



MINUTES

of the
Ordinary Meeting of Council
held in
Council Chambers
Civic Centre, Elizabeth Street, Moss Vale
on

Wednesday 10 July 2019

The meeting commenced at 3.30pm

File No. 100/2019

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
Nil	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 26 June 2019	
6. DECLARATIONS OF INTEREST	3
7. MAYORAL MINUTES	4
7.1 Australian Local Government Association - National General Assembly 2019.....	4
7.2 Condolences - Mr Maxwell Powditch	5
PUBLIC FORUM	6
8. VISITOR MATTERS.....	7
OPERATIONS	
Nil	
CORPORATE AND STRATEGY	
8.1 DA19/0837 - Seniors Housing Development - 2 Orchid Street Colo Vale	8
8.2 19/1374 Commercial Alterations and Additions - Extensions at Lot 1 DP 617915 Throsby Manor, 1A Throsby Street Moss Vale	10
8.3 Planning Proposal to Rezone Land at Yarrowa Road Moss Vale	14
9. EN BLOC MOTION.....	16
10. OPERATIONS FINANCE AND RISK	17
10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Street, Mittagong	17
10.2 Request to be appointed as Reserve Trust Manager of Crown Reserve 751277 known as Tourist Road Oval, Glenquarry	19
10.3 Mount Gibraltar Heritage Reserve - Update on Property Matters	20
10.4 Proposed Council Lease of the New Berrima Community Centre from Boral Cement Limited - Lots 282 & 283 in Deposited Plan 15995	21
10.5 Illawarra Academy of Sport - Request for Review of Annual Funding Contribution.....	22
10.6 Wingecarribee Adult Day Care Centre (WADCC) - Request for Loan Facility	23

10.7	Public Exhibition of the Draft Nattai Ponds Floodplain Risk Management Study and Plan.....	25
11.	CORPORATE STRATEGY AND DEVELOPMENT SERVICES.....	26
11.1	Development Applications Determined from 28 May 2019 to 26 June 2019	26
11.2	Development Applications Received from 28 May 2019 to 26 June 2019	27
11.3	Draft Development Control Plan Amendments	28
11.4	Heritage Assessment of Aitken Road Bowral Group – Interim Heritage Order No. 9.....	29
11.5	Request for Fees Assistance by Yaffa Media Pty Ltd for the Bowral Classic Cycling Event 2019.....	30
11.6	Appointment of Community Representatives to the Community Development Advisory Committee	31
12.	GENERAL MANAGER	32
	Nil	
13.	DELEGATE REPORTS	32
14.	PETITIONS	33
14.1	Petition 6/2019 - Response to Development Application 17/1679 - Lot 2 DP625407, 2 Walker Street, Bowral	33
15.	COMMITTEE REPORTS	34
15.1	Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019.....	34
15.2	Minutes of the Sport & Recreation Advisory Committee Meeting held on 9 May 2019	35
15.3	Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 21 June 2019.....	36
16.	QUESTIONS WITH NOTICE.....	37
16.1	Question with Notice 14/2019 - Berrima Road Project.....	37
16.2	Question with Notice 15/2019 - Victoria Street, Bowral	38
16.3	Question with Notice 16/2019 - Council Cash Reserves	39
17.	NOTICES OF MOTION	40
18.	CLOSED COUNCIL	40
	Nil	
19.	MEETING CLOSURE	40

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 10 JULY 2019 COMMENCING AT 3.30PM

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

In Attendance:	General Manager	Ms Ann Prendergast
	Deputy General Manager Operations, Finance and Risk	Mr Barry W Paull
	Deputy General Manager Corporate Strategy and Development Services	Mr Mark Pepping
	Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
	Chief Financial Officer	Mr Richard Mooney
	Chief Information Officer	Mr John Crawford
	Coordinator Strategic Land Use Planning	Mr Michael Park (in part)
	Senior Strategic Land Use Planner	Ms Susan Stannard (in part)
	Coordinator Media and Communications Administration Officer	Mr David Sommers Ms Michelle Richardson

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

Clr I M Scandrett acknowledged country:

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

3. PRAYER

The meeting was led in prayer by Chaplain John Wheeler.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 26 JUNE 2019

MN 317/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 26 June 2019 MN 291/19 to MN 316/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

Clr I M Scandrett referred to page 34, Item 22.1 - Legal Report – noting an error had been made however the error was determined to be unfounded.

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, 19/0837

Deputy General Manager Corporate Strategy and Development Services declared a significant non-pecuniary interest in Item 8.1 - DA19/0837 - Seniors Housing Development - 2 Orchid Street Colo Vale as his relations live in proximity to the development. He will be absent from the Chambers for consideration of that item.

101/3, 5700

Clr I M Scandrett declared a pecuniary interest in Item 11.3 - Draft Development Control Plan Amendments as he has a family member that owns property in the Renwick Estate and will be absent from the Chambers for consideration of that item.

PN2700, PN1800, PN2900, PN3000, PN3100, 101/3, 101/2

Mayor Clr T D Gair declared a significant interest in Item 11.4 - Heritage Assessment of Aitken Road Bowral Group—Interim Heritage Order No. 9 as he is the Council's Representative on the Joint Regional Planning Panel. He will be absent from the Chambers for consideration of that item.

101/3.1, 101/2

Deputy Mayor G M Turland declared a less than significant interest in Item 16.2 - Question with Notice 15/2019 - Victoria Street, Bowral and stated that he would remain in the chamber when this matter was discussed unless debated in which he will be absent from the Chambers for consideration of that item.

7. MAYORAL MINUTES

7.1 Australian Local Government Association - National General Assembly 2019

Reference: 102, 203/1.1
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

The purpose of this Mayoral Minute is to report on Wingecarribee Council's recent attendance at the Australian Local Government Association (ALGA) National General Assembly 2019 Conference held Sunday 16 October to Wednesday 19 October at the Crown Plaza, Canberra.

MN 318/19

MOTION moved by Mayor Clr T D Gair and seconded by Clr G Markwart

THAT the report on the attendance at the 2019 Australian Local Government Association (ALGA) National General Assembly 2019 be noted.

PASSED

7.2 Condolences - Mr Maxwell "Max" Powditch

Reference: 102, 600/4
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

The purpose of this Mayoral Minute is to formally recognise and pass on Council's prayers and condolences to the family and friends of Mr Maxwell "Max" Powditch.

MN 319/19

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

1. **THAT** Council offers its prayers and condolences to the family and friends of Mr Maxwell Powditch.
2. **THAT** Council send a letter of condolence to the family of Mr Maxwell Powditch.

PASSED

PUBLIC FORUM

Item 11.3 Draft Development Control Plan Amendments
Mr Barry Anstee, addressed Council

Item 11.4 Heritage Assessment of Aitken Road Bowral Group—Interim Heritage Order No. 9

Mr Simon Militano, addressed Council

8. VISITOR MATTERS

OPERATIONS

Nil

Clr I M Scandrett left the chambers, the time being 03:53pm.

Clr I M Scandrett returned to the meeting, the time being 03:58pm.

CORPORATE AND STRATEGY

8.1 DA19/0837 - Seniors Housing Development - 2 Orchid Street Colo Vale

Reference:	19/0837
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Joshua Graham
Owner:	J, K, G & M Graham
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 19/0837 which seeks approval for a Seniors Housing Development comprising four self contained dwellings in a two storey building, with rear carport to accommodate 5 vehicles at Lot 2 DP 1241233, being 2 Orchid Street, Colo Vale. 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.

Deputy General Manager Corporate Strategy and Development Services declared a significant non-pecuniary interest in Item 8.1 - DA19/0837 - Seniors Housing Development - 2 Orchid Street Colo Vale as his relations live in proximity to the development. The Deputy Manager Corporate Strategy and Development Services left the meeting, the time being 4.10pm.

The Group Manager Planning Development and Regulatory Services addressed Council in relation to this item

Mr Karl Batshon addressed Council.

Mr Joshua Graham addressed Council.

MN 320/19

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

THAT Development Application 19/0837 which seeks approval for a Seniors Housing Development comprising four self contained dwellings in a two storey building, with rear carport to accommodate 5 vehicles at Lot 2 DP 1241233, being 2 Orchid Street, Colo Vale, be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Clr P W Nelson and Deputy Mayor G M Turland

Against the motion: Clr K J Halstead, Clr G McLaughlin, Clr I M Scandrett and Clr L A C Whipper

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

THAT the applicant be invited to resubmit amended plans to reduce the bulk and scale of the development to a single storey.

AMENDMENT LOST

VOTING ON THE AMENDMENT

For the amendment: Clr K J Halstead, Clr G McLaughlin, Clr I M Scandrett, and Clr L A C Whipper

Against the amendment: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Clr P W Nelson and Deputy Mayor G M Turland

8.2 19/1374 Commercial Alterations and Additions - Extensions at Lot 1 DP 617915 Throsby Manor, 1A Throsby Street Moss Vale

Reference:	19/1374
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Louella Gratten-Smith
Owner:	Parasobe Pty Ltd
Link to Community Strategic Plan:	Promote business and industry development opportunities suited to our distinct region

PURPOSE

The purpose of this report is to consider Development Application 19/1374 which seeks approval at Lot 1 DP 617915 1A Throsby Street Moss Vale for alterations and additions to the building and its subsequent use as seven (7) serviced apartments providing self-contained accommodation to tourists and visitors. This report is prepared for determination, and recommends **APPROVAL** subject to attached conditions of consent.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this item.

The General Manager left the chambers, the time being 5:12pm

The Deputy General Manager Corporate Strategy and Development Services returned to the meeting, the time being 5:15pm.

Mr Stephen Thompson King addressed Council

The General Manager returned to the meeting, the time being 5:34pm

Mr Luke Moloney addressed Council

MN 321/19

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

THAT Development Application 19/1374 alterations and additions to the building and its subsequent use as seven (7) serviced apartments providing self-contained accommodation to tourists and visitors at Lot 1 DP 617915, Throsby Manor, 1A Throsby Street Moss Vale be **APPROVED** subject to conditions as described in Attachment 1 to the report and subject to the inclusion of the following deferred commencement condition of consent:

- a. Amended plans be submitted to redesign and/or relocate the chimney to preserve the heritage sightlines of the building.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

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

THAT Development Application 19/1374 alterations and additions to the building and its subsequent use as seven (7) serviced apartments providing self-contained accommodation to tourists and visitors at Lot 1 DP 617915, Throsby Manor, 1A Throsby Street Moss Vale be **APPROVED** subject to conditions as described in Attachment 1 to the report.

AMENDMENT LOST

VOTING ON THE AMENDMENT

For the motion: Clr G J Andrews, Mayor Clr T D Gair and Clr G Markwart

Against the motion: Clr K J Halstead, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

SUSPENSION OF STANDING ORDERS

MN 322/19

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

THAT Standing Orders be suspended in order to address Item 11.4 - Heritage Assessment of Aitken Road Bowral Group—Interim Heritage Order No. 9.

PASSED

11.4 Heritage Assessment of Aitken Road Bowral Group— Interim Heritage Order No. 9

Reference:	5650/9, PN 2700, PN 2800, PN 2900, PN 3000, PN 3100 19/0574
Report Author:	Strategic Land Use Planner - Heritage Projects
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is for Council to consider a heritage assessment of the precinct at 25-41 Aitken Road, Bowral, which is the subject of a current Interim Heritage Order (IHO No. 9) issued under delegation by Council. Should Council support the assessment and the recommendation of this report, a Planning Proposal would be prepared to effect the heritage listing by an amendment to the Wingecarribee Local Environmental Plan 2010.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Mayor Clr T D Gair declared a significant interest in Item 11.4 - Heritage Assessment of Aitken Road Bowral Group—Interim Heritage Order No. 9 as he is the Council's Representative on the Joint Regional Planning Panel.

Mayor Clr T D Gair left the chambers, the time being 05:51pm.

Deputy Mayor Clr Turland assumed the Chair.

The Coordinator Strategic Land Use Planning addressed Council in relation to this item.

Clr G Markwart left the chambers, the time being 05:51pm.

Clr G Markwart returned to the meeting, the time being 05:53pm.

The General Manager left the chambers, the time being 5:59pm.

The General Manager returned to the chambers, the time being 6:00pm.

Mr Simon Militano addressed Council in Public Forum.

MN 323/19

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

1. **THAT** Council supports the proposed heritage listing of the 'Aitken Road Interwar Housing Group' comprising Lots 24-25 DP 11348 (25-27 Aitken Road, known as 'Glenfarne'), Lots 19-21 DP 11348 (33-37 Aitken Road, known as 'Grantham') and Lot 11 DP 633966 (39-41 Aitken Road, known as 'Barkfold').
2. **THAT** Council supports the creation of the 'Aitken Road Conservation Area' comprising 12-30 and 25-43 Aitken Road, inclusive, and 56, 58 and 60 Kangaloon Road, Bowral.
3. **THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add 'Aitken Road Interwar Housing Group' as a new heritage item and 'Aitken Road Conservation Area' as a new heritage conservation area.
4. **THAT** the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
6. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
7. **THAT** Interim Heritage Order No. 9 is extended until 18 January 2020 to allow for the preparation and processing of the Planning Proposal.
8. **THAT** all affected property owners and objectors to the development application (DA 19/0574) be advised of Council's decision.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

8.3 Planning Proposal to Rezone Land at Yarrowa Road Moss Vale

Reference:	5901, PN1682600, PN1682500, PN1682400
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to present to Council an assessment of a Planning Proposal to rezone and amend the minimum lot size of three adjoining properties at 121, 131 and 153 Yarrowa Road Moss Vale for the purposes of residential development.

Mayor Clr T D Gair returned to the meeting, the time being 06:08pm.

Mr Scott Lee addressed Council

The Senior Strategic Land Use Planning addressed Council.

The Coordinator Senior Strategic Land Use Planning addressed Council

The General Manager addressed Council

MN 324/19

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

1. **THAT** the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale be DEFERRED pending completion of the Wingecarribee Local Housing Strategy.
2. **THAT** the General Manager prepare a report for Council recommending that Council not consider any further rezoning applications for Housing Development until the Housing Strategy is completed.

PASSED

VOTING ON THE MOTION

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

Against the motion: Cllr K J Halstead, Cllr G McLaughlin and Deputy Mayor G M Turland

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

1. **THAT** the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale be DEFERRED pending completion of the Wingecarribee Local Housing Strategy.
2. **THAT** the Wingecarribee Local Housing Strategy be completed by the end of 2019.
3. **THAT** the General Manager prepare a report for Council recommending that Council not consider any further rezoning applications for Housing Development until the Housing Strategy is completed.

AMENDMENT LOST

VOTING ON THE AMENDMENT

For the amendment: Cllr G J Andrews, Cllr K J Halstead, Cllr G McLaughlin and Deputy Mayor G M Turland

Against the amendment: Mayor Cllr T D Gair, Cllr G Markwart, Cllr I M Scandrett, Cllr P W Nelson and Cllr L A C Whipper

9. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

10. OPERATIONS FINANCE AND RISK

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Street, Mittagong

Reference:	PN 700000
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 provide Council with an update on the status of the proposed Lease to Illawarra Local Aboriginal Land Council (ILALC) of the Aboriginal Community & Cultural Centre (ACCC) at 1A Rainbow Street, Mittagong.

MN 325/19

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

1. **THAT** Council publicly re-exhibit the proposed Lease (Attachment 1) to the Illawarra Local Aboriginal Land Council for the property known as 1A Rainbow Street, Mittagong for a minimum twenty eight (28) day period.
2. **THAT** it be noted that the term of the proposed Lease is ninety nine (99) years.
3. **THAT** Council approve the changes to the proposed Lease and support the establishment of the Advisory Group with the number of voting members set at eight positions (two of those being set for two traditional Gundungarra elders and six community members), with four non voting positions AND THAT the frequency of meetings be every quarter.
4. **THAT** if any objection is raised during the public exhibition period a final report be brought back to Council for determination.
5. **THAT** if no objection is received during the public exhibition period, the General Manager and Mayor to delegated authority to execute the 99 year Lease to Illawarra Local Aboriginal Land Council for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong under the Common Seal of Council.

PASSED

Cllr Scandrett requested his dissenting vote be recorded.

AMENDMENT moved by Cllr I M Scandrett

1. **THAT** Council publicly re-exhibit the proposed Lease (Attachment 1) to the Illawarra Local Aboriginal Land Council for the property known as 1A Rainbow Street, Mittagong for a minimum twenty eight (28) day period.
2. **THAT** it be noted that the term of the proposed Lease is twenty one (21) years.
3. **THAT** Council approve the changes to the proposed Lease and support the establishment of the Advisory Group with the number of voting members set at eight positions (two of those being set for two traditional Gundungarra elders and six community members), with four non voting positions AND THAT the frequency of meetings be every quarter.
4. **THAT** if any objection is raised during the public exhibition period a final report be brought back to Council for determination.
5. **THAT** if no objection is received during the public exhibition period, the General Manager and Mayor to delegated authority to execute the 21 year Lease to Illawarra Local Aboriginal Land Council for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong under the Common Seal of Council.
6. **THAT** the property be reclassified as Community Land in accordance with the Local Government Act 1993.

AMENDMENT LAPSED THROUGH WANT OF A SECONDER

10.2 Request to be appointed as Reserve Trust Manager of Crown Reserve 751277 known as Tourist Road Oval, Glenquarry

Reference: 6542/1, 7136
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 lodge an application to NSW Department of Industry – Land and Water to be appointed as Reserve Trust Manager for Reserve 751277 known as Tourist Road Oval, Glenquarry.

MN 326/19

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

THAT Council formally lodge an application with NSW Department of Industry – Land and Water to be appointed as Reserve Trust Manager of Crown Reserve 751277 known as Tourist Road Oval, Glenquarry (being Lot 208 in DP 41441).

PASSED

10.3 Mount Gibraltar Heritage Reserve - Update on Property Matters

Reference:	PN 1797440, 6527/15
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 formally present to Council the range of property matters relating to the consolidation of the Mount Gibraltar Heritage Reserve and for Council to reaffirm its ongoing commitment to resolving these matters on behalf of key stakeholder groups such as the Mount Gibraltar Landcare and Bushcare Group, and the broader community.

MN 327/19

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

1. **THAT** Council acknowledge the complexity of the property matters which are delaying the consolidation of the Mount Gibraltar Heritage Reserve AND THAT Council reaffirm its commitment to resolving these matters on behalf of key stakeholder groups such as the Mount Gibraltar Landcare and Bushcare Group, and the broader community.
2. **THAT** as a matter of urgency Council convene a meeting with Mount Gibraltar Landcare and Bushcare Group, Council's Chief Financial Officer, Manager Open Space, Recreation and Building Maintenance, the Team Leader of Open Spaces, Deputy Mayor Clr G Turland and Clr L Whipper.
3. **THAT** this meeting be for the purpose of a specific report to Council to identify the means of consolidating additional parcels of land to the reserve and an agreed commitment and timeline for this purpose.
4. **THAT** this report be presented to full council no later than the last meeting of October 2019.

PASSED

10.4 Proposed Council Lease of the New Berrima Community Centre from Boral Cement Limited - Lots 282 & 283 in Deposited Plan 15995

Reference:	PN1425600
Report Author:	Property and Project 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 obtain Council approval to enter into a short term two (2) year Lease from Boral Cement Limited for the continued occupation of the Community Centre, Sydney Avenue, New Berrima being Lots 282 & 283 in Deposited Plan 15995.

MN 328/19

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

1. **THAT** the General Manager be delegated authority to negotiate a new short term Lease of the property known as Community Centre, Sydney Avenue, New Berrima, for a maximum of two (2) years, on similar terms and conditions to the current Lease.
2. **THAT** the General Manager and Mayor be delegated authority to execute the new Lease of the New Berrima Community Centre from Boral Cement and to affix the Common Seal of Council, if required.
3. **THAT** Council consider long term options for the provision of a community centre in the New Berrima township as part of the future Service Delivery Review of Community Facilities provided within the Wingecarribee Local Government Area.

PASSED

10.5 Illawarra Academy of Sport - Request for Review of Annual Funding Contribution

Reference:	6600/5, 1732/3
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

PURPOSE

The purpose of this report is to advise Council of a request made by the Illawarra Academy of Sport (IAS) to review the current level of funding support provided by Council for the 2019/20 Financial Year.

The General Manager left the Chambers, the time being 7:00pm.

MOTION moved by C/r P W Nelson and seconded by C/r G J Andrews

THAT Council support the request of the Illawarra Academy of Sport to increase its annual funding support provided by Council by an additional \$2,000 in the 2019/20 financial year, AND THAT the matter be referred to the September Quarterly Review to allocate the funds.

MN 329/19

AMENDMENT moved by Deputy Mayor G M Turland and seconded by C/r I M Scandrett

1. **THAT Council decline the request made by the Illawarra Academy of Sport to review its level of funding support for the 2019/20 financial year on the basis that the 2019/20 budget was adopted on the 12 June 2019.**
2. **THAT Council include the Illawarra Academy of Sport's request for a review of the current level of funding support provided to the Illawarra Academy of Sport as part of the 2020/21 Budget.**

AMENDMENT BECAME THE MOTION

MOTION PASSED

10.6 Wingecarribee Adult Day Care Centre (WADCC) - Request for Loan Facility

Reference:	1827/5, 1732/3
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

PURPOSE

The purpose of this report is to seek Council's direction regarding formal correspondence received from the Wingecarribee Adult Day Care Centre's (WADCC) Board with respect to the amended terms and conditions of the interest free Loan approved by Council on the 24 April 2019.

The General Manager returned to Chambers, the time being 7:08pm.

MOTION moved by Deputy Mayor G M Turland

THAT Council draft a new agreement on the basis that there would be no fixed repayment schedule and default interest arrangements.

MOTION LOST THROUGH WANT OF A SECONDER

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

THAT Council convert the current Loan offer to a funding grant of \$220,000 to WADCC to cover the additional costs associated with the alterations and extension of the WADCC building AND THAT it be funded through the capital projects reserve.

MOTION LOST

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

THAT Council confirm that the amended terms and conditions of the draft Loan Agreement are to remain unchanged. If the Board is unwilling to accept this offer, then Council would need the Board to identify where additional funding could be sourced to ensure the project can be completed.

AMENDMENT LOST

MN 330/19

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

THAT Council draft a new agreement on the basis that there would be no fixed repayment schedule and default interest arrangements.

THE FORESHADOWED MOTION BECAME THE MOTION

MOTION PASSED

10.7 Public Exhibition of the Draft Nattai Ponds Floodplain Risk Management Study and Plan

Reference:	8100/17.1
Report Author:	Floodplain and Stormwater Engineer
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

PURPOSE

The purpose of this report is to seek Council's endorsement to place the draft report on the Nattai Ponds Floodplain Risk Management Study and Plan on public exhibition.

Clr I M Scandrett left the chambers, the time being 07:11pm.

MN 331/19

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

THAT the draft report on the Nattai Ponds Floodplain Risk Management Study and Plan be put on public exhibition for a period of 60 days.

PASSED

11. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

11.1 Development Applications Determined from 28 May 2019 to 26 June 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 28 May 2019 to 26 June 2019.

MN 332/19

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

THAT the information relating to the lists of Development Applications Determined for the period 28 May 2019 to 26 June 2019 be received and noted.

PASSED

11.2 Development Applications Received from 28 May 2019 to 26 June 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 29 May 2019 to 26 June 2019.

MN 333/19

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

- 1) **THAT** the information relating to Development Applications Received from 28 May 2019 to 26 June 2019 be received and noted.
- 2) **THAT** weekly circulars be prepared for the following Items:
 - i) Item 30 – DA 19/1788 – Chevalier College, 566 Moss Vale Road, Burradoo;
 - ii) Item 50 – DA 19/1734 – 12 Duke Street, Mittagong; and
 - iii) Item 58 – DA 19/1794 – 6570 Illawarra Highway, Moss Vale.
- 3) **THAT** Items 7 – DA 17/0816.10, 80 Station Street, Bowral and Item 50 - DA 19/1734 – 12 Duke Street, Mittagong be reported back to Council.

PASSED

11.3 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 present to Council draft amendments to certain residential Development Control Plan (DCP) provisions and site specific draft amendments for two sites in the Berrima Landscape Conservation Area for a resolution to place on public exhibition.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Mr Barry Anstee addressed Council on this item in Public Forum.

Clr I M Scandrett declared a pecuniary interest in Item 11.3 - Draft Development Control Plan Amendments as he has a family member that owns property in the Renwick Estate

Clr I M Scandrett left the chambers, the time being 07:13pm.

The Senior Strategic Land Use Planner addressed Council

MN 334/19

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

THAT the draft Development Control Plan amendments relating to residential development in22 the Renwick Urban Release Area under the Mittagong DCP and to the Berrima Landscape Conservation Area under the Rural Lands DCP which accompany this report be placed on public exhibition.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

11.4 Heritage Assessment of Aitken Road Bowral Group— Interim Heritage Order No. 9

Reference: 5650/9, PN 2700, PN 2800, PN 2900, PN 3000, PN 3100
19/0574

Report Author: Strategic Land Use Planner - Heritage Projects

Authoriser: Coordinator Strategic Land Use Planning

Link to Community

Strategic Plan: Identify, protect and promote places of significant cultural heritage

THIS MATTER WAS DEALT WITH EARLIER IN THE MEETING MN 323/19

11.5 Request for Fees Assistance by Yaffa Media Pty Ltd for the Bowral Classic Cycling Event 2019

Reference:	1732/3, 6530/3
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Provide and support a range of community events, festivals and celebrations

PURPOSE

The purpose of this report is to seek Council's position on a request from Yaffa Media for Council's financial assistance for Council fees associated with the Bowral Classic Cycling Event to be held in October 2019.

Clr I M Scandrett returned to the meeting, the time being 07:18pm.

Clr K J Halstead left the chambers, the time being 07:20pm.

Clr K J Halstead returned to the meeting, the time being 07:21pm.

The General Manager addressed Council.

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

MN 335/19

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

THAT Council donate the sum of \$3000 in support of Yaffa Media's Bowral Classic Cycling Event in 2019 AND THAT funding be sourced from the contingency fund.

PASSED

11.6 Appointment of Community Representatives to the Community Development Advisory Committee

Reference:	1800/58
Report Author:	Coordinator Community Development
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 fill a casual vacancy for two community representatives on the Community Development Advisory Committee.

MN 336/19

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

1. **THAT** Council appoint Dr Gavan McDonnell to the Community Development Advisory Committee as a community representative.
2. **THAT** Council appoint Mr Ric Mejias to the Community Development Advisory Committee as a community representative.

PASSED

12. GENERAL MANAGER

Nil

13. DELEGATE REPORTS

Nil

14. PETITIONS

14.1 Petition 6/2019 - Response to Development Application 17/1679 - Lot 2 DP625407, 2 Walker Street, Bowral

Reference:	100/8, 17/1679
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

The purpose of this report is to present Council with a petition against development application 17/1679, Lot 2 DP625407, 2 Walker Street, Bowral.

The petition contains over 16 signatures.

A copy of the Petition has been placed in the Councillors' Room and will be tabled at the Ordinary Meeting of Council.

MN 337/19

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

THAT Petition 6/2019 relating to Development Application 17/1679, Lot 2 DP625407, 2 Walker Street, Bowral be received and noted by Council.

PASSED

15. COMMITTEE REPORTS

15.1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019

Reference: 1660/1.1
Report Author: PA for Mayor
Authoriser:
Link to Community Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

This report provides the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019.

MN 338/19

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

THAT recommendations Nos to ACC 12/19 TO ACC 17/19 – as detailed in the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 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

15.2 Minutes of the Sport & Recreation Advisory Committee Meeting held on 9 May 2019

Reference: 107/30
Report Author: Asset Coordinator Parks and Buildings
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Increase promotion of healthy lifestyle choices

PURPOSE

This report provides the Minutes of the Sport & Recreation Advisory Committee Meeting held on 9 May 2019.

MN 339/19

MOTION moved by Clr G J Andrews and seconded by Clr P W Nelson

THAT recommendations Nos SR6/19 to SR9/19 – as detailed in the Minutes of the Sport & Recreation Advisory Committee Meeting held on Thursday 9 May 2018 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

15.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 21 June 2019

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 21 June 2019.

MN 340/19

MOTION moved by C/r P W Nelson and seconded by C/r G Markwart

THAT recommendations AR 56/19 to AR 64/19 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 21 June 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

16. QUESTIONS WITH NOTICE

16.1 Question with Notice 14/2019 - Berrima Road Project

Reference: 101/2, 7810/28
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: General Manager
From: Deputy Mayor Clr G Turland
Received: 1 July 2019

Subject: Berrima Road Project

Question:

1. Does Council have clear and legal titles for the boundary exchange from Boral Pty Ltd?
2. Did Council require a Development Application to undertake the road works on private property that has been undertaken to date (installing earthworks)?

Response:

1. Council is currently having the site, including the completed earth works, surveyed to produce a plan for the proposed property acquisition from Boral. Council is awaiting information from Boral to include the required easements for Boral's services underground to be included as easements in the finalised plan.
2. The works have been undertaken in accordance with the requirements of Part 5 of the Environmental Planning and Assessment Act, as the works constitute exempt development within the provision of the State Environmental Planning Policy (Infrastructure) 2007.

MN 341/19

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

THAT the matter be deferred to the next Council meeting of 24 July 2019.

PASSED

16.2 Question with Notice 15/2019 - Victoria Street, Bowral

Reference: 101/2
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: General Manager

From: Clr Scandrett

Received: 19.6.19

Subject: LAND AND ENVIRONMENT COURT COSTS RECOVERY – VICTORIA ST, BOWRAL

Question:

We had a significant LEC cost of ~\$192,000 on this matter.

- a) How many amendments did the LEC court matter for Victoria St, Bowral have?
- b) How many did the court permit new plans to be relied on?
- c) How many times did WSC ask for costs?
- d) What were each of those requests and outcomes?

Response:

This matter will be included in the legal report to be considered by Council in closed at the ordinary Council meeting on 24 July 2019 where an update will be provided.

MN 342/19

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

THAT the matter be deferred to the next Council meeting of 24 July 2019.

PASSED

16.3 Question with Notice 16/2019 - Council Cash Reserves

Reference: 101/2, 2120, 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

To: General Manager
From: Cllr I M Scandrett
Received: 19 June 2019

Subject: BREAKDOWN OF CURRENT COUNCIL CASH RESERVES

Question:

Could staff provide a spreadsheet style breakdown of Council's current cash reserves? This to include the various projects specified with brief comments as to their expected delivery year/s and current planning timeline.

Response:

Council is provided with a complete listing of external and internal cash reserves on a quarterly basis. This listing is provided in the Quarterly Budget Review Statement which is presented to the Finance Committee within 8 weeks of the end of each quarter.

A full and complete listing of cash reserves is also included in Council's General Purpose Financial Statements (Note 6c – Restricted Cash, Cash Equivalents & Investments).

Progress on projects funded through external and internal cash reserves is reported in the same manner as all capital expenditure projects. If delays in project delivery are expected, projects are identified as expenditure revotes as part of the quarterly review process.

A full and complete listing of all expenditure revotes will be presented to the Finance Committee meeting to be held on the 21 August 2019.

MN 343/19

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

THAT the matter be deferred to the next Council meeting of 24 July 2019.

PASSED

17. NOTICES OF MOTION

Nil

18. CLOSED COUNCIL

Nil

19. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:28 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 10 July 2019 numbered M/N 317/19 to M/N 343/19 were signed by me hereunder at the Council Meeting held on Wednesday 24 July 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 24 JULY 2019

CHAIRMAN

PUBLIC OFFICER