



MINUTES

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

Wednesday 11 December 2019

The meeting commenced at 2.00pm

File No. 100/2019



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MINUTES OF THE ORDINARY MEETING OF COUNCIL

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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 DECEMBER 2019 COMMENCING AT 3.30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews
Clr K J Halstead OAM
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 Corporate and Community	Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Group Manager Project Delivery	Mr Ned Tripkovic (in part)
Group Manager Tourism and Economic Development	Mr Steve Rosa (in part)
Chief Financial Officer	Mr Richard Mooney
Chief Information Officer	Mr John Crawford
Coordinator Strategic Land Used Planning	Mr Michael Park (in part)
Manager Development and Assessment Project Manager	Ms Nancy Sample
Coordinator Media and Communications Administration Officer	Mr Peter Mahoney (in part)
	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 PRAYER

The meeting was led in prayer by Pastor Paul Crossman, Highlands Christian Church.

3. ACKNOWLEDGEMENT OF COUNTRY

Clr P Nelson 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."

The Deputy General Manager Corporate Strategy and Development Services presented the Mayor with Certificates recently won by Council at Industry Awards:

1. Winner Destination Marketing – 2019 Canberra Region Tourism Awards - Destination Southern Highlands 'Pie Time' accepted by The Group Manager Tourism and Economic Development
2. Excellence in the Environment Awards 2019/2020 - Integrated Roadside Environmental Management Framework (NSW Local Govt) to the Environmental and Sustainability Team;
3. Excellence in the Environment Awards 2019/2020 (NSW Local Govt) - Highly Commended -Behaviour Change in Waste Recycling Rates - Waste Team

Clr Andrews thanked Council, and in particular, the Manager of Open Space, Recreation and Building Maintenance, Mr Greg Bray and his team, for the Christmas tree located at the Welcome Centre to replace the existing tree which was affixed to the Northern side of Mittagong Playhouse.

Clr Markwart informed Council of his return to health and to Council meetings in 2020.

Mayor Gair attended the RFS public meeting held at Hill Top on Tuesday 10 December 2019 regarding the Green Wattle Creek fire. Wind conditions will determine the impact of the fire to Southern Highlands northern villages and Council will be directed by the RFS.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 27 NOVEMBER 2019

MN 557/19

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 27 November 2019 MN 532/19 to MN 556/19 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, 17/1822

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 9.2 17/1822.04 - Waterbrook Seniors Housing - Stage 2A of Concept Consent 17/1822 2-18 Centennial Road, Bowral as lives in West Bowral. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1 20/0074

Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 9.3 DA 20/0074 - Subdivision of Land and Carrying out of Works to Create Two Lots, Lot 1 DP1118652, 278 Golden Vale Road, Sutton Forest as he is a member of the National Trust who owns the property. He will remain in the Chambers for consideration of that item.

101/3.1 03/0786

Clr K J Halstead OAM declared a less than significant non-pecuniary interest in Item 9.4 Application 03/0786.09 - Request for Review of Determination of Application 03/0786.08 to Modify Development Consent 03/0786 - 106 Unit Self Care Retirement Complex and Associated Facilities, Lot 2345 DP1110446, 133 Bowral Road, Bowral as his son is a Director of a company recently appointed as the Certifier. He will be absent from the Chambers for consideration of that item.

100/3 10/0414.05

Clr I M Scandrett declared a pecuniary interest in Item 12.4 12.4S8.2 Review 10/0414.05 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai as he is one of the owners. He will be absent from the Chambers for consideration of that item.

7. MAYORAL MINUTES

7.1 Renew Our Libraries, Phase Two

Reference: 100
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

MN 558/19

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

1. **THAT** Council make representation to the local State Member(s), Mr Nathaniel Smith and Mrs Wendy Tuckerman, in relation to the need for a sustainable State funding model for the ongoing provision of public library services.
2. **THAT** Council write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of State funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW State funding model.
3. **THAT** Council take a leading role in lobbying for sustainable State government funding for libraries.
4. **THAT** Council continues to endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

PASSED

8. PUBLIC FORUM

101/13

Clr I M Scandrett left the chambers, the time being 02:23pm.

Item 12.4 12.4S8.2 Review 10/0414.05 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai

Mr Robert Uliana addressed Council on this item.

Clr I M Scandrett returned to the meeting, the time being 02:29pm.

Item 18.1 Notice of Motion 43/2019 - Frankland Street Proceeds of Sale

Mr Stephen Cheers addressed Council on this item.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

MN 559/19

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

THAT Standing Orders be suspended in order to address Item 9.2 17/1822.04 - Waterbrook Seniors Housing - Stage 2A of Concept Consent 17/1822 2-18 Centennial Road, Bowral.

SUSPENSION OF STANDING ORDERS PASSED

9.1 DA 17/1679.01 - S.8.2 Review of Refused Boarding House Development - 2 Walker Street, Bowral

Reference:	17/1679.01
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Martin O'Toole Architects
Owner:	KND Nominees PTY LTD
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 S.8.2 Review Application 17/1679.01, being a review of Development Application 17/1679 which refused a proposed boarding house at Lot 2 DP 625407, being 2 Walker Street Bowral. The applicant has made a number of modifications to address Council's previous reasons for refusal. This report is prepared for determination and recommends **APPROVAL** subject to conditions contained in Attachment 1.

[This matter was dealt after Item 9.4 MN 565/19 on page 13.](#)

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

9.2 17/1822.04 - Waterbrook Seniors Housing - Stage 2A of Concept Consent 17/1822 2-18 Centennial Road, Bowral

Reference:	DA17/1822.04
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Waterbrook Bowral Pty Ltd
Owner:	Waterbrook Bowral Pty Ltd
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 a section 4.22 Concept Plan application, being DA17/1822.04, for Stage 2A of approved Concept Consent (DA17/1822), being for 28 self-care seniors housing dwellings at 2-18 Centennial Road, Bowral.

Mr Rob Landsberry addressed Council on this item

Mr Kevin Ryan addressed Council on this item

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

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

THAT Council DEFER any decision on DA 17/1822.04 for Stage 2A of the Waterbrook development, until such time as Council obtains legal advice regarding the issue of whether Council must take into account whether the proposed Seniors Housing complies with the standard provisions of the R5 zoning, those being to ensure that any proposed housing development provides residential housing in a rural setting.

MN 560/19

AMENDMENT moved by Clr I M Scandrett and seconded by Clr G J Andrews

THAT Concept Development Application 17/1822.04 under Section 4.22 of the Environmental Planning and Assessment Act 1979 for Stage 2A of approved Concept Plan (DA17/1822) for 28 Seniors housing dwellings at 2-18 Centennial Road Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE AMENDMENT

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

Against the amendment: Clr K J Halstead OAM, Clr G McLaughlin, Clr P W Nelson and Clr L A C Whipper

THE AMENDMENT WAS PUT TO THE VOTE AND PASSED

THE AMENDMENT BECAME THE MOTION

THE MOTION WAS PUT TO THE VOTE AND PASSED

VOTING ON THE MOTION

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

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

MN 561/19

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

THAT Standing Orders be suspended in order to deal with Item 9.3 DA 20/0074 - Subdivision of Land and Carrying out of Works to Create Two Lots, Lot 1 DP1118652, 278 Golden Vale Road, Sutton Forest.

SUSPENSION OF STANDING ORDERS PASSED

9.3 DA 20/0074 - Subdivision of Land and Carrying out of Works to Create Two Lots, Lot 1 DP1118652, 278 Golden Vale Road, Sutton Forest

Reference: 20/0074
Report Author: Senior Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services
Group Manager Planning Development and Regulatory Services
Applicant: National Trust of Australia (NSW)
Owner: National Trust of Australia (NSW)
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 20/0074 for the Council's consideration, and recommends APPROVAL subject to the conditions specified in Attachment 1.

Mr Gerry Hayes addressed Council on this item

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

MN 562/19

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

1. **THAT** development application 20/0074 for a proposed subdivision of land to create two lots at Lot 1 DP 1118652, No 278 Golden Vale Road, Sutton Forest be **APPROVED** subject to conditions as described in Attachment 1 to the report excluding conditions 6 and 20.
2. **THAT** an 88E Public Positive Covenant be placed on the title of the property containing the Golden Vale homestead, to restrict any further subdivision.

VOTING ON THE MOTION

For the motion: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, 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

PASSED

MN 563/19

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

THAT Standing Orders be suspended in order to deal with Item 9.4 Application 03/0786.09 - Request for Review of Determination of Application 03/0786.08 to Modify Development Consent 03/0786 - 106 Unit Self Care Retirement Complex and Associated Facilities, Lot 2345 DP1110446, 133 Bowral Road, Bowral

SUSPENSION OF STANDING ORDERS PASSED

9.4 Application 03/0786.09 - Request for Review of Determination of Application 03/0786.08 to Modify Development Consent 03/0786 - 106 Unit Self Care Retirement Complex and Associated Facilities, Lot 2345 DP1110446, 133 Bowral Road, Bowral

Reference: 03/0786
Report Author: Senior Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant: Old Bowral Estate
Owner: Old Bowral Estate Pty Limited
Link to Community
Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report presents application 03/0786.09 for Council's consideration, and recommends APPROVAL subject to the draft conditions of modified consent specified in **Attachment 1**.

Mr Terry Hams addressed Council on this item

Cllr K J Halstead OAM declared a less than significant non-pecuniary interest in Item 9.4 Application 03/0786.09 - Request for Review of Determination of Application 03/0786.08 to Modify Development Consent 03/0786 - 106 Unit Self Care Retirement Complex and Associated Facilities, Lot 2345 DP1110446, 133 Bowral Road, Bowral as his son is a Director of a company recently appointed as the Certifier. Cllr K J Halstead OAM left the chambers, the time being 03:41pm.

The General Manager left the Chambers, the time being 3.45pm.

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

The General Manager returned to the meeting, the time being 3.56pm

MN 564/19

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

THAT, pursuant to sections 8.4 and 4.55 (1A) of the Environmental Planning and Assessment Act 1979, Application 03/0786.09 be **REFUSED** for the following reasons:

1. ***The application is not waterwise;***
2. ***The application is not consistent with Council's general water strategy,***
3. ***The application is not consistent with Council's current situation regarding conserving water;***
4. ***Originally consulted on the basis of this system; and***
5. ***It is inappropriate for Council to set this precedent at this critical time.***

VOTING ON THE MOTION

For the motion: 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 G J Andrews, Cllr G McLaughlin and Deputy Mayor G M Turland

PASSED

9.1 DA 17/1679.01 - S.8.2 Review of Refused Boarding House Development - 2 Walker Street, Bowral

Reference:	17/1679.01
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Martin O'Toole Architects
Owner:	KND Nominees PTY LTD
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 S.8.2 Review Application 17/1679.01, being a review of Development Application 17/1679 which refused a proposed boarding house at Lot 2 DP 625407, being 2 Walker Street Bowral. The applicant has made a number of modifications to address Council's previous reasons for refusal. This report is prepared for determination and recommends **APPROVAL** subject to conditions contained in Attachment 1.

[Pursuant to Suspension of Standing Order MN 559/19 on page 6 this item was dealt with after Item 9.4](#)

Clr K J Halstead OAM returned to the meeting, the time being 04:06pm.

MN 565/19

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

THAT review of Development Application 17/1679. under S.8.2 of the Environmental Planning and Assessment Act for a proposed Boarding House at Lot 2 DP 625407, No 2 Walker Street, Bowral be **APPROVED** subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead OAM, 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.

PASSED

10. EN BLOC MOTION

There was no En Bloc Motions moved at the beginning of the meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Tender for the Civic Centre Refurbishment

Reference:	6330/19.25
Report Author:	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 Civic Centre Refurbishment.

Clr G Markwart left the chambers, the time being 04:07pm.

Clr G Markwart returned to the meeting, the time being 04:08pm.

MN 566/19

MOTION moved by Clr P W Nelson and seconded by Clr I M Scandrett

1. **THAT** in relation to the report concerning Civic Centre Refurbishment - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. **THAT** Council accept the tender from Matrix Group Co P/L at a Lump Sum of \$6,799,000 (inclusive of GST) to undertake the Civic Centre Refurbishment.

PASSED

11.2 Tender for Biosolids Removal, Transport and Beneficial Reuse

Reference: 6330/19.22
Report Author: Coordinator Sewer
Authoriser: Manager Water & Sewer
Link to Community Strategic Plan: Maximise the recovery of resources from the waste stream

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for Biosolids removal, transport and beneficial reuse from Council's Sewage Treatment Plants (STP).

Clr I M Scandrett left the chambers, the time being 4.08pm.

MN 567/19

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

1. **THAT** in relation to the report concerning the Tender for Biosolids Removal, Transport and Beneficial Reuse - Council adopts the recommendations contained within the Closed Council report – Item 19.2.
2. **THAT** Council accepts the tender from Arkwood Pty Ltd at the submitted schedule of rates to undertake Biosolids Removal, Transport and Beneficial Reuse for an initial period of two (2) years, with a further provision of two (2) times one (1) year extension options, to be exercised at Council's discretion for a total contract term of four (4) years.

PASSED

11.3 Tender for Construction of Stormwater Drainage at Hill Top, NSW

Reference: 6330/19.33
Report Author: Project Manager
Authoriser: Group Manager Capital Projects
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of Stormwater Drainage – Hill Top.

Clr I M Scandrett returned to the meeting, the time being 4.10pm

MN 568/19

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

1. **THAT** in relation to the report concerning Tender for the Construction of Stormwater Drainage – Hill Top - Council adopts the recommendations contained within the Closed Council report – Item 19.3.
2. **THAT** Council accepts the tender from Stefanutti Constructions at a Lump Sum of \$286,948.20 (inclusive GST) to undertake Tender for the Construction of Stormwater Drainage – Hill Top.

PASSED

11.4 Wingecarribee Shire Road Maintenance Policy

Reference:	7810/30
Report Author:	Coordinator Assets - Roads and Traffic
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to seek Council approval to adopt the Draft Wingecarribee Shire Road Maintenance Policy.

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

MN 569/19

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

1. **THAT** Council adopt the Draft Wingecarribee Shire Roads Maintenance Policy included as Attachment 1 AND THAT Council write to all submission makers, confirming Council's decision.
2. **THAT** Council rescind the Unmaintained Roads Policy.

PASSED

11.5 Proposed Road Closure of Part Road Reserve - Nicholson Street, Berrima

Reference:	PN 169300, RD 4711
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 invite an application to close part of the road reserve of Nicholson Street, Berrima adjoining 15 Oldbury Street, Berrima.

Clr L A C Whipper left the chambers, the time being 04:13pm.

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

MN 570/19

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

1. **THAT** Council invite a formal Application for the road closure of part Nicholson Street, Berrima from the applicant (being the owner of 15 Oldbury Street, Berrima) AND THAT it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close the portion of Council Public Road Reserve adjoining 15 Oldbury Street, Berrima AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.
3. **THAT** if there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 4 of the Roads Act 1993, Council as roads authority formally approve the closure of the portion of Council Public Road Reserve referred to in Resolution 1 above.
4. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council any agreement, plan or real property dealing in respect of the proposed closure of the portion of Council Public Road Reserve referred to in Resolution 1 above.
5. **THAT** authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.
6. **THAT** following the closure and sale of the portion of Council Public Road Reserve, the applicant is required to consolidate the newly created lot (being the former segment of closed road) with the applicant's respective property.

PASSED

11.6 Application to be Appointed as Reserve Trust Manager of Various Crown Reserves Being Cemeteries Within the Shire

Reference: 7136, 7190
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 with the NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for a number of Crown reserves which are currently managed as cemeteries by Council.

MN 571/19

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

THAT Council formally lodge an application with the NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for the following Crown Reserves:

Reserve No.	Lot/Deposited Plan No.	Location
7160	Lot 51 DP 751298	Wingello Cemetery
1016110	Lot 6 DP 668361, Lot 1 DP 668444, Lot 1 DP 668445, Lot 1 DP 1101763, Lots 7310-7311 DP 1132681	Welby Cemetery
1016209	Lot 7029 DP 1032086	Berrima Cemetery
1021848	Lot 7300 DP 1143831	Penrose Cemetery
1023208	Lot 1 DP 665909	Moss Vale Cemetery
1030929	Lot 7007 DP 1032260	Bundanoon Cemetery
1032168	Lot 7010 DP 1001536	Robertson Cemetery
1032668	Lot 1 DP 668349, Lot 7305 DP 1165936	East Kangaloon Cemetery

PASSED

11.7 Extension of Licenced Area for Car Park to Bundanoon Community Association, Bundanoon Men's Shed and Bundanoon Highland Gathering - Part 7-11 Burgess Street, Bundanoon

Reference: PN279500
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 seek Council approval to extend the licensed area to Bundanoon Men's Shed, Bundanoon Community Association and Bundanoon Highland Gathering for the occupation of part Council owned land at part 7-11 Burgess Street, Bundanoon for the purpose of a car park.

MN 572/19

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

1. **THAT** the Licence Agreement between Council, Bundanoon Community Association, Bundanoon Men's Shed and Bundanoon Highland Gathering be amended to include the extended area of part Lot 1 in Deposited Plan 577713 for the purpose of car park.
2. **THAT** the General Manager and Mayor be delegated authority to execute the amendments in the existing Licence Agreement to include the extension of area under the Common Seal of Council (if required).

PASSED

MATTER OF URGENCY

In accordance with Clause 10.3(b) of the Code of Meeting Practice the Chair ruled the matter of Station Street Upgrade be treated as a matter of urgency.

11.8 Supplementary Report – Station Street Upgrade Project

Reference:	Error! No document variable supplied.
Report Author:	Error! No document variable supplied.
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Error! No document variable supplied.

PURPOSE

The purpose of this report is to obtain the approval of Council to enter into a Memorandum of Understanding (MoU) with various Government agencies to facilitate the Station Street Upgrade Project to be delivered.

MN 573/19

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

The Deputy General Manager Operations Finance and Risk formally requested that the determination of the proposed Station Street Upgrade be treated as a matter of urgency in Closed Council.

PASSED

Clr Scandrett requested his dissenting vote be recorded

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 29 October 2019 to 24 November 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 29 October 2019 to 24 November 2019.

Clr L A C Whipper returned to the meeting, the time being 04:18pm.

MN 574/19

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

THAT the information relating to the lists of Development Applications Determined for the period 29 October 2019 to 24 November 2019 be received and noted.

PASSED

12.2 Development Applications Received from 29 October 2019 to 24 November 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 October 2019 to 24 November 2019

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

MN 575/19

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

1. **THAT** the information relating to Development Applications Received from 29 October 2019 to 24 November 2019 be received and noted.
2. **THAT** the following items be included as a weekly circular:
 - Item 52 – 19/1106.01 199 Range Road Mittagong NSW 2575 Lot 23 Sec 5 DP 2133;
 - Item 58 – DA19/0699.01 6570 Illawarra Highway Moss Vale NSW 2577 Lot 41 DP 130173;
 - Item 65 -20/061371 Iona Park Road Moss Vale NSW 2577 Lot 1 DP 623251; and
 - Item 75 – DA20/0557218 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 731833.
3. **THAT** the following items be reported to Council for determination
 - Item 12 - DA20/0587 6/310-318 Bong Bong Street Bowral NSW 2576 Lot 6 S/P 41585.

VOTING ON THE MOTION

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

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

PASSED

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

- 1, **THAT** the information relating to Development Applications Received from 29 October 2019 to 24 November 2019 be received and noted.
2. **THAT** the following items be included as a weekly circular:
 - Item 52 – 19/1106.01 199 Range Road Mittagong NSW 2575 Lot 23 Sec 5 DP 2133;
 - Item 58 – DA19/0699.01 6570 Illawarra Highway Moss Vale NSW 2577 Lot 41 DP 130173;
 - Item 65 -20/061371 Iona Park Road Moss Vale NSW 2577 Lot 1 DP 623251; and
 - Item 75 – DA20/0557218 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 731833.
3. **THAT** the following items be reported to Council for determination
 - Item 12 - DA20/0587 6/310-318 Bong Bong Street Bowral NSW 2576 Lot 6 S/P 41585.
4. **THAT** Item 33 be dealt with under delegated authority.

AMENDMENT LOST

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 11 December 2019



VOTING ON THE AMENDMENT

For the amendment: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr P W Nelson and Deputy Mayor G M Turland

Against the amendment: Cllr K J Halstead OAM, Cllr G Markwart, Cllr G McLaughlin, Cllr I M Scandrett and Cllr L A C Whipper

12.3 DA 14/0737.06 Section 4.55 Modification Application - 10 Dwelling Houses, Lot 12 DP 180812, 13 Clarke Street Bowral - Proposed Changes to Floor Levels.

Reference:	14/0737.06
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	GMP Constructions Pty Ltd
Owner:	G & M Petkovic
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

This report details consideration of Modification Application 14/0737.06 under Section 4.55 of the *Environmental planning and Assessment Act 1979*. This report is prepared for determination and recommends APPROVAL subject to conditions contained in **Attachment 1**.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 576/19

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

THAT Modification Application 14/0737.06 under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 to:

- a) **Unit 4 – 10: Changes to floor levels to mostly lower the floor level. The proposed changes are:**
1. **Unit 4 – Garage floor lowered by 290mm;**
 2. **Unit 5 – Floor level raised by 10mm;**
 3. **Unit 6 – Floor level raised by 340mm;**
 4. **Unit 7 – Garage floor lowered by 480mm;**
 5. **Unit 8 – Floor level lowered by 100mm;**
 6. **Unit 9 – Floor level lowered by 100mm**
 7. **Garage floor lowered by 200mm;**
 8. **Unit 10 – Floor level lowered by 200mm**
 9. **Garage floor lowered by 160mm;**
- b) **Unit 4 – 10: General adjustments to courtyard levels to suit above**
- c) **Unit 1 – 3: General adjustments to courtyard levels and retaining walls**
- d) **Unit 1 – 10: Common area and courtyards: general adjustments to stormwater drainage and levels to suit above**

at Lot 12 DP 1080812, 13 Clarke Street Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

For the motion: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, 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

PASSED

12.4 S8.2 Review 10/0414.05 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai

Reference: 10/0414.03
Report Author: Consultant Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns

PURPOSE

The purpose of this report is to seek Council's determination of a Section 8.2 review application (review). This review relates to the refusal of a Modification Application to modify development consent 10/0414 which seeks approval for Residential Alterations and Additions – (extensions to existing residence, shed and entry gates) at 144 Mt Broughton Road, Werai.

Mr Robert Uliana addressed council on this item in public forum

Clr I M Scandrett declared a pecuniary interest in Item 12.4 S8.2 Review 10/0414.05 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai as he is one of the owners. Clr I M Scandrett left the chambers, the time being 04:30pm.

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

MN 577/19

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

THAT Review of Modification Application 10/0414.05 for proposed residential alterations and additions – (Extensions to the existing dwelling, shed and entry gates) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be **REFUSED** for the reasons included in (Attachment 1)

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead OAM, 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

PASSED

12.5 Wingecarribee Local Housing Strategy

Reference: 5600/8
Report Author: Coordinator Strategic Land Use Planning
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To seek Council endorsement of the draft Wingecarribee Local Housing Strategy – *Housing our Community* for public exhibition.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Clr I M Scandrett returned to the meeting, the time being 04:33pm.

The Coordinator Strategic Land Use Planning addressed Council on this item

Clr P W Nelson left the chambers, the time being 04:42pm.

Clr P W Nelson returned to the meeting, the time being 04:43pm.

General Manager left the Chamber, the time being 4.51pm

General Manager returned to the Chamber, the time being 5.01pm

MN 578/19

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

1. **THAT** Council defer the release of the Wingecarribee Local Housing Strategy pending a councillor information session and consultation in early 2020.
2. **THAT** until Council deals with the draft Wingecarribee Local Housing Strategy, Council maintains its position of not accepting any planning proposals for future residential development.

VOTING ON THE MOTION

For the motion: Mayor Clr T D Gair, Clr K J Halstead OAM, Clr G Markwart, Clr G McLaughlin, Clr I M Scandrett and Clr L A C Whipper

Against the motion: Clr G J Andrews, Clr P W Nelson and Deputy Mayor G M Turland

PASSED

AMENDMENT moved by Deputy Mayor G M Turland and seconded by Clr G J Andrews

1. **THAT** the draft Wingecarribee Local Housing Strategy – Housing Our Community be endorsed for public exhibition;
2. **THAT** the draft Wingecarribee Local Housing Strategy be publicly exhibited for a minimum period of three (3) months commencing no sooner than mid January 2020;
3. **THAT** staff hold public information kiosks throughout the Shire during the consultation period to coincide with the exhibition of the Local Strategic Planning Statements;
4. **THAT** during the exhibition period of the draft Local Housing Strategy, a site specific environmental constraints assessment be undertaken for each of the identified new residential living areas to provide greater certainty in relation to the extent of the potential developable areas, and
5. **THAT** the draft Local Housing Strategy and site-specific constraints assessment be reported back to Council following the public exhibition period.

VOTING ON THE AMENDMENT

For the amendment: Clr G J Andrews, Clr P W Nelson and Deputy Mayor G M Turland

Against the amendment: Mayor Clr T D Gair, Clr K J Halstead OAM, Clr G Markwart, Clr G McLaughlin, Clr I M Scandrett and Clr L A C Whipper

AMENDMENT LOST

12.6 Planning Proposal - Development Standards for Strata and Community Title Subdivision and Dual Occupancy Development Under WLEP2010.

Reference: 5901/61
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 public exhibition of a Planning Proposal to amend certain clauses in Wingecarribee Local Environmental Plan (WLEP) 2010 regarding development standards for strata and community title subdivision and dual occupancy development and subdivision.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

MN 579/19

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

THAT Council finalise the Planning Proposal to amend clauses 4.1A and 4.1AA of Wingecarribee Local Environmental Plan 2010 to include the E3 Environmental Management and E4 Environmental Living zones and to clarify that the clauses do not apply to strata or community title subdivisions, and to introduce a new clause 4.2AA to address the erection and subdivision of dual occupancies including the provision of a minimum lot size of 1,000m² for such development.

PASSED

VOTING ON THE MOTION

For the motion: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, 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

12.7 Adoption of the Wingecarribee Animal Shelter Alternatives to Euthanasia Policy - Post Exhibition

Reference:	5501/8.7
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Group Manager Planning, Development and Regulatory Services
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 consider submissions received during the exhibition of the draft 'Wingecarribee Animal Shelter Alternatives to Euthanasia Policy' policy and to seek final adoption of the draft policy position.

MN 580/19

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

1. **THAT** Council adopt the draft 'Wingecarribee Animal Shelter Alternatives to Euthanasia' Policy as per Attachment 1 to this report.
2. **THAT** the 'Wingecarribee Animal Shelter Alternatives to Euthanasia' Policy take effect from 7 days following its adoption by Council.

PASSED

12.8 Tender Outcome - Electronic Document Record Management System

Reference: 6330/19.26
Report Author: Chief Information Officer
Authoriser: Deputy General Manager Corporate, Strategy and Development 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 present the evaluation of the Request for Tender for the Electronic Document Record Management System (EDRMS).

MN 581/19

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

1. **THAT** in relation to the report concerning Electronic Document Management System - Council adopts the recommendations contained within the Closed Council report – Item 19.4.
2. **THAT** Council reject all tenders for the Electronic Document Record Management System due to all submissions insufficiently addressing the key specifications in relation to system integration outlined within the tender scope.
3. **THAT** in accordance with clauses 178(3)(e) and 178(4)(a) & (b) of the Local Government (General) Regulation 2005; Council enter into negotiations with Technology One Limited with a view to entering into a contract in relation to the Electronic Document and Records Management System as the vendor addressed all other required functionality during the Tender process.
4. **THAT** a further report be presented to a future meeting of Council at the conclusion of the negotiations.

PASSED

MN 582/19

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

THAT Item 12.9 Request for a Refund of Development Fees by Southern Highland Artisans Collective (The SHAC) and Item 12.10 Request for a Refund of Development Fees by Hill Top Men's Shed Inc be dealt with en bloc.

PASSED

MN 583/19

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

1. **THAT Council with regard to the request by The Southern Highlands Artisans Collective (The SHAC) for a refund of Development Application Fees pertaining to DA 20/0378 refund \$285.00 being 100% of Development Application fee from the Council's Contingency Fund.**
2. **THAT with regard to the request by Hill Top Men's Shed for a refund of Development Application Fees pertaining to DA19/1207, a total refund of \$988.10 made up of \$194.60 being 100% of the Development Application fee, \$443.50 being 100% of the Construction Certificate fee, and \$350 being 100% of the Inspection Fees be granted by way of a donation sourced from the Council's Contingency Fund.**

PASSED

12.9 Request for a Refund of Development Fees by Southern Highland Artisans Collective (The SHAC)

Reference: 20/0378
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

The purpose of this report is to consider a request by the Southern Highlands Artisans Collective (The SHAC) for a refund of Development Application Fees pertaining to DA 20/0378.

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.

THIS MATTER WAS DEALT WITH EN BLOC ON PAGE 35 MN 583/19

12.10 Request for a Refund of Development Fees by Hill Top Men's Shed Inc.

Reference: 19/1207
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

The purpose of this report is to consider a request by the Hill Top Men's Shed for a refund of Development Application Fees pertaining to DA 19/1207 and a refund of Construction Certificate fees for Building/Certificate fees pertaining to Construction Certificate Application 19/1207.01 and associated inspection fees.

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.

THIS MATTER WAS DEALT WITH EN BLOC ON PAGE 35 MN 583/19

12.11 Post Exhibition Report on Community Engagement Strategy including Community Participation Plan

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

PURPOSE

To report on submissions received during the public exhibition of a draft Community Engagement Strategy, including community participation plan requirements, and seek adoption of an updated version.

MN 584/19

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

THAT the Community Engagement Strategy included in Attachment 1 be adopted.

PASSED

13. GENERAL MANAGER

13.1 Exclusion of Notice of Motions from Business Paper 27 November 2019

Reference:	503/60 100/4
Report Author:	Group Manager Corporate and Community
Authoriser:	General Manager
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

The General Manager addressed Council on this item.

MN 585/19

MOTION moved by Clr P W Nelson and seconded by Clr G Markwart

THAT the report be noted.

PASSED

Clr Scandrett requested his dissenting vote be recorded

Clr Turland requested his dissenting vote be recorded

14. DELEGATE REPORTS

Nil

15. PETITIONS

15.1 Petition 7/2019 - Climate Emergency

Reference:	100/8, 5450/22
Report Author:	Administration Officer (Meetings)
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
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 declaring a Climate Emergency.

The petition contains over 2000 signatures.

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

MN 586/19

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

THAT Petition 7/2019 relating to Climate Emergency be received and noted by Council.

PASSED

15.2 Petition 8/2019 - Children's Services

Reference: 100/8 1825
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

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 to keep children's services with Council.

The petition contains over 275 signatures.

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

MN 587/19

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

THAT Petition 8/2019 relating to Children's Services be received and noted by Council.

PASSED

16. COMMITTEE REPORTS

16.1 Minutes of the Traffic Committee held on Thursday 14 November 2019

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee Meeting held on Thursday 14 November 2019.

MN 588/19

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

THAT recommendations Nos TC53/19 to TC62/19 – as detailed in the Minutes of the Traffic Committee Meeting held on 14 November 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

16.2 Minutes of the Finance Committee Meeting held on Wednesday, 20 November 2019

Reference:	107/21
Report Author:	Administration Officer (Meetings)
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 20 November 2019.

MN 589/19

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

THAT recommendations Nos FC 34/19 to 38/19 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 20 November 2019 be adopted.

PASSED

16.3 Minutes of the Traffic Committee Meeting held electronically on 20 November 2019

Reference: 107/6
Report Author: Traffic Engineer (Contractor)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

This report provides the Minutes of the Traffic Committee Meeting held electronically on Wednesday 20 November 2019.

MN 590/19

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

THAT recommendation No TC 63/19 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 20 November 2019 be adopted.

PASSED

16.4 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 November 2019

Reference: 107/25
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: Sustainably manage natural resources for broader community benefit

PURPOSE

This report provides the Minutes of the Environment and Sustainability Advisory Committee meeting held on Wednesday, 20 November 2019.

MN 591/19

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

THAT recommendations Nos ES15/19 to ES21/19 excluding ES21/19 Item 3 – as detailed in the Minutes of the Environment and Sustainability held on 20 November 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

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 25/2019 - Water Transfer Tunnel

Reference: 101/2 7790
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

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 L Whipper
Received: 20 November 2019

Subject: Water Transfer Tunnel

MN 592/19

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

1. **THAT** the information in relation to Question with Notice 25/2019 - Water Transfer Tunnel - be noted.
2. **THAT** Council invite Water NSW to provide a public briefing session to affected stakeholders including council in early in 2020.
3. **THAT** Council seek permission from Water NSW to publish the powerpoint presentation presented to councillors at 4 December 2019 briefing, on Council's website.

PASSED

17.2 Question with Notice 26/2019 - Finance Committee Meeting 20.11.19

Reference: 101/2 107/21
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

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 Turland

Received: 2 December 2019

Subject: Finance Committee Meeting 20/11/19

The General Manager addressed Council on this item.

MN 593/19

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

THAT the information in relation to Question with Notice 26 /2019 – Finance Committee Meeting 20/11/19 - be noted.

PASSED

17.3 Question with Notice 27/2019 - Refusal of Notice of Motions of Council Meeting 27.11.19

Reference: 101/2 100/4
Report Author: Administration Officer (Meetings)
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

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 G Turland

Received: 2 December 2019

Subject: Question with Notice 27/2019 - Refusal of Notice of Motions of Council Meeting 27.11.19

MN 594/19

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

THAT the information in relation to Question with Notice 27 /2019 - Refusal of Notice of Motions of Council Meeting 27.11.19 - be noted.

PASSED

18. NOTICES OF MOTION

18.1 Notice of Motion 43/2019 - Frankland Street Proceeds of Sale

Reference:	100/4 PN556900
Report Author:	Administration Officer (Meetings)
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
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 11 December 2019:

Mr Stephen Cheers addressed council on this item in public forum

The General Manager left the meeting, the time being 5.50pm.

The Chief Financial Officer addressed Council on this item

The General Manager returned to the meeting, the time being 6.09pm.

MN 595/19

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

THAT the Ordinary Council Meeting be adjourned for five to seven minutes.

ADJOURNMENT PASSED

COUNCIL RESUMED AT 5.59pm.

MN 596/19

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

1. **THAT** Council consider utilising funds from the Frankland Street sale to rebuild and renovate the playhouse building in Mittagong as a matter of urgency.
2. **THAT** Council considers allocating these funds to build Berrima District Historical Society a new location in the Shire.
3. **THAT** Council not use these funds for Station Street, Civic Centre renovations nor Berrima Overpass Projects.
4. **THAT** Council consider utilising funds on the Animal Shelter and Southern Highlands Association for Women.
5. **THAT** Council has a briefing session to consider the above suggested projects and others that may be discussed.

PASSED

18.2 Notice of Motion 44/2019 - Council Strategic Planning Day, Peppers Craigieburn, Bowral on 6.11.19

Reference:	100/4 PN1787760
Report Author:	Administration Officer (Meetings)
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
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 11 December 2019:

The General Manager addressed Council on this item.

MN 597/19

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

1. **THAT** Council prepares a report to be presented to council on the information provided to councillors at the staff presentation on that day 6.11.19.
2. **THAT** this report is not to include any confidential information.

PASSED

18.3 Notice of Motion 45/2019 - Internal Council Ombudsman

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
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 11 December 2019:

MN 598/19

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

1. **THAT** Council direct the General Manager to bring a report to Councillors and Council on the benefits to the public on the possibility of a internal council ombudsman.
2. **THAT** the General Manager is to research other councils on the roles and procedures the ombudsman would undertake in reviewing the community concerns.

PASSED

MN 599/19

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

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 7.00PM

EXTENSION OF TIME PASSED

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.32pm, Council moved into Closed Council.

MN 600/19

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

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 the Civic Centre Refurbishment

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 Civic Centre Refurbishment.

19.2 Tender for Biosolids Removal, Transport and Beneficial Reuse

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 Biosolids removal, transport and beneficial reuse from council's Sewage Treatment Plants (STP).

19.3 Tender for Construction of Stormwater Drainage at Hill Top, NSW

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 Construction of Stormwater Drainage – Hill Top.

19.4 Tender Outcome - Electronic Document Record Management System

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 Electronic Document Management System (EDRMS).

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 the Civic Centre Refurbishment

Reference:	6330/19.25
Report Author:	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

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 Civic Centre Refurbishment.

THIS MATTER WAS DEALT WITH IN OPEN COUNCIL MN 566/19 ON PAGE 15

19.2 Tender for Biosolids Removal, Transport and Beneficial Reuse

Reference: 6330/19.22
Report Author: Coordinator Sewer
Authoriser: Manager Water & Sewer
Link to Community Strategic Plan: Maximise the recovery of resources from the waste stream

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 Biosolids removal, transport and beneficial reuse from council's Sewage Treatment Plants (STP).

THIS MATTER WAS DEALT WITH IN OPEN COUNCIL MN 567/19 ON PAGE 16

19.3 Tender for Construction of Stormwater Drainage at Hill Top, NSW

Reference: 6330/19.33
Report Author: Project Manager
Authoriser: Group Manager Capital Projects
Link to Community Strategic Plan: Work in partnership to ensure a safe road network

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 Construction of Stormwater Drainage – Hill Top.

THIS MATTER WAS DEALT WITH IN OPEN COUNCIL MN 568/19 ON PAGE 17

19.4 Tender Outcome - Electronic Document Record Management System

Reference:	6330/19.26
Report Author:	Chief Information Officer
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

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 Electronic Document Management System (EDRMS).

THIS MATTER WAS DEALT WITH IN OPEN COUNCIL MN 581/19 ON PAGE 34

19.5 Supplementary Report: Station Street Upgrade Project

Reference: 7457
Report Author: Deputy General Manager Operations, Finance and Risk
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan:

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 obtain the approval of Council to enter into a MoU with various Government agencies to facilitate the Station Street Upgrade Project to be delivered.

MN 601/19

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

THAT the General Manager be authorised to negotiate and sign the proposed Memorandum of Understanding between Council and the relevant Stakeholders to confirm the agreed actions that facilitate the Station Street Upgrade Project to move forward.

PASSED

Cllr Scandrett requested his dissenting vote be recorded.

20. RESUMPTION OF OPEN AGENDA

107/10

MN 602/19

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

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

MN 603/19

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

THAT the recommendations of the Closed Council held on Wednesday, 11 December 2019 being MN 601/19 be adopted.

PASSED

Clr Scandrett requested his dissenting vote be recorded

The General Manager read out the adopted Motion/s from Closed Council.

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 December 2019 numbered M/N 557/19 to M/N 603/19 were signed by me hereunder at the Council Meeting held on Wednesday 12 February 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 12 FEBRUARY 2020

CHAIRMAN

PUBLIC OFFICER