of the Council owned building known as Memorial Hall, located at 114 Main Street, Mittagong.

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

MN 499/18

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

1. **THAT** Council note the current lease agreement of the property known as Memorial Hall, 114 Main Street, Mittagong will expire on 31 December 2018.
2. **THAT** the General Manager be delegated authority to negotiate with Berrima District Family & Historical Society Inc. for a new Lease of the property known as part Memorial Hall, 114 Main Street Mittagong, for a maximum of twenty one (21) years, on similar terms and conditions to the current agreement.
3. **THAT** the rental for the Lease of the property referred to in Resolution 1 be set at the rate of \$1 per annum, in accordance with Council's Policy for the Lease & Licence of Council Property (Not-for-Profit Organisations).
4. **THAT** Council will give public notice to the end January 2019 of its intention to enter into the Lease referred to in Resolution 2 above.
5. **THAT**, if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 2 above under the Common Seal of the Council (if required) AND THAT, if any objections are received, a further report will be forwarded to a future Ordinary Meeting of Council

PASSED

12.2 Proposed Licence Agreement for the use of Council property, Part 7-11 Burgess Street, Bundanoon

Reference:	PN279500
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

PURPOSE

The purpose of this report is to seek Council approval to enter into a further Licence Agreement for the use of the Council Property (being the former Bundanoon Works Depot site) in Burgess Street, Bundanoon. The proposed Licence Agreement will include the portion of recently closed unformed road adjacent to the Council property.

MN 500/18

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

1. **THAT** Council give public notice of its intention to enter into a new five (5) year Licence Agreement to Bundanoon Community Association, Bundanoon Highland Gathering Inc. and Bundanoon Men's Shed for use of Part 7-11 Burgess Street, Bundanoon AND THAT public notice be given until the end of January 2019.
2. **THAT** the area of the Licence Agreement will incorporate the recently closed portion of road adjoining the property.
3. **THAT**, if any objections are received during the period of public notice, a further report will be presented to a future Ordinary Meeting of Council.
4. **THAT**, if there are no objections to the Licence Agreement received during the period of public notice, the General Manager and Mayor be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of the Council, if required.

PASSED

12.3 Investment Report as at 31 October 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 31 October 2018.

MN 501/18

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

THAT the information on Council's Investments as at 31 October 2018 be received and noted.

PASSED

12.4 SRLX Feeding Surcharge

Reference:	5800
Report Author:	Manager Business Services
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

The purpose of this report is to provide Council with an update on a matter previously reported to Council on Wednesday 12 September 2018, relating to a proposed surcharge to the feeding fee at the Southern Regional Livestock Exchange.

MN 502/18

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

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

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Revised Community Engagement Policy

Reference:	5704/9
Report Author:	Coordinator Community Engagement
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

PURPOSE

This report seeks Council's endorsement for the revised Community Engagement Policy to be placed on public exhibition.

MN 503/18

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

1. **THAT** Council endorse the revised Community Engagement Policy 2018 to be placed on public exhibition for twenty eight (28) days commencing in early 2019.
2. **THAT** following the public exhibition period, and consideration of related submissions, a revised Community Engagement Policy be presented to Council for adoption.

PASSED

13.2 Draft Rural Tourism Policy

Reference:	1900/1
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community	
Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

PURPOSE

The purpose of this report is to present to Council a draft Rural Tourism Policy for a resolution to place on public consultation.

The Senior Strategic Land Use Planner addressed Council on this matter.

The General Manager left the Chambers at 5.21PM.

The General Manager returned to the Chambers at 5:36PM.

MN 504/18

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

1. **THAT** the draft Rural Tourism Policy as attached, together with this report, be placed on public exhibition and consultation for a period of three (3) months during which time information sessions will be held with tourism stakeholders and other interested parties, **AND THAT** a post exhibition report be prepared for consideration by Council at the conclusion of the exhibition period.
2. **THAT** draft amendments to WLEP 2010 to:
 - a) increase the maximum number of bedrooms in farm stay accommodation from three (3) to five (5), and
 - b) permit Artisan food and drink industry with consent in the following zones:
 - 1) RU1 Primary Production,
 - 2) RU2 Rural Landscape,
 - 3) RU4 Primary Production Small Lots, and
 - 4) SP3 Tourist
 - c) exclude Function Centres in the E3 Environmental Management zone from the operation of Clause 2.8 Temporary Use of Land.

be included with the exhibited draft Rural Tourism Policy for comment prior to being reported back to Council for consideration of a Planning Proposal for a Gateway Determination.
3. **THAT** staff clarify in the Draft Rural Tourism Policy the intent of limiting opportunistic tourism development in rural locations.

PASSED

13.3 Planning Proposal to rezone and amend the minimum lot size of land at Old South Road and Bowral Street, Bowral

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

PURPOSE

The purpose of this report is to present to Council the assessment of a Planning Proposal to rezone land at Bowral Street and Old South Road, Bowral from R5 Large Lot Residential to R2 Low Density Residential, and reduce the minimum lot size from 4000m² to 500m². This report recommends supporting the rezoning but at a minimum lot size of 1000m².

The Senior Strategic Land Use Planner addressed Council in relation to this matter.
Clr I M Scandrett left the chambers, the time being 05:43PM.
Clr I M Scandrett returned to the meeting, the time being 05:45PM.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 505/18

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

THAT Council submit a Planning Proposal to the Department of Planning and Environment for a Gateway Determination to amend WLEP 2010 to rezone to R2 Low Density Residential and apply a minimum lot size of 1000m² to the following lots:

- 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;
- 196 Bowral Street, Bowral – Lot 1 DP708665;
- 198 Bowral Street, Bowral – Lot 2 DP708665;
- 200 Bowral Street, Bowral – Lot 3 DP708665;
- 202 Bowral Street, Bowral – Lot 4 DP708665;
- 146 Old South Road, Bowral – Lot 5 DP708665;
- 148 Old South Road, Bowral – Lot 6 DP708665;
- 150 Old South Road, Bowral – Lot 1 DP626821;
- 152 Old South Road, Bowral – Lot 2 DP626821;
- 158 Old South Road, Bowral – Lot 8 DP770871;
- 160 Old South Road, Bowral – Lot 7 DP786212, and
- 164 Old South Road, Bowral – Lot 1 DP782827.

PASSED

VOTING ON THE MOTION

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

Against the motion: Clr K J Halstead

13.4 Heritage Administration Planning Proposal

Reference:	5901/64
Report Author:	Strategic Land Use Planner - Heritage Projects
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

This report seeks Council's endorsement to prepare a Planning Proposal that will update Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) 2010 and the accompanying Heritage Map. The report also seeks endorsement for the Planning Proposal, once prepared, to be forwarded to the Department of Planning and Environment for a Gateway Determination.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 506/18

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

THAT a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map as outlined in this report AND THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil.



QUESTIONS FROM THE PUBLIC

There were no questions from the Public at this meeting.

100/10

14. GENERAL MANAGER

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

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday, 24 October 2018.

MN 507/18

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

1. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.1.

PASSED

15. DELEGATE REPORTS

Nil

16. PETITIONS

16.1 Petition 08/2018 - Gibraltar Park Estate, 133 Old Bowral Road, Bowral

Reference:	100/8, PN1757570, LUA 03/0786
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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 (see MN498/18 on page 13 and 14).

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018

Reference:	107/21
Report Author:	Coordinator Corporate Strategy and Governance
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018.

MN 508/18

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

THAT recommendations Nos FC 30/18 to FC 33/18 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018 be adopted.

PASSED

18.2 Minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 October 2018

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Senior Governance Officer
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 Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 October 2018.

MN 509/18

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

THAT recommendations Nos AR 33/18 to AR 34/18 – as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 22 October 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 Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018

Reference:	2102/3
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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 Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018.

MN 510/18

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

THAT recommendations Nos AR 35/18 to AR 43/18 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 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

18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018

Reference: 107/35
Report Author: Coordinator Community Development

PURPOSE

This report provides the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018.

MN 511/18

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

THAT recommendation Nos WCSC 19/18 to WCSC 23/18 – as detailed in the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018, be noted.

PASSED

18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018

Reference: 1880
Report Author: PA for Mayor
Authoriser: 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 Tuesday, 13 November 2018.

MN 512/18

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

THAT recommendations Nos CD 23/18 to CD 31/18 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 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

18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

Reference: 107/40
Report Author: Organisational Support Officer

PURPOSE

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

Clr G Markwart left the chambers, the time being 05:57PM.

Clr G Markwart returned to the meeting, the time being 05:58PM.

Clr K J Halstead left the chambers, the time being 05:59PM.

Clr K J Halstead returned to the chambers, the time being 06:05PM

MN 513/18

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

THAT recommendation Nos SOU 18/18 to SOU 22/18 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 November 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 Management and Advisory Committee Reports

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

PURPOSE

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

1. Minutes of the Exeter Hall Management Committee meeting, Monday 5 November 2018

MN 514/18

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

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

1. Minutes of the Exeter Hall Management Committee meeting, Monday 5 November 2018.

PASSED

19. QUESTIONS WITH NOTICE

19.1 Questions with Notice 10/2018 - Council Meeting 24 October 2018 Provisions of Expenses and Facilities to Councillors

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Clr I M Scandrett
From: Deputy Mayor Clr G M Turland
Received: 21 November 2018

Subject: COUNCIL MEETING 24 OCTOBER 2018 ITEM 13.4 – PROVISION OF EXPENSES AND FACILITIES TO COUNCILLORS

Question:

Can Clr Scandrett advise the Council why he put a dissenting vote on Councillor's expenses report.

Does his dissenting vote mean that he will now repay the nearly \$30,000 back to Council on his claimed Councillor's expenses?

Reply from Clr I M Scandrett:

Clr I M Scandrett re-instated what he said on the night. That is, he voted against the policy as a consequence of that policy being updated. Clr I M Scandrett was no longer being supported for his mobile phone or internet. Clr I M Scandrett has a satellite internet service because he lives on a farm. Clr I M Scandrett operates his own phone. Neither of those costs are the whole cost in either case.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018



MN 515/18

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

THAT the information in relation to Question with Notice 10/2018 - Council Meeting 24 October 2018 Item 13.4 – Provision of Expenses and Facilities to Councillors - be noted.

PASSED

19.2 Questions with Notice 11/2018 - Local Government Conference

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Clr I M Scandrett
From: Clr G McLaughlin
Received: 21 November 2018

Subject: LOCAL GOVERNMENT CONFERENCE

Question:

Given that Clr I M Scandrett put in a dissenting vote on 24 October 2018 in relation to the Provision of Expenses and Facilities to Councillors, is he now prepared to repay Council the \$1,050 it cost Council for his non-appearance at the recent Local Government Conference in Albury.

Reply from Clr I M Scandrett:

Clr I M Scandrett replied he would not be repaying \$1,050 as he had advised the General Manager a week prior to the Conference that he would not be attending, providing opportunities for other Councillors who might be interested in attending the conference. Clr I M Scandrett stated he had attended 4 of 6 conferences in 6 terms and has been faithful in representing Councillors' interests.

MN 516/18

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

THAT the information in relation to Question with Notice 11/2018 – Local Government Conference - be noted.

PASSED

Clr I M Scandrett requested his dissenting vote be recorded.

19.3 Question with Notice 12/2018 - Council Meeting 14 November 2018 Section 4.55 Application to Modify Development Consent DA 09/1157 - Proposed Alterations and Additions to Existing Dwelling

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Clr I M Scandrett
From: Deputy Mayor Clr G M Turland
Received: 21 November 2018

Subject: COUNCIL MEETING 14 NOVEMBER 2018 - ITEM 13.6 SECTION 4.55 APPLICATION TO MODIFY DEVELOPMENT CONSENT DA 09/1157 - PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

Question:

Can Clr I M Scandrett explain why he did not allow Councillors and staff to inspect his property on 14 November 2018 regarding the above item on the agenda.

Clr I M Scandrett declined to respond to the question.

MN 517/18

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

THAT the information in relation to Question with Notice 12/2018 - Council Meeting 14 November 2018 - Item 13.6 Section 4.55 Application to Modify Development Consent DA 09/1157 - Proposed Alterations and Additions to Existing Dwelling - be noted.

PASSED

Clr I M Scandrett requested his dissenting vote be recorded.

20. NOTICES OF MOTION

20.1 Notice of Motion 29/2018 - Independent External Qualified Development Panel

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

Deputy Mayor Clr G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

MN 518/18

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

THAT a Councillor Briefing Session be held in early 2019 in relation to introducing an independent external qualified development panel to operate at Wingecarribee Shire Council.

PASSED

Clr I M Scandrett requested his dissenting vote be recorded.

20.2 Notice of Motion 30/2018 - Forum on Development Applications

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

Deputy Mayor Cllr G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

The General Manager left the meeting at 6:29PM

MN 519/18

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

THAT a Councillor Briefing Session be held in early 2019 to discuss the merits of holding a forum with the past and present development applicants on their concerns about Council's responsiveness and timing with their applications.

PASSED

Cllr I M Scandrett requested his dissenting vote be recorded

20.3 Notice of Motion 31/2018 - Re-establishment of Heritage Committee

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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 G McLaughlin has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

The General Manager returned to the Chamber, the time being 6:47PM.

MN 520/18

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

THAT in order to provide for better consideration of heritage matters and sound practical advice, the Council instruct the General Manager to arrange forthwith for the Heritage Committee to be re-established as it was prior to 2016 **AND THAT** a briefing session be held in early 2019 to confirm the terms of reference for the Committee including the following:

- *Regularity of meetings;*
- *The matters to be dealt with by the Committee.*

PASSED

20.4 Notice of Motion 32/2018 - Mittagong Airfield

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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 G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

MN 521/18

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

1. **THAT** Council staff and Council's legal representative meet with the representatives of the Mittagong Airfield Committee and their legal representative to work through the most economical and efficient solution to resolve this matter.
2. **THAT** Council staff bring back to Council for the Council meeting of 12 December a mutually acceptable resolution by all parties if possible, for Council consideration.

PASSED

20.5 Notice of Motion 33/2018 - Animal Shelter Transportable Administration Building

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

Deputy Mayor Cllr G M Turland and Cllr L A C Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

MN 522/18

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

THAT the notice of motion to fund a transportable administration building from the Capital Projects reserves for the Animal Shelter Facility be DEFERRED to the Council meeting of 12 December 2018.

PASSED

21. GENERAL BUSINESS

Illawarra Academy of Sport 6600/5
Deputy Mayor Clr G M Turland referred to Item 19.2 – Notice of Motion – Illawarra Academy of Sport of 22 August 2018 seeking approval for local IAS athletes to use the Moss Vale War Memorial Aquatic Centre gym.

Clr G M Turland requested an update on whether the athletes from the Shire can use the MVWMAC next year (2019).

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

Mount Gibraltar 6527/15; 6527/15.1
Deputy Mayor Clr G M Turland referred to Item 20.1 – Notice of Motion 25/2018 Mount Gibraltar Walking Track of 22 August 2018 and asked that Council staff, in consultation with the Mount Gibraltar Land Care group, provide an answer on extending the walking track from the reservoir to the lookout to stop people walking on the road.

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

Development Application LUA03/0786
Deputy Mayor Clr G M Turland asked if Council will approve the building certificate to allow the private certifier to approve the residents to move into Gibraltar Park before Christmas, and whether Council staff have requested NSW Water to allow a pump out sewer to be used until the sewer main is completed.

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

Tree Removal Application 19/0318
Clr I M Scandrett requested Council staff review application 19/0318.01 - Tree Removal, where multiple applications, including s8.2 review of a tree, have taken place. Clr I M Scandrett referred to an unnamed case where there were significant risks noted.

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

Development Application 09/1157
Clr I M Scandrett requested Deputy Mayor Clr G M Turland advise Council why he added an inspection of Clr I M Scandrett and Mrs Scandrett's property on 13 November 2018 for inspection on 14 November 2018; and why Clr G M Turland sought a deferral of the original minor s4.55 modification on 26 October 2018. Clr Scandrett asked what the legal reasons were for this.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7:26pm, Council moved into Closed Council.

22.1 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

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.

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 24 October 2018.

MN 523/18

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

THAT the meeting be extended for ten minutes to 7:50PM.

PASSED

MN 524/18

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

THAT the information in the Legal Report be noted.

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 525/18

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

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 526/18

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

THAT the recommendations of the Closed Council held on Wednesday, 28 November 2018 being MN 524/18 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 527/18

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 2018 being MN 492/18 to MN 495/18 be adopted.

PASSED



25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:48 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 28 November 2018 numbered M/N 488/18 to M/N 527/18 were signed by me hereunder at the Council Meeting held on Wednesday 12 December 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 12 DECEMBER 2018

CHAIRMAN

PUBLIC OFFICER