

# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers  
Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 11 September 2019**

The meeting commenced at 3.30pm

*File No. 100/2019*

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Wednesday 11 September 2019



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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 11 SEPTEMBER 2019 COMMENCING AT 3.30PM**

**Present:** Clr T D Gair (Mayor)  
Clr G J Andrews  
Clr K J Halstead  
Clr P W Nelson  
Clr I M Scandrett  
Clr G M Turland  
Clr L A C Whipper

<b>In Attendance:</b>	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
	Chief Financial Officer	Mr Richard Mooney
	Chief Information Officer	Mr John Crawford
	Senior Strategic Land Use Planner	Ms Susan Stannard
	Coordinator Media and Communications	Mr David Sommers
	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.

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## **2. ACKNOWLEDGEMENT OF COUNTRY**

Clr Andrews 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 Brooks-Lloyd of Anglican Church, Mittagong.

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## 4. APOLOGIES

PERS

### MOTION

**MN 425/19**

**MOTION** moved by Clr G J Andrews and seconded by Clr K J Halstead

**THAT** the Recommendation items be discussed in *seriatim*.

**PASSED**

**MN 426/19**

**MOTION** moved by Clr G J Andrews and seconded by Clr K J Halstead

**THAT** the apology of Clr Markwart be noted.

**THAT** the apology of Clr Markwart be accepted and leave of absence granted.

**PASSED**

Clr Scandrett requested dissenting vote be recorded.

**MN 427/19**

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

**THAT** the apology of Clr McLaughlin be noted.

**THAT** the apology of Clr McLaughlin be accepted and leave of absence granted.

**PASSED**

Clr Scandrett requested his dissenting vote be recorded

## 5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 28 AUGUST 2019

**MN 428/19**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 28 August 2019 MN 402/19 to MN 424/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

## 6. 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 19/0974

*Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 9.1 DA 19/0974 - Multi Dwelling Housing - 9 Dwellings, Lot 10 DP 38607 and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale as he has engaged the Architect for work over the previous years. He will stay in the Chambers for consideration of that item.*

101/3 19/1571

*Clr I M Scandrett declared a pecuniary interest in Item 9.2 DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy as his family owns property in Renwick. He will be absent from the Chambers for consideration of that item.*

101/3.1 5700

*Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 12.5 Draft Development Control Plan Amendments as his family owns property in Renwick. He will be absent from the Chambers for consideration of that item.*

101/3.1 17/0816.10

*Clr K J Halstead declared a less than significant non-pecuniary interest in Item 12.4 Development Application 17/0816.10 - s.4.55 Modification to Approved Vehicle Repair Station - 80 Station Street and 13 Walker Street, Bowral as his son is a director of the firm that the private certifier is employed by. He has no financial interest in that firm. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.*

101/3.1 6330/19.23

*Clr G J Andrews declared a less than significant non-pecuniary interest in Item 11.1 Tender for Bowral Rugby Club House Re-Development - Stage 2. As a subcontractor, Clr Andrews has provided a quote for a particular part of the scope of the project to one of the companies who submitted a tender. He will be absent from the Chambers for consideration of that item.*

101/3.1 6330/19.23

*Deputy Mayor G M Turland declared a non-pecuniary interest in Item 19.1 Tender for Bowral Rugby Club House Re-Development - Stage 2 as he is on the KKK Committee with one of the tenders. He will be absent from the Chambers for consideration of that item.*

The Mayor Clr Gair conveyed his condolences on behalf of the Councillors and Council to Clr G J Andrews and his wife for their recent loss.

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## **7. MAYORAL MINUTES**

Nil

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## **8. PUBLIC FORUM**

Nil

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## **9. VISITOR MATTERS**

### **OPERATIONS**

Nil

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## CORPORATE AND STRATEGY

### 9.1 DA 19/0974 - Multi Dwelling Housing - 9 Dwellings, Lot 10 DP 38607 and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale

Reference:	DA19/0974
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Kathy Barnsley Architect Pty Ltd
Owner:	Joer Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

#### PURPOSE

The purpose of this report is to consider Development Application 19/0974 which seeks approval at Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale, for Multi Dwelling Housing development – 9 Dwellings involving:

1. Demolition of existing dwelling at 53 Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties at 51-53 Kirkham Street Moss Vale.
2. Construction of nine (9) single storey villa style dwellings over Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale.

The application has been referred to Council as it involves a significant policy departure in relation to provision of landscaping.

Mr Scott Lee addressed Council on behalf of the applicant

**MN 429/19**

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

**THAT** Development Application 19/0974 for Multi Dwelling Housing at Lot 10 DP 38607 and Lot 53 DP 1120498 51-53 Kirkham Street Moss Vale involving the:

1. ***Demolition of existing dwelling at 53 Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties; and***
2. ***Construction of nine (9) single storey villa style dwellings;***

***be DEFERRED to request the applicant to submit amended plans addressing the shortfall of on-site landscaping to comply with the Moss Vale Town Plan Development Control Plan prescriptive control of 50% of site area.***

#### VOTING ON THE MOTION

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

**Against the motion:** Cllr P W Nelson



## 9.2 DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy

Reference: PN 1818690 19/1571  
Report Author: Development Officer - Planning  
Authoriser: Group Manager Planning, Development and Regulatory Services

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

### PURPOSE

The purpose of this report is to consider Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at 12 Solomon Street, Renwick. This report is prepared for determination and recommends **REFUSAL** due to the reasons for refusal in **(Attachment 1)**.

The matter was deferred from the Ordinary Council Meeting of 28 August 2019 and the report remains unaltered.

Clr I M Scandrett declared a pecuniary interest in Item 9.2 DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy as his family owns property in Renwick. Clr I M Scandrett left the chambers, the time being 03:56pm.

Clr K J Halstead left the chambers, the time being 03:56pm.

Mr Scott Lee addressed Council on behalf of the applicant

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

1. **THAT** Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at Lot 1325 DP1234992, No. 12 Solomon Street, Renwick be **APPROVED** subject to the conditions of consent in ATTACHMENT 4.
2. **THAT** Councillors inspect the building on a Council inspection once it has been completed.

**MN 430/19**

**AMENDMENT** moved by Cllr L A C Whipper and seconded by Cllr G J Andrews

**THAT** Development Application 19/1571 which seeks approval for a two-storey detached Dual Occupancy development at Lot 1325 DP1234992, No. 12 Solomon Street, Renwick be **DEFERRED** to allow the applicant to discuss with Council staff the issues around the set back controls.

**AMENDMENT PASSED**

**THE AMENDMENT BECAME MOTION**

**PASSED**

**VOTING ON THE MOTION**

**For the motion:** Cllr G J Andrews, Mayor Cllr T D Gair and Cllr L A C Whipper

**Against the motion:** Cllr P W Nelson and Deputy Mayor G M Turland

## **10. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

## 11. OPERATIONS FINANCE AND RISK

### 11.1 Tender for Bowral Rugby Club House Re-Development - Stage 2

Reference:	6330/19.23
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

#### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Bowral Rugby Club House Re-Development – Stage 2.

Clr K J Halstead returned to the meeting, the time being 4:28pm.

Clr I M Scandrett returned to the meeting, the time being 4:28pm.

Deputy Mayor G M Turland declared a non-pecuniary interest in Item 11.1 and 19.1 Tender for Bowral Rugby Club House Re-Development - Stage 2 as he is on the KKK Committee with one of the tenders. Deputy Mayor G M Turland left the chambers, the time being 04:27pm.

Clr G J Andrews declared a less than significant non-pecuniary interest in Item 11.1 Tender for Bowral Rugby Club House Re-Development - Stage 2. As a subcontractor, Clr Andrews has provided a quote for a particular part of the scope of the project to one of the companies who submitted a tender. Clr G J Andrews left the chambers, the time being 04:28pm.

#### **MN 431/19**

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

- 1. THAT** in relation to the report concerning Bowral Rugby Club House Re-Development – Stage 2 - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
- 2 THAT** Council accepts the tender from Lewis Building Company Pty Ltd at a Lump Sum of \$981,113.00 to undertake Bowral Rugby Club House Re-Development – Stage 2.

**PASSED**

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## 11.2 Tender for Water Reservoir Cathodic Protection

Reference:	RFT 6330/19.17
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

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### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the design and installation of cathodic protection systems at five (5) steel potable water storage reservoir tanks.

Clr G J Andrews returned to the meeting, the time being 04:29pm.

Deputy Mayor G M Turland returned to the meeting, the time being 04:30pm.

### MN 432/19

**MOTION** moved by Clr I M Scandrett and seconded by Clr K J Halstead

1. **THAT** in relation to the report concerning the tender for the design and installation of cathodic protection systems on five (5) steel potable water storage reservoir tanks - Council adopts the recommendations contained within the Closed Council report – Item 19.2.
2. **THAT** Council accepts the tender from Corrosion Control Engineering Pty Ltd at a Lump Sum of \$205,772.00 (inc GST) to undertake the design and installation of cathodic protection systems on five (5) steel potable water storage reservoir tanks.

**PASSED**

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## 11.3 2018/19 Annual Financial Statements

Reference:	2105
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 advise Council of the following:

- The draft Annual Financial Statements for the year ended 30 June 2019 have been finalised for audit;
- To seek Council's endorsement of the preparation of the Statement by Councillors and Management to Council's auditor, The Audit Office of NSW, in accordance with Section 413(2c) of the *Local Government Act 1993*; and
- To set a date for the presentation of the Audit Report to Council and give public notice of the date in accordance with Section 418 (1a) & (1b) of the *Local Government Act 1993*.

**MN 433/19**

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

1. **THAT the Mayor and Deputy Mayor be authorised to sign the Statement by Councillors and Management made pursuant to Section 413 (2)(c) of the Local Government Act 1993, with the General Manager and the Responsible Accounting Officer.**
2. **THAT Council note the audited Annual Financial Statements and Audit Report will be presented to Council on 13 November 2019.**

**PASSED**

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## 11.4 2019/20 Financial Assistance Grant Allocation

Reference:	2150/1
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 formally advise Council of the 2019/20 financial assistance grant allocation announced by the Local Government Grants Commission in August 2019.

**MN 434/19**

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

1. **THAT** Council note its total allocation under the Financial Assistance Grant for the 2019/20 financial year of \$5,168,885.
2. **THAT** Council not lodge a special submission for the 2020/21 financial year as Council has no special disability factors.

**PASSED**

## 11.5 Council Licence Agreement from Water NSW - Part Lot 1 DP 560103 for New Rural Fire Station at Fitzroy Falls

Reference:	PN 1785190
Report Author:	Property and Projects 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 seek Council approval to enter into a new Licence Agreement with Water NSW for the use of land being Part Lot 1 DP 560103 being 280 Wildes Meadow Road, Wildes Meadow (also known as the corner of Nowra Road and Myra Vale Road at Fitzroy Falls) for the purpose of construction, maintenance and operation of a rural fire station.

The Chief Financial Officer addressed Council on this item

### MN 435/19

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

1. **THAT** the General Manager be delegated authority to negotiate the terms and conditions of the Licence Agreement with Water NSW for the land being part Lot 1 in Deposited Plan 560103 being 280 Wildes Meadow Road, Wildes Meadow AND THAT it is noted that the purpose of the Licence is for Rural Fire Service operations.
2. **THAT** the General Manager and Mayor be delegated authority to execute the Licence Agreement (referred to in resolution 1 above) under the Common Seal of Council (if required).

**PASSED**



## 12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Development Applications Determined from 30 July 2019 to 26 August 2019

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 30 July 2019 to 26 August 2019.

**MN 436/19**

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

**THAT** the information relating to the lists of Development Applications Determined for the period 30 July 2019 to 26 August 2019 be received and noted.

**PASSED**

## 12.2 Development Applications Received from 30 July 2019 to 26 August 2019

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 30 July 2019 to 26 August 2019

The General Manager addressed Council in relation to this item

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

Clr I M Scandrett left the chambers, the time being 04:37pm.

Clr I M Scandrett returned to the meeting, the time being 04:41pm.

Clr Scandrett withdrew his seconding of the motion and left the chambers, the time being 04:43pm after declaring pecuniary interest in Item 12.2 Development Applications Received from 30 July 2019 to 26 August 2019 as the Item no. 71 – 144 Mt Broughton Road, Werai for a s.8.2A Review of Determination relates to his property.

### MN 437/19

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

1. **THAT** the information relating to Development Applications Received from 30 July 2019 to 26 August 2019 be received and noted.
2. **THAT** the following items be included as a weekly circular:
  - Item 10 – 80 Station Street Bowral NSW 2576 Lot 1 DP 1241412; and
  - Item 28 -250 Tugalong Road Canyonleigh NSW 2577 Lot 12 DP 262109 Vol 14628 Fol 00208.
3. **THAT** in relation to Item 71 -144 Mt Broughton Road Werai NSW 2577 Lot 1 DP 804846 **THAT** it be noted the s8.2A review will be undertaken by an independent Council.

### **PASSED**

## 12.3 Development Application 19/1229 - Residential Flat Building containing 10 Units - 1 Kangaloon Road, Bowral

Reference:	19/1229
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Uri T Design
Owner:	Kangaloon Investments Pty Ltd
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

### PURPOSE

The purpose of this report is to consider Development Application 19/1229 which seeks approval for a Residential Flat Building containing 10 units at Lot 10 DP 808740, being 1 Kangaloon Road, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

Clr I M Scandrett returned to the meeting, the time being 04:44pm.

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

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

**MN 438/19**

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

**THAT** Development Application 19/1229 which seeks approval for a Residential Flat Building containing 10 units at Lot 10 DP 808740, being 1 Kangaloon Road, Bowral, be **APPROVED**, subject to attached conditions of consent as described in Attachment 1 to the report and the inclusion of the following additional condition:

- ***The two (2) Pinus Radiata trees located on the road verge along Moss Vale Road be removed at the owner's expense and replace the removed trees with trees in accordance with Council's Street Tree Masterplan as applying to the Bowral township.***

***Reason: To ensure that the trees do not impact on the future residential development of the site.***

### VOTING ON THE MOTION

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

**Against the motion:** Nil

**PASSED**

## 12.4 Development Application 17/0816.10 - s.4.55 Modification to Approved Vehicle Repair Station - 80 Station Street and 13 Walker Street, Bowral

Reference: DA 17/0816.10  
Report Author: Senior Town Planner  
Authoriser: Group Manager Planning, Development and Regulatory Services  
Applicant: Lee Environmental Planning  
Owner: Lee Environmental Planning  
Link to Community Strategic Plan: Work in partnership to ensure a safe road network

### PURPOSE

The purpose of this report is to consider s.4.55 modification application 17/0816.10 which seeks approval to modify the approved Vehicle Repair Station at Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street and 13 Walker Street Bowral, specifically to delete Condition 70 which required a concrete footpath of width 1200mm to be constructed across the full length of the property (being the Station Street, Funston Street and Walker Street frontages of the property). This report is prepared for determination, and recommends **REFUSAL**, for the attached reasons (**Attachment 1**).

The matter was deferred from the Ordinary Council Meeting of 28 August 2019 and the report remains unaltered.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Clr K J Halstead declared a less than significant non-pecuniary interest in Item 12.4 Development Application 17/0816.10 - s.4.55 Modification to Approved Vehicle Repair Station - 80 Station Street and 13 Walker Street, Bowral as his son is a director of the firm that the private certifier is employed by. He has no financial interest in that firm. Clr K J Halstead left the chambers, the time being 04:49pm.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item

The General Manager left the Chambers, the time being 4.50pm.

The General Manager returned to the Chambers, the time being 5.10pm

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

*THAT s.4.55 modification application 17/0816.10 which seeks approval to modify the approved Vehicle Repair Station at Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street and 13 Walker Street Bowral, specifically to delete Condition 70 which required a concrete footpath of width 1200mm to be constructed across the full length of the property (being the Station Street, Funston Street and Walker Street frontages of the property) be APPROVED.*

**VOTING ON THE MOTION**

**For the motion:** Clr P W Nelson and Deputy Mayor G M Turland

**Against the motion:** Clr G J Andrews, Mayor Clr T D Gair, Clr I M Scandrett and Clr L A C Whipper

**LOST**

**MN 439/19**

**FORESHADOWED MOTION** moved by Clr I M Scandrett and seconded by Clr L A C Whipper

***THAT s.4.55 modification application 17/0816.10 which seeks approval to modify the approved Vehicle Repair Station at Lot 1 DP 1241412 (previously Lot 3 DP 740426 & Lot 13 Sec B DP 2630), being 80 Station Street and 13 Walker Street Bowral, specifically to delete Condition 70 which required a concrete footpath of width 1200mm to be constructed across the full length of the property (being the Station Street, Funston Street and Walker Street frontages of the property) be REFUSED as outlined in the report subject to reasons for refusal as described in Attachment 1 to the report.***

**FORESHADOWED MOTION BECAME THE MOTION**

**MOTION PASSED**

**VOTING ON THE MOTION**

**For the motion:** Clr G J Andrews, Mayor Clr T D Gair, Clr P W Nelson, Clr I M Scandrett and Clr L A C Whipper

**Against the motion:** Deputy Mayor G M Turland

## 12.5 Draft Development Control Plan Amendments

Reference:	5700
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 inform Council of the outcome of the exhibition of draft amendments to certain residential Development Control Plan (DCP) provisions and site specific draft amendments for two sites in the Berrima Landscape Conservation Area.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Clr K J Halstead returned to the meeting, the time being 05:11pm.

The Senior Strategic Land Use Planner addressed Council on this item

### **MN 440/19**

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

**THAT** the draft Development Control Plan amendments, as exhibited, relating to:

- a) *The maximum floor area of dual occupancy development in the R2, R3 and R5 zones,*
  - b) *The maximum height of dwellings in the Renwick Urban Release Area under the Renwick Precinct Plan of the Mittagong Township DCP,*
  - c) *The minimum lot size required for subdivision of an approved dual occupancy development anywhere in the Shire, including Renwick, and*
  - d) *Site specific provisions in the Rural Lands DCPs to address potential development on land at Odessa Street and Nathan Street Berrima;*
- be adopted.*

### **PASSED**

### **VOTING ON THE MOTION**

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

**Against the motion:** Nil

## 12.6 Request for a Refund of Development Fees by Southern Highland Botanic Gardens

Reference: 19/1020  
 Report Author: Development Assessment Planner  
 Authoriser: Group Manager Planning, Development and Regulatory Services  
 Link to Community Strategic Plan: Work collaboratively to address social disadvantage

### PURPOSE

The purpose of this report is to consider a request by the Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 19/1020, DA 17/1773, DA 17/1773.01, DA 18/0027 and CC 18/0027.01.

As the application relates to a not for profit organisation, Council's adopted revenue policy provides via Council resolution a partial refund of the development fees upon application. Refunds of fees for charitable and not for profit organisations are sourced from the Council Contingency Fund.

**MN 441/19**

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

1. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 19/1020 refund \$197.50 being 50% of Development Application fee from the Council's Contingency Fund.
2. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 17/1773 refund \$195.50 being 50% of Development Application fee from the Council's Contingency Fund.
3. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 17/1773.01 refund \$94.00 being 50% of Development Application fee from the Council's Contingency Fund.
4. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Development Application Fees pertaining to DA 18/0027 refund \$447.77 being 50% of Development Application fee from the Council's Contingency Fund.
5. **THAT** Council with regard to the request by Southern Highlands Botanic Gardens for a refund of Construction Certificate Fees pertaining to CC 18/0027.01 refund \$2073.05 being 50% of the construction certificate fee from the Council's Contingency Fund.

**PASSED**

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## 12.7 Children's Services Service Delivery Review

Reference:	200/11.1
Report Author:	Corporate Strategy Projects Officer
Authoriser:	Group Manager Corporate and Community
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 a recommendation on the future operations of Council's Children's Services following completion of a Service Delivery Review.

The General Manager addressed Council on this matter.

**MN 442/19**

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

**THAT** the report concerning Children's Services Service Delivery Review be considered in Closed Council Item No. 19.3.

*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).*

**PASSED**



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**13. GENERAL MANAGER**

Nil

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**14. DELEGATE REPORTS**

Nil

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**15. PETITIONS**

Nil

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## 16. COMMITTEE REPORTS

### 16.1 Minutes of the Traffic Committee Meeting on Thursday 22 August 2019

Reference: 107/6  
Report Author: Administration Officer

#### **PURPOSE**

This report provides the Minutes of the Traffic Committee meeting held on Thursday 22 August 2019.

**MN 443/19**

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

**THAT** recommendations Nos TC32/19 to TC48/19 – as detailed in the Minutes of the Traffic Committee Meeting held on 22 August 2019 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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## 16.2 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 August 2019

Reference:	107/25
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Sustainably manage natural resources for broader community benefit

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### PURPOSE

This report provides the Minutes of the Environment and Sustainability Advisory Committee meeting held on Wednesday, 21 August 2019.

### **MN 444/19**

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

**THAT** recommendations Nos ES11/19 to ES14/19 – as detailed in the Minutes of the Environment and Sustainability held on 21 August 2019 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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## 16.3 Minutes of the Finance Committee Meeting held on Wednesday, 21 August 2019

Reference:	107/21
Report Author:	Administration Officer (Meetings)
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

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 21 August 2019.

### **MN 445/19**

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

**THAT** recommendations Nos FC 20/19 to FC 25/19 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 21 August 2019 be adopted.

**PASSED**

## **17. QUESTIONS WITH NOTICE**

Nil

## 18. NOTICES OF MOTION

### 18.1 Notice of Motion 35/2019 - Climate Change

Reference:	100/4 5450/22
Report Author:	Administration Officer (Meetings)
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

To consider a Notice of Motion by Councillor Whipper relating to Climate Change.

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

1. **THAT** Council acknowledge the increased likelihood of bushfires, severe storms, drought and floods and the resultant effect on residents and council's operational budget particularly in relation to water supply and bushfire control.
2. **THAT** Council make a formal declaration of Climate Change Emergency, and an information session be held followed by a report to Council which considers how Council's plans, policies and works programs can address the climate emergency and ensure this is embedded into future Council strategic plans.
3. **THAT** Council take steps to develop a Shire-wide Community Climate Emergency Plan.
4. **THAT** Council examine how our community strategic plan, works program and planning documents may be able to address the climate emergency, and investigate the options available to Council to put this emergency declaration into operation.
5. **THAT** Council write to Federal and State politicians expressing our concerns in relation to the social, environmental and financial impacts of Climate Change.
6. **THAT** Council note and give in principle support to the Climate Strike by students at Glebe Park on 20<sup>th</sup> September acknowledging in particular the need for Governments at all levels to acknowledge and act to mitigate the potential impacts of climate change on the lives of our young people and those of future generations.

#### **MN 446/19**

**AMENDMENT** moved by Cllr G J Andrews and seconded by Cllr I M Scandrett

**THAT** an information session be held with all councillors and delivered by staff outlining the actions currently being undertaken which addresses the issues as identified in the Notice of Motion 35/2019 regarding climate change.

**AMENDMENT PASSED**

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**

Cllrs Turland, Whipper and Halstead requested their dissenting votes be recorded

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## **19. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

107/9

At this juncture, the time being 6.00 pm, Council moved into Closed Council.

**MN 447/19**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr K J Halstead

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:***

**19.1 Tender for Bowral Rugby Club House Re-Development - Stage 2**

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 the Bowral Rugby Club House Re-Development – Stage 2.

**19.2 Tender for Water Reservoir Cathodic Protection**

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 the design and installation of cathodic protection systems at five (5) steel potable water storage reservoir tanks.

**19.3 Children's Services Service Delivery Review**

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) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description



This report provides a recommendation on the future operations of Council's Children's Services following completion of a Service Delivery Review.

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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## 19.1 Tender for Bowral Rugby Club House Re-Development - Stage 2

Reference:	6330/19.23
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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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)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.*

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### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Bowral Rugby Club House Re-Development – Stage 2.

This item was dealt with earlier in the meeting on page 11, MN431/19

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## 19.2 Tender for Water Reservoir Cathodic Protection

Reference:	RFT 6330/19.17
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

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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)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.*

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### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the design and installation of cathodic protection systems at five (5) steel potable water storage reservoir tanks.

This item was dealt with earlier in the meeting on page 12 MN432/19.

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## 19.3 Children's Services Service Delivery Review

Reference:	200/11.1
Report Author:	Corporate Strategy Projects Officer
Authoriser:	Group Manager Corporate and Community
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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### 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).*

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### PURPOSE

This report provides a recommendation on the future operations of Council's Children's Services following completion of a Service Delivery Review.

The Group Manager Corporate and Community addressed Council on this item

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item

The General Manager addressed Council on this item

### **MN 448/19**

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

***THAT the Children's Services Service Delivery Review be DEFERRED, AND THAT meaningful discussions take place with the Children's Services staff and the Union Representative Organisation consulted prior to the matter being further considered by Council.***

**PASSED**

## 20. RESUMPTION OF OPEN AGENDA

107/10

**MN 449/19**

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

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

**PASSED**

No members of the public were present in the Chamber.

The recording and live streaming of the meeting recommenced and all present were reminded that the meeting was being recorded and live streamed via the internet for public viewing.

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### ADOPTION OF CLOSED COUNCIL

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107/9

**MN 450/19**

**MOTION** moved by Cllr G J Andrews and seconded by Cllr P W Nelson

**THAT** the recommendations of the Closed Council held on Wednesday, 11 September 2019 being MN 448/19 be adopted.

**PASSED**

The General Manager read out the Resolutions adopted by Council in Closed Council.

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## **21. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.40 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 11 September 2019 numbered M/N 425/19 to M/N 450/19 were signed by me hereunder at the Council Meeting held on Wednesday 25 September 2019.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 25 SEPTEMBER 2019**

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CHAIRMAN

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