

MINUTES

of the Ordinary Meeting of Council

held remotely using audio visual link and open to members of the
community via webcast

on

Wednesday 14 October 2020

The meeting commenced at 3.30pm

File No. 100/2020

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 14 October 2020



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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 14 OCTOBER 2020 COMMENCING AT 3.30PM

Present:

Mayor Cllr T D Gair
Deputy Mayor Cllr G J Andrews*
Cllr K J Halstead OAM*
Cllr G McLaughlin*
Cllr P W Nelson*
Cllr I M Scandrett*
Cllr G M Turland*
Cllr L A C Whipper*

In Attendance:	Acting General Manager	Mr Barry W Paull
	Acting Deputy General Manager	
	Operations, Finance and Risk	Mr Richard Mooney
	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
	Group Manager Project Delivery	Mr Ned Tripkovic
	Chief Information Officer	Mr John Crawford
	Senior Strategic Land Use Planner	Ms Susan Stannard (in part)
	Acting Manager Assets	Ms Rachel Forte (in part)
	Coordinator Media and Communications	Mr David Sommers*
	Administration Officer	Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some Councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and remaining staff were present in the Council Chambers for this meeting.

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

Cllr 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 civic prayer by the Mayor Clr T D Gair.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 23
SEPTEMBER 2020

MN 400/20

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 23 September 2020 MN 378/20 to MN 399/20 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 20/0306.03

Clr P W Nelson declared a significant non-pecuniary interest in Item 9.1 20/0306.03 Section 8.2 Review of Determination of Refused Development Application 20/0306 - Demolition of building and carrying out works and use of land, for the purpose of vehicle sales or hire premises, Lot 6 DP 1226255, 556 Argyle Street Moss Vale as he is the Chairman of the Rotary Club of Moss Vale Charity Golf Day to be held on Friday 20 November 2020 and the Moss Vale Motor Group is the major sponsor for the charity golf day. He will be absent from the Chambers for consideration of that item.

101/3 20/0306.03

Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 9.1 20/0306.03 Section 8.2 Review of Determination of Refused Development Application 20/0306 - Demolition of building and carrying out works and use of land, for the purpose of vehicle sales or hire premises, Lot 6 DP 1226255, 556 Argyle Street Moss Vale as the applicant Kathy Barnsley does work for him. Clr Scandrett owns a block of commercially zoned land at 223 Argyle Street, Moss Vale, which is in his annual declaration. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

7. MAYORAL MINUTES

Nil.

8. PUBLIC FORUM

5901/2

Item 12.4 Planning Proposal to Amend Clause 1.9A(2) of Wingecarribee Local Environmental Plan 2010 to include the Western Portion of Retford Park Bowral.

Mr Gi Kim addressed Council in support of the recommendation.

6605/4 501/2020

Item 18.1 Notice of Motion 33/2020 Eridge Park Netball Courts Upgrade

Ms Cecelia Marmont on behalf of the Southern Highlands Netball Association addressed Council in support of the recommendation.

7850/11 7430/37

Item 18.2 Notice of Motion 34/2020 Second Bridge Over Railway Line at Wingecarribee Street, Bowral

Mr Matt Murfitt addressed Council via pre-recorded video against the development.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 20/0306.03 Section 8.2 Review of Determination of Refused Development Application 20/0306 - Demolition of building and carrying out works and use of land, for the purpose of vehicle sales or hire premises, Lot 6 DP 1226255, 556 Argyle Street Moss Vale

Reference:	20/0306.03
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Applicant:	Kathy Barnsley Architect Pty Ltd
Owner:	Hurrikayne 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 a Section 8.2 Review of Determination of Development Application 20/0306.03 for the Council's consideration and recommends **APPROVAL** subject to attached conditions of consent (**Attachment 1**).

Clr P W Nelson declared a significant non-pecuniary interest in Item 9.1 20/0306.03 Section 8.2 Review of Determination of Refused Development Application 20/0306 - Demolition of building and carrying out works and use of land, for the purpose of vehicle sales or hire premises, Lot 6 DP 1226255, 556 Argyle Street Moss Vale as he is the Chairman of the Rotary Club of Moss Vale Charity Golf Day to be held on Friday 20 November 2020 and the Moss Vale Motor Group is the major sponsor for the charity golf day.

Clr P W Nelson left the Chambers, the time being 04:00pm.

Mr Dennis McManus addressed Council against the development

Ms Kathy Barnsley addressed Council in support of the development.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 401/20

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

THAT the Section 8.2 Review of Determination of Refused Development Application 20/0306 – Demolition of building and carrying out works and use of land, for the purpose of vehicle sales or hire premises, Lot 6 DP 1226255, 556 Argyle Street Moss Vale, be **APPROVED** subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

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

Against the motion: Cllr G McLaughlin

PASSED

FORESHADOWED MOTION moved by Cllr G McLaughlin

THAT the Council determine the 8.2 Review of Determination Application 20/0306.03 by refusal, subject to the previously recommended reasons for the original refusal.

THE FORESHADOWED MOTION LAPSED AS THE ORIGINAL MOTION WAS PASSED

9.2 Development Application 20/1139 - Subdivision of Land and Carrying out of Works to Create 12 Lots, and Carrying out of Works for the Purpose of a Road, Lot 32 DP1205423, 102-104 Old Wingello Road, Bundanoon

Reference:	20/1139
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Rochester Estate Pty Limited
Owner:	Rochester Estate Pty Limited
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 present development application 20/1139 for the Council's consideration and recommends determination by REFUSAL for the reasons specified in **Attachment 1**.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Clr P W Nelson returned to the meeting, the time being 04:28pm.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

MN 402/20

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

THAT development application 20/1139 for a proposed subdivision of land and carrying out works to create 12 lots and carrying out of works for the purpose of a road at Lot 32 DP 1205423, No 102-104 Old Wingello Road, Bundanoon be REFUSED for the reasons as described in Attachment 1 to the report.

VOTING ON THE MOTION

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

Against the motion: Cllr G M Turland

PASSED

AMENDMENT moved by Cllr G M Turland

THAT development application 20/1139 for a proposed subdivision of land and carrying out works to create 12 lots and carrying out of works for the purpose of a road at Lot 32 DP 1205423, No 102-104 Old Wingello Road, Bundanoon be DEFERRED until after the outcome of the court matter in the Land and Environment Court this week.

THE AMENDMENT LAPSED THROUGH WANT OF A SECONDER

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Tender for Berrima Road Deviation Project - High Voltage Relocation

Reference:	6330/19.34
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Berrima Road Deviation Project – High Voltage Relocation.

The Acting General Manager addressed Council on this item.

MN 403/20

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

1. **THAT** in relation to the report concerning Berrima Road Deviation Project – High Voltage Relocation - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. **THAT** Council accepts the tender from Endeavour Energy Network Unregulated Partnership T/A Ausconnex at a lump sum of \$870,688 (Inclusive of GST) to undertake Berrima Road Deviation Project - High Voltage Relocation.

PASSED

11.2 Adoption of the Playspace Strategy

Reference:	6500/3.1
Report Author:	Asset Coordinator Parks and Buildings
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Increase promotion of healthy lifestyle choices

PURPOSE

The purpose of this report is to present the results of the public exhibition period of the Draft Playspace Strategy ('Draft Strategy') and to seek Council formal adoption of the Playspace Strategy.

The Acting Manager Assets addressed Council on this item.

The Acting General Manager addressed Council on this item.

Clr G McLaughlin left the Chambers, the time being 04:53pm.

Clr G McLaughlin returned to the meeting, the time being 04:55pm.

MN 404/20

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

1. **THAT** the final Playspace Strategy including amendments be adopted by Council.
2. **THAT** the feedback received in response to the public exhibition of the Draft Playspace Strategy be noted.
3. **THAT** Council Officers write to Community Members who made submissions during the Public Exhibition and thank them for their participation.
4. **THAT** Council will not sell or dispose of any identified land contained within the playspace strategy **AND THAT** all land will be held for the purpose of passive recreation or for the provision of playspace equipment **AND** remain classified as community land.

PASSED

FORESHADOWED MOTION moved by Clr G M Turland

THAT the Playspace Strategy not be adopted.

THE FORESHADOWED MOTION WAS LOST AS THE ORIGINAL MOTION WAS PASSED.

11.3 Proposed Acquisition of Land for Easement - Moss Vale

Reference:	PN1770890; PN1704263
Report Author:	A/Property and Projects Officer
Authoriser:	Coordinator Property Services
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 negotiate the acquisition of land for a proposed easement for water trunk main between Bowral and Moss Vale.

MN 405/20

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

THAT the report concerning Proposed Land Acquisition for Easement – Moss Vale be considered in Closed Council – Item 19.2. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PASSED

11.4 Land Acquisition - Moss Vale

Reference:	Confidential 7120/4
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
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 direction for the potential purchase of property in Moss Vale.

MN 406/20

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

THAT the report concerning the potential purchase of land in Moss Vale be considered in Closed Council – Item 19.3. This report is confidential in accordance with S10A(2) of the Local Government Act 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PASSED

11.5 Proposed Licence Agreement to U3A Southern Highlands Incorporated - 73 Station Street Bowral

Reference:	PN 1700777
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
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 Licence Agreement to U3A Southern Highlands Incorporated for the shared occupation of the Council property located at 73 Station Street, Bowral.

MN 407/20

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

1. **THAT** an offer of a Licence Agreement for the occupation of part 73 Station Street Bowral be made to U3A Southern Highlands Incorporated **AND THAT** the term of the initial agreement be for five (5) years.
2. **THAT** the Mayor and Acting General Manager be delegated authority to execute the Licence Agreement referred to in resolution 1 above under the Common Seal of Council.

PASSED

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 28 August 2020 to 28 September 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 28 August 2020 to 28 September 2020.

MN 408/20

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

THAT the information relating to the lists of Development Applications Determined for the period 28 August 2020 to 28 September 2020 be received and noted.

PASSED

12.2 Development Applications Received from 28 August 2020 to 28 September 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 28 August 2020 to 28 September 2020.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

MN 409/20

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

1. **THAT** the information relating to Development Applications Received from 28 August 2020 to 28 September 2020 be received and noted.
2. **THAT** the following items be placed on Council's Weekly Circular:
 - Item 7 20/1472.01 214 Greenhills Road Berrima;
 - Item 9 17/1822.07 2-18 Centennial Road Bowral NSW 2576 Lot 1 & Lot 2 DP 1101892 Lots 4-11 DP 1101892;
 - Item 44 21/0387 2400 Canyonleigh Road Canyonleigh; and
 - Item 114 21/0513 19 Funston Street Bowral.
3. **THAT** the following items be brought before Council:
 - Item 90 21/0333 25-29 North Street Robertson NSW 2577 Lot 343 DP 751302; and
 - Item 17 21/0367 Retford Park Old South Road, Bowral.

PASSED

12.3 Development Application 20/0737 - Conversion of Dwelling to Dental Clinic at 88 Bowral Street, Bowral

Reference:	20/0737
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	PDC Planners
Owner:	Rajesh Tumar
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 20/0737 which seeks development consent for the conversion of and alterations to an existing dwelling for the purpose of a Health Services Facility comprising a Dental Clinic at Lot 1 DP135316, being 88 Bowral Street, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

The Acting General Manager left the meeting, the time being 5.14pm

The Acting General Manager returned to the meeting, the time being 5.18pm

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

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

THAT Development Application 20/0737 which seeks development consent for the conversion of and alterations to an existing dwelling for the purpose of a Health Services Facility comprising a Dental Clinic at Lot 1 DP135316, being 88 Bowral Street, Bowral be **REFUSED** for the following reasons:

1. Prohibited in the LEP;
2. Traffic congestion;
3. Amenity;
4. Public interest;
5. Destruction of the Bowral heritage conservation area.

VOTING ON THE MOTION

For the motion: Cllr G McLaughlin and Cllr L A C Whipper

Against the motion: Deputy Mayor Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr P W Nelson, Cllr I M Scandrett and Cllr G M Turland

LOST

MN 410/20

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

THAT Development Application 20/0737 which seeks development consent for the conversion of and alterations to an existing dwelling for the purpose of a Health Services Facility comprising a Dental Clinic at Lot 1 DP135316, being 88 Bowral Street, Bowral be **APPROVED** subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

For the motion: Deputy Mayor Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr P W Nelson, Cllr I M Scandrett and Cllr G M Turland

Against the motion: Cllr L A C Whipper, Cllr G McLaughlin

PASSED

12.4 Planning Proposal to Amend Clause 1.9A(2) of Wingecarribee Local Environmental Plan 2010 to include the Western Portion of Retford Park Bowral.

Reference:	100/8 20/0720.1 5901/12
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 prepare a Planning Proposal for a Gateway Determination to amend clause 1.9A(2) of the *Wingecarribee Local Environmental Plan 2010* (WLEP 2010) to include the western portion of the Retford Park residential estate.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

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

MN 411/20

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

THAT a Planning Proposal be urgently prepared and submitted to the Department of Planning, Industry and Environment for a Gateway Determination under section 3.33 of the Environmental Planning and Assessment Act 1979, to amend clause 1.9A(2) of the Wingecarribee Local Environmental Plan 2010 by adding the following:

(h) to any agreement or other relevant instrument applying to any parcel of land within Retford Park Estate, being the 26.63ha of land comprising the western portion of the estate bounded by Old South Road Bowral, David Woods Playing Fields and Lot 221 DP1206897 known as Retford Park.

THE FORESHADOWED MOTION BECAME THE MOTION

VOTING ON THE MOTION

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

Against the motion: Cllr G M Turland

PASSED

FORESHADOWED MOTION moved by Cllr G M Turland

THAT a Planning Proposal NOT be prepared and submitted to the Department of Planning, Industry and Environment for a Gateway Determination under section 3.33 of the Environmental Planning and Assessment Act 1979, to amend clause 1.9A(2) of the Wingecarribee Local Environmental Plan 2010.

THE FORESHADOWED MOTION LAPSED AS THE ORIGINAL MOTION WAS PASSED

12.5 Post Exhibition Report for Rural Tourism Planning Proposal

Reference: 5901/73
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Provide diversity in tourist attractions and experiences

PURPOSE

Inform Council of the outcomes of public exhibition of the draft amendments to the *Wingecarribee Local Environmental Plan 2010* recommended following adoption of the Wingecarribee Rural Tourism Policy.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

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

MN 412/20

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

1. **THAT** the Planning Proposal to amend the Wingecarribee Local Environmental Plan 2010 to:
 - a) increase the maximum number of bedrooms in Farm Stay Accommodation from three (3) to eight (8).
 - b) increase the maximum number of bedrooms in Bed and Breakfast Accommodation from three (3) to five (5).
 - c) permit Artisan Food and Drink Industry with consent in the following zones:
 - RU1 Primary Production,
 - RU2 Rural Landscape,
 - RU4 Primary Production Small Lots, and
 - SP3 Tourist
 - d) permit Function Centres with consent in the RU2 Rural Landscape zone.
 - e) insert a new 'Heads of Consideration' clause 5.14 for Function Centres as included in Attachment 1 to this report, and
 - f) exclude Function Centres from the operation of Clause 2.8 Temporary Use of Land.be finalised in accordance with section 3.36(2) of the Environmental Planning and Assessment Act 1979.
2. **THAT** all submission makers be advised of Council's determination and thanked for making their submission.

VOTING ON THE MOTION

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

Against the motion: Nil

PASSED

12.6 Register of Returns Disclosing Interests of Councillors and Designated Persons

Reference:	101/3; 103/12
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

The purpose of this report is to table the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2020, as required by clause 4.25 of Council's Code of Conduct and in accordance with the Model Code of Conduct for Local Councils in NSW that is prescribed under section 440 of the *Local Government Act 1993* ('the LG Act').

The Group Manager Corporate and Community addressed Council on this item.

MN 413/20

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

THAT the information in the report in relation to the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2020 be received and noted.

PASSED

12.7 Provision of Expenses and Facilities to Councillors

Reference:	101/4, 101/5
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

To report on the provision of expenses and facilities to Councillors for the 2019/20 financial year.

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

MN 414/20

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

1. **THAT** the information in the report in relation to the provision of expenses and facilities to Councillors for the 2019/20 financial year be received and noted.
2. **THAT** the expense of \$672.00 against Cllr G M Turland for Telecommunications be removed from the expenses table as it was included in error.

PASSED

13. GENERAL MANAGER

Nil

14. DELEGATE REPORTS

Nil

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Traffic Committee held on Thursday 24 September 2020

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 24 September 2020.

The Acting General Manager addressed Council on this item.

MN 415/20

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

THAT recommendation Nos TC40/20 to TC49/20 as detailed in the Minutes of the Traffic Committee Meeting held on Thursday, 24 September 2020 be adopted, save for any items which have budgetary implications AND THAT action on any item with budgetary implications be delayed, pending consideration by the Finance Committee.

PASSED

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 42/2020 Mittagong Maltings

Reference: 101/2 20/1400
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

To: Acting General Manager

From: Cllr L A C Whipper

Received: 12 September 2020

Subject: Mittagong Maltings

MN 416/20

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

THAT the information in relation to Question with Notice 42/2020 Mittagong Maltings - be noted.

PASSED

18. NOTICES OF MOTION

18.1 Notice of Motion 33/2020 Eridge Park Netball Courts Upgrade

Reference:	100/4 6605/4 501/2020
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

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 14 October 2020:

The Acting General Manager addressed Council on this item.

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

MN 417/20

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

THAT the request to upgrade the netball courts at Eridge Park, in the sum of \$80,000, be referred to the next Finance Committee meeting on 21 October 2020 to make recommendations on funding options, should the funding application through the Local Roads and Community Infrastructure Program be unsuccessful.

PASSED

18.2 Notice of Motion 34/2020 Second Bridge Over Railway Line at Wingecarribee Street, Bowral

Reference:	100/4 7850/11 7430/37
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

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 14 October 2020:

The Acting General Manager addressed Council on this item.

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

- 1 THAT Council refrain from undertaking any further investigation works on the Station Street Upgrade (Bowral Bypass) until the Council undertakes the assessments of the as stated a critical link for efficiency traffic movements into Bowral and crossing the Wingecarribee Bridge as stated in the Council's Weekly Circular on 25 September Item 36.
- 2 THAT Council undertake a review of the possibility of integrating a new bridge at Funston Street Oxley Hill Road incorporating in the possibility of the Bowral Brickworks redeployment.
- 3 THAT Council undertake a review and budget of the possibility of a new bridge over the railway extending the culvert over the Mittagong Creek in Kirkham Road and constructing a new roundabout at the Kirkham Road/Mittagong Road Bowral intersection to comply with the RMS standards.

LOST

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.52 pm, Council moved into Closed Council.

MN 418/20

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

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 Berrima Road Deviation Project - High Voltage Relocation

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 Berrima Road Deviation Project – High Voltage Relocation.

19.2 Proposed Land Acquisition for Easement - Moss Vale

Relevant Legal Provisions

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

Brief description

The purpose of this report is to seek Council approval to negotiate the acquisition of land for a proposed easement for water trunk main between Bowral and Moss Vale, affecting the properties Lot 22 in Deposited Plan 839969 (being 'Riverside Meadows', 30 Headlam Road, Moss Vale) and Lot 23 in Deposited Plan 854027 (being 44 Church Road, Moss Vale).

19.3 Land Acquisition - Moss Vale

Relevant Legal Provisions

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

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

Brief description

The purpose of this report is to provide Council with an update following negotiations to purchase 1 Bowman Road, Moss Vale and to provide additional information in accordance with the resolution of Council from its meeting on 9 September 2020 (MN 374/20).

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

PASSED

19.1 Tender for Berrima Road Deviation Project - High Voltage Relocation

Reference:	6330/19.34
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

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.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Berrima Road Deviation Project – High Voltage Relocation.

This item was dealt with on page 9 MN 403/20.

19.2 Proposed Land Acquisition for Easement - Moss Vale

Reference:	PN1770890; PN1704263
Report Author:	A/Property and Projects Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

The purpose of this report is to seek Council approval to negotiate the acquisition of land for a proposed easement for water trunk main between Bowral and Moss Vale, affecting the properties Lot 22 in Deposited Plan 839969 (being 'Riverside Meadows', 30 Headlam Road, Moss Vale) and Lot 23 in Deposited Plan 854027 (being 44 Church Road, Moss Vale).

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

The Acting General Manager addressed Council on this item.

MN 419/20

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

1. **THAT** the Acting General Manager be delegated authority to negotiate with the owners of Lot 22 in Deposited Plan 839969 (30 Headlam Road, Moss Vale) and Lot 23 in Deposited Plan 854027 (44 Church Road, Moss Vale) for the acquisition of part of the Land being Lot 22 in Deposited Plan 839969 (30 Headlam Road, Moss Vale) and Lot 23 in Deposited Plan 854027 (44 Church Road, Moss Vale) for the purpose of an easement for water trunk main **AND THAT** compensation be negotiated within 10% range of the formal valuation obtained by Council in respect of the proposed acquisitions.
2. **THAT** if the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
 - a) acquire the Land by compulsory acquisition under sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW);
 - b) approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land **AND THAT** Council request that the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for acquisition of the easement over the land referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and Acting General Manager to execute those documents.
4. **THAT** authority be delegated to the Mayor and Acting General Manager to execute on behalf of Council any documents associated with the acquisition of an easement over the land referred to in Resolution 1 above that does not require the Common Seal of Council.
5. **THAT** upon acquisition, the Land is classified as Operational Land.

PASSED

19.3 Land Acquisition - Moss Vale

Reference:	Confidential 7120/4
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

The purpose of this report is to provide Council with an update following negotiations to purchase 1 Bowman Road, Moss Vale and to provide additional information in accordance with the resolution of Council from its meeting on 9 September 2020 (MN 374/20).

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

The Acting General Manager addressed Council on this item.

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

MN 420/20

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

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 7.45pm.

EXTENSION OF TIME PASSED

MN 421/20

MOTION moved by Cllr G M Turland and seconded by Cllr K J Halstead OAM

THAT Council staff continue to further investigate the three alternate properties as discussed in Closed Council **AND THAT** a further report be brought back to Council as soon as possible.

PASSED

Unanimously supported

20. RESUMPTION OF OPEN AGENDA

107/10

MN 422/20

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

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.

ADOPTION OF CLOSED COUNCIL

107/9

The Acting General Manager read out the adopted Motions from Closed Council.

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.42 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 14 October 2020 numbered MN 400/20 to MN 422/20 were signed by me hereunder at the Council Meeting held on Wednesday 28 October 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 28 OCTOBER 2020

CHAIRMAN

PUBLIC OFFICER