



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 9 May 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	
Clr L A C Whipper and Clr G M Turland	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 24 April 2018	
6. BUSINESS ARISING.....	3
7. DECLARATIONS OF INTEREST	4
8. MAYORAL MINUTES.....	5
8.1 Dedication of the Exeter Park Memorial.....	5
9. PUBLIC FORUM	6
Nil	6
COMMITTEE OF THE WHOLE	
10. VISITOR MATTERS	8
OPERATIONS	
Nil	8
CORPORATE AND STRATEGY	
10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose.....	9
10.2 Planning Proposal to Rezone Land at 105-119 Bong Bong Road, Mittagong.....	10
10.3 Planning Proposal to Rezone Land at 18-22 Parkes Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and Land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3 Medium Density Residential.....	11
10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist	13
10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral.....	15
11. EN BLOC MOTION	16
Nil	16
12. OPERATIONS FINANCE AND RISK	17
12.1 Drinking Water Quality Policy Review	17
12.2 Tender - Bridges Condition Assessment.....	18
12.3 Tender for Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles - Design Fabrication & Site Installation.....	19



12.4	Tender for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan	20
13.	CORPORATE STRATEGY AND DEVELOPMENT SERVICES	21
13.1	Development Applications Determined from 24 March 2018 to 20 April 2018	21
13.2	Development Applications Received from 24 March 2018 to 20 April 2018	22
13.3	Water and Sewer Development Servicing Plans.....	23
13.4	Planning Proposal to Amend Certain Clauses in WLEP 2010.....	24
14.	GENERAL MANAGER.....	27
	Nil	27
15.	DELEGATE REPORTS.....	28
	Nil	28
16.	PETITIONS.....	28
	Nil	28
17.	CORRESPONDENCE FOR ATTENTION.....	28
	Nil	28
18.	COMMITTEE REPORTS.....	28
	Nil	28
19.	QUESTIONS WITH NOTICE.....	28
	Nil	28
QUESTIONS FROM THE PUBLIC		
	Questions from the Public and Replies	29
COUNCIL MATTERS		
	Mayor resumes the chair	32
20.	NOTICES OF MOTION.....	33
20.1	Notice of Motion 12/2018 - Superfluous Council Owned Land	33
20.2	Notice of Motion 13/2018 - Station Street Upgrade.....	34
21.	GENERAL BUSINESS	37
22.	CLOSED COUNCIL.....	38
	It was not necessary to move into Closed Session at this Meeting.....	38
22.1	Tender - Bridges Condition Assessment.....	39
22.2	Tender for Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles - Design Fabrication & Site Installation.....	40

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 9 May 2018



22.3 Tender for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan	41
23. RESUMPTION OF OPEN AGENDA.....	42
Not required.....	42
24. ADOPTION OF COMMITTEE OF THE WHOLE.....	42
25. MEETING CLOSURE	43

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 9 MAY 2018 COMMENCING AT 3.30 PM

Present: Clr K J Halstead (Mayor)
Clr G J Andrews
Clr T D Gair
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett

In Attendance: Acting General Manager Mr Barry W Paull
Deputy General Manager Corporate, Strategy and Development Services Mr Mark Pepping
Acting Group Manager Corporate and Community Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services Mr Nicholas Wilton
Chief Financial Officer Mr Richard Mooney
Coordinator Strategic Land Use Planning Mr Michael Park
Senior Strategic Land Use Planner Ms Susan Stannard
Coordinator Media and Communications Mr David Sommers
Administration Officer Ms Liz Johnson

1. OPENING OF THE MEETING

The Mayor Clr K J Halstead opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr G Markwart acknowledged country:

“I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

3. PRAYER

The meeting was led in prayer by Reverend Richard Mills of the Mittagong Anglican Church.

4. APOLOGY

It was noted that apologies were received from Cllr L A C Whipper and Cllr G M Turland. It was also noted that an apology was received from the General Manager.

PERS

MN 168/18

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

THAT the apologies of Cllr L A C Whipper and Cllr G M Turland be accepted and leave of absence granted.

PASSED

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 24 APRIL 2018

MN 169/18

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

THAT the minutes of the Ordinary Meeting of Council held on Tuesday 24 April 2018 MN 147/18 to MN 167/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

1. GENERAL BUSINESS QUESTIONS 101, PERS

Clr I M Scandrett referred to the replies to the General Business Questions, and particularly No 6 where he asked for an update on the referral to the Office of Local Government (OLG). He asked if there was any further information on the investigation that had been undertaken, which included consultation with the OLG.

The Mayor Clr K J Halstead advised that he was not aware of any further information

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

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

There were no Declarations of Interest at this Meeting.

8. MAYORAL MINUTES

8.1 Dedication of the Exeter Park Memorial

Reference: 102, 1671/1, 6536
Report Author: Mayor

PURPOSE

The purpose of this Mayoral Minute is to commend the Exeter Village Association (EVA) for their efforts in the construction of the village War Memorial and acknowledge the subsequent dedication service carried out following this year's ANZAC Day service.

MN 170/18

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

THAT the volunteer members of the Exeter Village Association be commended for their efforts in relocating, constructing and maintaining the Exeter War Memorial and preserving the memory of the villagers who paid the ultimate sacrifice in World Wars I and II.

PASSED

9. PUBLIC FORUM

There were no Public Forum at this Meeting.

COMMITTEE OF THE WHOLE

107/10

MN 171/18

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

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

PASSED

10. VISITOR MATTERS

OPERATIONS

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

CORPORATE AND STRATEGY

10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

Reference:	PN1742820, 5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to extend the R2 Low Density Residential zone on Penrose Road, Penrose.

Mr Scott Lee addressed Council on this matter on behalf of the owners.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MOTION moved by Deputy Mayor I M Scandrett

THAT the Planning Proposal to extend the R2 Low Density Residential Zone on Penrose Road, Penrose be deferred and referred to staff for consultation.

THE MOTION LAPSED THROUGH THE WANT OF A SECONDER

MN 172/18

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

THAT the Planning Proposal to extend the R2 Low Density Residential Zone on Penrose Road, Penrose **NOT BE SUPPORTED**.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin and Clr P W Nelson

Against the motion: Deputy Mayor I M Scandrett

10.2 Planning Proposal to Rezone Land at 105-119 Bong Bong Road, Mittagong

Reference: PN204300, 5901
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 105-119 Bong Bong Road, Mittagong from RU2 Rural Landscape to principally R2 Low Density Residential with a minimum lot size ranging from 450m² to 1000m².

Mr Scott Lee addressed Council on this matter on behalf of the owners.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 173/18

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

THAT the Planning Proposal to rezone land at 105-119 Bong Bong Road, Mittagong from RU2 Rural Landscape to primarily R2 Low Density Residential NOT BE SUPPORTED.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

10.3 Planning Proposal to Rezone Land at 18-22 Parkes Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and Land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3 Medium Density Residential

Reference: PN1153100, PN1733790, PN569500, PN569900, 5901
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 18-22 Parkes Road, Moss Vale and land at 23 and 31 Garrett Street, Moss Vale to R3 Medium Density Residential.

Mr Scott Lee addressed Council on this matter on behalf of the owners.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 174/18

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

1. **THAT** the Planning Proposal to rezone land at 18-22 Parkes Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3 Medium Density Residential **NOT BE SUPPORTED**.
2. **THAT** a Strategic Study of this Precinct (Garrett Street – Parkes Road - Lackey Road Moss Vale) be included in a future work program by Strategic Planning staff in 2018.

PASSED

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 9 May 2018



VOTING ON THE MOTION

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

Against the motion: Nil

10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist

Reference:	PN1702113, PN1702114, PN1702185, 5901
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

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 254 Centennial Road, Bowral from E3 Environmental Management to SP3 Tourist in order to expand existing tourist related activities.

Mr Scott Lee addressed Council on this matter on behalf of the owners.

The Senior Strategic Land User Planner and Deputy General Manager Corporate, Strategy and Development Services addressed Council on this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

THAT the Planning Proposal to rezone land at 254 Centennial Road, Bowral from E3 Environmental Management to SP3 Tourist NOT BE SUPPORTED.

IT WAS NOTED THAT THE MOTION WAS WITHDRAWN BY CLR G McLAUGHLIN WITH THE APPROVAL OF THE SECONDER MAYOR K J HALSTEAD IN FAVOUR OF THE AMENDMENT MOVED BY CLR G J ANDREWS WHICH THEN BECAME THE MOTION

MN 175/18

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

THAT the Planning Proposal to rezone land at 254 Centennial Road, Bowral from E3 Environmental Management to SP3 Tourist be deferred pending the development of the Rural Tourism Policy in 2018.

PASSED

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 9 May 2018



VOTING ON THE MOTION

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

Against the motion: Nil

10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral

Reference:	PN1701417, 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

To consider a submission to amend Schedule 1 of Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a seniors living development at 6 Wiseman Road, Bowral.

Mr Darren Hogan addressed Council on this matter on behalf of the owners.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 176/18

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

THAT the Planning Proposal to amend Schedule 1 of Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a seniors living development at 6 Wiseman Road, Bowral **NOT BE SUPPORTED**.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Drinking Water Quality Policy Review

Reference:	7741
Report Author:	Operations Technical Officer - Quality and Projects
Authoriser:	Manager Water & Sewer
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

This report requests the approval of the revised Drinking Water Quality Policy (Policy). The Policy is an essential document of Wingecarribee Shire Council's Drinking Water Management System (DWMS). The DWMS is a regulatory document that has been developed in conjunction with the Australian Drinking Water Guidelines (ADWG) Framework and NSW Ministry of Health - Public Health Unit.

MN 177/18

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

THAT Council adopt the revised Drinking Water Quality Policy.

PASSED

12.2 Tender - Bridges Condition Assessment

Reference:	6330/17.5
Report Author:	Asset Engineer (Roads)
Authoriser:	Coordinator Assets - Roads and Water
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Bridge Condition Assessment.

The Acting General Manager read the recommendation contained within the Closed Council report.

MN 178/18

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

THAT in relation to the report concerning Tender – Bridges Condition Assessment - Council adopts the recommendations contained within the Closed Council report – Item 22.1, as follows:

1. **THAT Council withdraws its contract offer to Opus International Consultants at a Lump Sum of \$238,590.90 to undertake the specific works.**
2. **THAT Council accepts the tender from Pitt and Sherry at a Lump Sum of \$293,400.00 to undertake the specific works.**

PASSED

12.3 Tender for Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles - Design Fabrication & Site Installation

Reference: 6330/18.2
Report Author: Senior Project Manager
Authoriser: Manager Projects and Contracts
Link to Community
Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to present to Council the evaluation of the Request for Tender for the Design, Supply and Installation of the Bundanoon and Wingecarribee Water Treatment Plants (WTP's) Clear Water Tank Baffles project.

The Acting General Manager read the recommendation contained within the Closed Council report.

MN 179/18

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

THAT in relation to the report concerning Tender for the Design, Supply and Installation of the Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles project - Council adopts the recommendations contained within the Closed Council report – Item 22.2, as follows:

1. **THAT** Council does not invite fresh tenders for the clear water tank baffles at the Bundanoon and Wingecarribee Water Treatment Plants as there are very few contractors available to offer completeness of customised design, manufacturing, and installation of the potable tank baffles for these two specific applications.
2. **THAT** Council enters into negotiations with Argyle Commercial Pty Ltd from Goulburn, NSW with a view to entering into a contract in relation to the clear water tank baffles at the Bundanoon and Wingecarribee Water Treatment Plants, as preliminary research indicates that they design, manufacture and can install fixed baffles within tank reservoirs to increase the detention time within tanks, in accordance with clauses 178(3)(e) and 178(4)(a) & (b) of the Local Government (General) Regulation 2005.

PASSED

12.4 Tender for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan

Reference: 6330/18.7, 6330/18.8
Report Author: Floodplain and Stormwater Engineer
Authoriser: Coordinator Assets - Roads and Water
Link to Community
Strategic Plan: Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Nattai Ponds Floodplain Risk Management Study and Plan, Review of Whites Creek Floodplain Risk Management Study and Plan.

The Acting General Manager addressed Council on this matter, and read the recommendation contained within the Closed Council report.

MN 180/18

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

THAT in relation to the report concerning Nattai Ponds Floodplain Risk Management Study and Plan, Review of Whites Creek Floodplain Risk Management Study and Plan - Council adopts the recommendations contained within the Closed Council report – Item 22.3, as follows:

THAT Council accepts the tender from Catchment Simulation Solutions Pty Ltd at a Lump Sum of \$187,970 (Ex GST) to undertake Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 24 March 2018 to 20 April 2018

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 24 March 2018 to 20 April 2018.

MN 181/18

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

THAT the information relating to the lists of Development Applications Determined for the period 24 March 2018 to 20 April 2018 be received and noted.

PASSED

13.2 Development Applications Received from 24 March 2018 to 20 April 2018

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 24 March 2018 to 20 April 2018.

MN 182/18

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

1. **THAT** the information relating to Development Applications Received from 24 March 2018 to 20 April 2018 be received and noted.
2. **THAT** further information be provided to Councillors via the Weekly Circular in relation to the following items:
 - (a) No 2 – Section 82A Review (Retain existing cottage as secondary dwelling), 550 Oxleys Hill Road, Berrima.
 - (b) No 74 – Retain existing cottage as secondary dwelling, 2680 Old Hume Highway, Woodlands.
 - (c) No 80 – Section 96 Modification (Modify DA to two staged development), “The Hill” Middle Road, Exeter.

PASSED

13.3 Water and Sewer Development Servicing Plans

Reference:	7729/1
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to seek confirmation from Council that the moratorium approved by Council on 28 March 2018 for the payment of the Water and Sewer Development Servicing Plan (DSP) contributions for applications approved prior to 15 September 2017 also apply to any payments of contributions made between 15 September 2017 and 6 April 2018 being the commencement of the 6 week moratorium period for those applications determined prior to 15 September 2017.

MN 183/18

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

1. **THAT** Council retrospectively apply the moratorium approved for Water Supply and Sewerage Development Servicing Plan (DSP) charges, as per Council resolution MN 114/18 of 28 March 2018, to also include all applications approved prior to 15 September 2017, where DSP charges were paid to Council between 15 September 2017 and 6 April 2018.
2. **THAT** where DSP charges have been paid in accordance with the 2017 DSPs in the period from 15 September 2017 to 6 April 2018 for existing and operational development consents approved prior to 15 September 2017, Council apply the DSP charges in accordance with recommendation 1 above and issue the appropriate refund.

PASSED

13.4 Planning Proposal to Amend Certain Clauses in WLEP 2010

Reference:	5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to seek a resolution of Council to amend draft clauses 4.1A and 4.1AA in Wingecarribee Local Environmental Plan (WLEP) 2010 to remove any inconsistencies with a recent amendment to Clause 4.1 of the Standard Instrument.

The Coordinator Strategic Land Use Planning addressed Council on this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 184/18

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

THAT a Planning Proposal be prepared under s.3.33 of the Environmental Planning & Assessment Act 1979 to amend draft clauses 4.1A and 4.1AA to the WLEP 2010 as set out in the report, as follows:

- **4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones**

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:

- (a) Zone RU1 Primary Production,**
- (b) Zone RU2 Rural Landscape,**
- (c) Zone RU4 Primary Production Small Lots,**
- (d) Zone E3 Environmental Management,**
- (e) Zone E4 Environmental Living,**
- (f) Zone R5 Large Lot Residential.**

but does not apply to a subdivision by the registration of a community plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause applies despite clause 4.1.

Note. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.

- **4.1AA Minimum subdivision lot size for community title schemes**

(1) The objective of this clause is as follows:

(a) to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:

- (a) Zone RU1 Primary Production,**
- (b) Zone RU2 Rural Landscape,**

-
- (c) Zone RU4 Primary Production Small Lots,**
 - (d) Zone E3 Environmental Management,**
 - (e) Zone E4 Environmental Living,**
 - (f) Zone R5 Large Lot Residential.**

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause applies despite clause 4.1.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

14. GENERAL MANAGER

There were no General Manager Reports at this Meeting.

15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

16. PETITIONS

There were no Petitions at this Meeting.

17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

There were no Committee Reports for this Meeting.

19. QUESTIONS WITH NOTICE

There were no Questions with Notice at this Meeting.

QUESTIONS FROM THE PUBLIC

100/10

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

QUESTIONS FROM MR CHARLIE JOHNS

Question 1

Council's Planning Department

503/42

Following David O'Brien of G J Gardner Homes plea for help at the "Public Forum on 29 March and senior Council staff meeting with the local Master Builders Association members on 10 April has Council commenced any of the actions promised at that meeting to address the long, unacceptable and inappropriate delays in the Planning Department in relation to DAs and other processes that are having serious financial effects on developers, builders, tradesmen, associated industries and the local economy?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Council has commenced a program of addressing delays in processing of development applications.

Question 2

Council's DCP for Signage Outdoor Advertising

5613

On 24 May 2017 Council adopted a Signage and Outdoor Advertising Policy. It is obvious from the hundreds of illegal signs marring the visual integrity of the Southern Highlands that ratepayers, business and community groups are totally unaware of the policy, the average resident has no idea what a DCP is so would have no idea where to look on Council's website, what action has Council taken to make ratepayers aware of the temporary sign policy and the removal of all these illegal signs breaching Clause A1.4.13 Temporary Event, Signs and Banners of the DCP provisions, when will Council commence the review of the provision?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Development Control Plans (DCPs) can only be applied in the circumstances where a development application is lodged with the Council. DCPs cannot be applied in the absence of such application and accordingly have no statutory basis.

Where illegal signage is identified and a complaint is lodged with Council, Council will investigate the substance of the complaint and accordingly take regulatory action if warranted.

The *State Environmental Planning Policy (Exempt and Complying) Code 2008* is the appropriate legislation to consider whether signage can be carried out as exempt development or whether it requires development consent. The DCP will only then apply if a development application is required to be lodged with the consent authority.

Question 3

Council's Media Policy

5125

On 11 April 2018 Council Adopted a Media Policy. There seemed to be some confusion at the meeting of Tuesday 24 April as to who was accredited journalists sitting at the media table. Under the Journalist and the Press clause of the Media Policy, has Council taken the necessary action to identify those persons sitting at the media table reporting on and recording the meeting, that are accredited journalists and that the medium they represent is a member of the Australian Press Council or an affiliated member of the Australian Communications and Media Authority?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Council has not as yet undertaken any action to seek confirmation from media organisations sitting at the media table regarding their accreditation status. Council will be writing to all media organisations requesting that they produce evidence confirming their membership with the Australian Press Council (APC) or the Australian Communications and Media Authority (ACMA) to meet Council's adopted Media Policy.

QUESTIONS FROM MS GAYLE MCGUINNESS

Direction Provided for Permission to Record Meetings; Agenda 9 May page v

101/1, 5125

Question 1

What is Council's definition of "the media" as it applies to the direction relating to permission to record Council Meetings and to the Media Policy?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Recording of Council meetings is determined under the provisions of the Code of Meeting Practice. The Code of Meeting Practice provides authority to members of the media only to undertake sound recording of Council meetings open to the public. Only accredited media organisations of the Australian Press Council (APC) or affiliated members of the Australian Communications and Media Authority (ACMA) shall be recognised as members of the media as per Council's adopted Media Policy.

Question 2

What criteria must be met to be accepted as a member of the media?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

See response provided above.

COUNCIL MATTERS

MN 185/18

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

THAT Council move from Committee of the Whole back into Council, the time being 5.32 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

PASSED

20. NOTICES OF MOTION

20.1 Notice of Motion 12/2018 - Superfluous Council Owned Land

Reference:	100/4, 7120
Report Author:	Administration Officer
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Duncan Gair has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 May 2018:

1. THAT Council conduct an Information Session for Councillors to review all of Council's land that may be superfluous to its needs with a view to selling such identified land ('the identified land').
2. THAT the funds from the sale of the identified land be used to pay down the loan on the Moss Vale War Memorial Aquatic Centre.

MN 186/18

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

1. **THAT** Council conduct an Information Session for Councillors to review all of Council's land that may be superfluous to its needs with a view to selling such identified land ('the identified land').
2. **THAT** the funds from the sale of the identified land be used for an asset as determined by Councillors, or to pay down outstanding loans.

PASSED

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

20.2 Notice of Motion 13/2018 - Station Street Upgrade

Reference:	100/4, 7457
Report Author:	Administration Officer
Authoriser:	Acting Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 May 2018:

1. THAT Council commission an urgent update of the Bowral Town Centre Distributor Road Economic Analysis dated 24/9/2013 to reflect the various changes to the project and including the saving in operating costs on a new road system compared with the operating cost on the present road system.
2. THAT Council confirm within 7 days the actual number and location of “all-day parking spaces” that are to be removed in the Bowral Station carparks, and on Station Street with a list and “before” and “after” street plans.
3. THAT Council then promptly commission a survey of rail commuters at Bowral Station to ascertain views on the above prospective loss of parking spaces in the Station carparks and on Station Street.
4. THAT Council promptly mark for at least 2 weeks by the use of a pink ribbon around them, those trees on, and in the Station Street Upgrade Project precinct that are to be:
 - a. removed

And that a yellow ribbon or tape be placed around those trees on, or in the Station Street Upgrade Project precinct that are to be:

 - b. impacted
 - c. potentially impacted
 - d. potentially adversely affected.
5. THAT an updated schedule and street plan of above trees, and proposed new trees be published at the same time including displaying variously along the “Upgrade Route”.
6. THAT the environmental assessment which is required under the Environmental Planning and Assessment Act be placed on exhibition prior to finalising the design of the Station Street Upgrade and that the timeline for such assessment be publicised within 7 days.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 9 May 2018



-
7. THAT the approval from the Roads and Maritime Services for the design and operation of the Roundabout at the Northern End of the Station Street Upgrade be detailed to Councillors and the Public within 7 days.
 8. THAT Council promptly demonstrate the approval of Transport for NSW of the offset rail commuter parking as required by the Funding Deed.
 9. THAT Council provide a report to the next Council meeting detailing what discussions have been had with Government for Stage 2 funding and what applications have been made.

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MOTION moved by Deputy Mayor I M Scandrett and seconded by

1. THAT Council commission an urgent update of the Bowral Town Centre Distributor Road Economic Analysis dated 24/9/2013 to reflect the various changes to the project and including the saving in operating costs on a new road system compared with the operating cost on the present road system.
2. THAT Council confirm within 7 days the actual number and location of “all-day parking spaces” that are to be removed in the Bowral Station carparks, and on Station Street with a list and “before” and “after” street plans.
3. THAT Council then promptly commission a survey of rail commuters at Bowral Station to ascertain views on the above prospective loss of parking spaces in the Station carparks and on Station Street.
4. THAT Council promptly mark for at least 2 weeks by the use of a pink ribbon around them, those trees on, and in the Station Street Upgrade Project precinct that are to be:
 - a. removed

And that a yellow ribbon or tape be placed around those trees on, or in the Station Street Upgrade Project precinct that are to be:

 - b. impacted
 - c. potentially impacted
 - d. potentially adversely affected.
5. THAT an updated schedule and street plan of above trees, and proposed new trees be published at the same time including displaying variously along the “Upgrade Route”.
6. THAT the environmental assessment which is required under the Environmental Planning and Assessment Act be placed on exhibition prior to finalising the design of the Station Street Upgrade and that the timeline for such assessment be publicised within 7 days.
7. THAT the approval from the Roads and Maritime Services for the design and operation of the Roundabout at the Northern End of the Station Street Upgrade be detailed to Councillors and the Public within 7 days.
8. THAT Council promptly demonstrate the approval of Transport for NSW of the offset rail commuter parking as required by the Funding Deed.
9. THAT Council provide a report to the next Council meeting detailing what discussions have been had with Government for Stage 2 funding and what applications have been made.

IT WAS NOTED THAT THE MOTION LAPSED THROUGH THE WANT OF A SECONDER

21. GENERAL BUSINESS

1. HERITAGE PLANNER

5650

Clr G McLaughlin asked why the Heritage Planner is required to be available on the duty desk to answer questions.

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

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

There was no Closed Council at this Meeting as Items 22.1, 22.2 and 22.3 were dealt with in Open Council.

22.1 Tender - Bridges Condition Assessment

Reference:	6330/17.5
Report Author:	Asset Engineer (Roads)
Authoriser:	Coordinator Assets - Roads and Water
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

This Item was dealt with earlier in the Meeting (refer MN 178/18 on page 18).

**22.2 Tender for Bundanoon WTP and Wingecarribee WTP
Clear Water Tank Baffles - Design Fabrication & Site
Installation**

Reference: 6330/18.2
Report Author: Senior Project Manager
Authoriser: Manager Projects and Contracts
**Link to Community
Strategic Plan:** An enhanced culture of positive leadership, accountability
and ethical governance that guides well informed decisions
to advance agreed community priorities

This Item was dealt with earlier in the Meeting (refer MN 179/18 on page 19).

22.3 Tender for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan

Reference: 6330/18.7, 6330/18.8
Report Author: Floodplain and Stormwater Engineer
Authoriser: Coordinator Assets - Roads and Water
Link to Community Strategic Plan: Manage and plan for future water, sewer and stormwater infrastructure needs

This Item was dealt with earlier in the Meeting (refer MN 180/18 on page 20).

23. RESUMPTION OF OPEN AGENDA

107/10

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

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 187/18

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 9 May 2018 being MN 172/18 to MN 185/18 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.51 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 9 May 2018 numbered M/N 168/18 to M/N 187/18 were signed by me hereunder at the Council Meeting held on Wednesday 23 May 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 23 MAY 2018

CHAIRMAN

PUBLIC OFFICER