



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 24 April 2019

The meeting commenced at 3.30pm

File No. 100/2019

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2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
Nil	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
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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 24 APRIL 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
A/Deputy General Manager Operations, Finance and Risk	Mr John Burgess
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
Chief Financial Officer	Mr Richard Mooney (in part)
Chief Information Officer	Mr John Crawford
Legal Counsel	Mr Ian Lacy
Administration Officer	Ms Michelle Richardson

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr T D Gair 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 Pastor Donna Jensen, Connect Christian Church, Mittagong.

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 10 APRIL 2019

MN 174/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 10 April 2019 MN 146/19 to MN 173/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

17/1676

Deputy Mayor Clr G Turland referred to the Minutes of Ordinary Meeting of Council 10 April, 2019, p32 - Item 20.1 Notice of Motion 9/2019 – Assessment of Trees Located on the Corner of Bong Bong Street and Mary Street, Mittagong. Deputy Mayor Clr G Turland enquired if the arborist had been engaged because it could be danger to life and property.

Response: The General Manager affirmed the process had been commenced with Council staff who were conscious of the timeliness for the matter.

107/16

Clr G McLaughlin referred to the Minutes of Ordinary Meeting of Council 10 April, 2019, p 26 - Item 13.8 Council Representatives on the Heritage Advisory Committee and the Terms of Reference for the Committee. Clr G McLaughlin rectified a misunderstanding surrounding the best practice of the Heritage Committee. Such practice encouraged comments to Council and staff from the Heritage Committee on development applications.

Response: The Mayor Clr D Gair confirmed the matter would be discussed at the Heritage Committee meeting.

100 100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 April 2019



Clr I M Scandrett referred to the Minutes of Ordinary Meeting of Council 10 April, 2019, p 3 in Business Arising in which Clr I M Scandrett asked to see a letter of concern Deputy Mayor Clr G Turland had in his possession. Deputy Mayor Clr G Turland affirmed he would show Clr I M Scandrett the letter. Clr I M Scandrett subsequently qualified the letter was in Council's possession forming a formal record.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

101/3.1 03/2011.06

Clr G Andrews declared a significant non pecuniary interest in Item 10.2 - Section 4.55 (2) Application 03/2011.06 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP751275 & Lot 2 DP531503, Wombeyan Caves Road, High Range and will leave the chamber when the item is heard.

101/3.1 19/0940.02

Clr I M Scandrett declared a significant non pecuniary interest in Item 10.3 DA 19/0940.02 - s.8.2A Review of Refused Dual Occupancy development - 12 Solomon Street, Renwick as his family owns property in Renwick. He will be leaving the chamber when the item is heard.

101/3.1 19/0940.02

Clr K Halstead declared a non pecuniary interest in Item 10.3 DA 19/0940.02 - s.8.2A Review of Refused Dual Occupancy development - 12 Solomon Street, Renwick as he owns property in Renwick. He will be leaving the chamber when the item is heard.

101/3.1 19/1311

Deputy Mayor Clr G Turland declared a pecuniary interest in Item 13.3 DA19/1311 - Use of Land and Carrying out of Works for the Purpose of a Restaurant or Cafe, lot 2 DP1014065, 61-63 Main Street, Mittagong as he is a director of the company making the application. He will be leaving the chamber when the item is heard.

101/3.1 107/22

Deputy Mayor Clr G Turland declared a non pecuniary interest in Item 14.1 – Legal Report as he is noted in that report. If discussion or debate takes place he will leave the chamber when the item is heard.

8. MAYORAL MINUTES

8.1 Campaign for Fairer Funding and Sealing Country Roads Program

Reference: 7810/26 7804/2018
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

The Australian Local Government Association (ALGA) has launched a national campaign 'A Fairer Share', to advocate for more funding for local government and our communities.

The purpose of this Mayoral Minute is to gain the support of Council in lobbying our State and Federal members to increase funding of the Financial Assistance Grants (FAGs) to ensure a 'Fairer Share' for all Local Government Councils.

MN 175/19

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

1. **THAT Council acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure.**
2. **THAT Council express its concern about the decline in the value of Financial Assistance Grants funding at the national level from an amount equal to around 1% of Commonwealth Taxation Revenue in 1996 to a current figure of around 0.55%.**
3. **THAT Council calls on all political parties contesting the 2019 Federal Election and their local candidates to support the Australian Local Government Association's call to restore the national value of Financial Assistance Grants Funding to an amount equal to at least 1% of Commonwealth Taxation revenue and therefore to provide a Fairer Share of Federal funding for our local communities.**
4. **THAT a Councillor Briefing Session be held for Councillors to discuss the feasibility of mounting a 'Sealing of Country Roads' Program with funding contributions from the State and Federal Governments for approximately five to seven (5-7) years to assist Regional and Rural Councils across the state in bringing unsealed roads up to an acceptable sealed standard.**
5. **THAT this resolution of Council be referred to the Canberra Region Joint Organisation (CRJO) to be listed on the agenda of the next scheduled CRJO meeting.**

PASSED

9. PUBLIC FORUM

100/13 DA07/1004

Item 13.2 DA 07/1004.01 Section 4.55 Modification - Change of Use From Transitional Group Home to Permanent Group Home - 15 Parmenter Court, Bowral

Mr Robert Westaway addressed Council in relation to this matter

Mr Westaway was granted an extension of two minutes.

100/13 5901 PN 1153100

Item 13.4 Planning Proposal to Rezone Land at 18-20 Parkes Road, Moss Vale from IN2 Light Industrial to R2 Low Density Residential

Mr Scott Lee addressed Council in relation to this matter

COMMITTEE OF THE WHOLE

107/10

MN 176/19

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

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

PASSED

10. VISITOR ITEMS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 DA18/0643 - Commercial Premises, Restaurant/Cafe and 16 Residential Apartments - 421-425 Bong Bong Street, Bowral

Reference:	18/0643
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Bowral Garage Development PTY LTD
Owner:	Zlatko Todorcevski
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to consider development application 18/0643, which seeks consent for a mixed use development at Lot 1 DP744028, 421-425 Bong Bong Street, Bowral consisting of restaurant/café, seven (7) commercial tenancies and 16 residential units. The report is prepared for the Council's determination of the development application, and recommends REFUSAL, subject to reasons contained in **Attachment 1**.

Mr Zlatko Todorcevski addressed council in relation to this matter

Mr Todorcevski was granted an extension of two minutes.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

THAT development application DA18/0643 for a proposed mixed use development at Lot 1 DP744028, No 421-425 Bong Bong Street, Bowral be APPROVED subject to conditions of consent to be determined by the General Manager.

MOTION LOST

VOTING ON THE MOTION

For the motion: Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

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

THAT development application DA18/0643 for a proposed mixed use development at Lot 1 DP744028, No 421-425 Bong Bong Street, Bowral be DEFERRED pending consideration of section 149 of the Roads Act to the view of leasing below Bowral Street to the Applicant.

AMENDMENT LOST

VOTING ON THE MOTION

For the motion: Clr K J Halstead, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

MN 177/19

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

THAT development application DA18/0643 for a proposed mixed use development at Lot 1 DP744028, No 421-425 Bong Bong Street, Bowral be REFUSED subject to reasons as described in Attachment 1 to the report.

THE FORESHADOWED MOTION WAS PUT TO THE MEETING AS A MOTION 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 and Clr L A C Whipper

Against the motion: Clr K J Halstead, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

10.2 Section 4.55 (2) Application 03/2011.06 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP751275 & Lot 2 DP531503, Wombeyan Caves Road, High Range

Reference:	03/2011.06
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	Woodbine Park Nominees Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report details assessment of an application to modify development consent 03/2011. The modification application is to be determined by the Council because the original development application was determined by the Council, as were previous applications to modify the consent. The report recommends APPROVAL of the Modification Application subject to conditions in **Attachment 1**.

Clr G Andrews declared a significant non pecuniary interest in Item 10.2 - Section 4.55 (2) Application 03/2011.06 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP751275 & Lot 2 DP531503, Wombeyan Caves Road, High Range. Clr G J Andrews left the chambers, the time being 5:07pm.

Mr David Adams addressed Council in relation to this matter.
Mr Adams was granted an extension of two minutes.

The General Manager left the Chambers at 5:07pm.
Clr I M Scandrett left the chambers, the time being 05:10pm.
Clr I M Scandrett returned to the meeting, the time being 05:11pm.

Mr Scott Lee addressed Council in relation to this matter.
Mr Lee was granted an extension of two minutes.

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

The General Manager returned to the Chambers at 5:29pm

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 178/19

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

THAT Section 4.55 (2) application 03/2011.06 to modify development consent 03/2011 be APPROVED subject to conditions as described in Attachment 1 and subject to the following inclusion by inserting in Condition 5(b) after holidays,

for a period of no more than 2 years commencing [insert future date which relates to the satisfactory signoff of conditions 5A and 18] once the conditions of consent have been met.

ON BEING PUT TO THE MEETING IN COMMITTEE OF THE WHOLE VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL, THEREFORE THE MAYOR D GAIR WHO REMAINED IN THE CHAIR CAST HIS VOTE IN THE AFFIRMATIVE TO APPROVE THE MODIFICATION APPLICATION.

VOTING ON THE MOTION

For the motion: Mayor Clr T D Gair, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Clr K J Halstead, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

PASSED

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

THAT Section 4.55 (2) application 03/2011.06 to modify development consent 03/2011 be DEFERRED for two months AND THAT a report be brought back to Council based on the most recent twelve month register (log book records) detailing the following:

- Traffic volume and frequency compared to maximum permitted;
- Breaches of conditions -
 - time of day; and
 - frequency.
- Any known safety matters on wildlife injuries during the evaluation period
- Any omission or errors in the register (log book record).

VOTING ON THE AMENDMENT

For the motion: Clr K J Halstead, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

Against the motion: Mayor Clr T D Gair, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

ON BEING PUT TO THE MEETING IN COMMITTEE OF THE WHOLE VOTING ON THE AMENDMENT WAS TIED AT FOUR VOTES ALL AND THEREFORE THE MAYOR CLR D GAIR (WHO REMAINED IN THE CHAIR) CAST HIS VOTE IN THE NEGATIVE TO THE AMENDMENT AND THE AMENDMENT WAS LOST.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 April 2019



Clr G J Andrews returned to the meeting, the time being 5.43pm.

COUNCIL MATTERS

MN 179/19

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

THAT Council move from *Committee of the Whole* back into Council, the time being 5.40pm with the Mayor Clr T D Gair remaining in the Chair to conduct the remainder of Council Business.

PASSED

QUESTIONS FROM THE PUBLIC

The Group Manager Corporate and Community addressed Council.

100/10

Mr Charlie Johns asked:

SIGNAGE AND OUTDOOR ADVERTISING POLICY

100/10 7415 5406/2

1. When is Council going to take action to have the hundreds of illegal signs marring the visual integrity of the Southern Highlands that breach Part A Section 10 of the DCP of towns and villages throughout Wingecarribee Shire and have them removed?

This includes temporary event signs, advertising, commercial signage, community and retail events that have been erected by community groups, sporting groups and commercial operators. These have been up for more than fourteen days and not removed after two days, some not in two years after an event. Some of these signs for commercial and retail events are in residential areas, heritage conservation areas and are also on public land.

2. Why, prior to 24 May 2017, did Council spend thousands of dollars of ratepayer's money and hundreds of hours of council staff time introducing into all Shire DCPs a signage and outdoor advertising policy, if the Council is going to continue to allow ratepayers, community and sporting groups and commercial operators (who are totally unaware of the policy which is buried in DCPs) to breach the policy. (95% of the population has no idea what a DCP is).

Is Council going to do something to educate residents especially relating to the temporary event signage requirements?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES

Subject to sufficient staff resources, Council undertakes non life threatening compliance action as required. Council's Rangers and Compliance Staff undertake the removal of temporary signage illegally erected. Council has also in the past undertaken proceedings and issued orders for illegal signage eg variable message signs and advertising on parked trailers. Where Council is made aware of specific signage by members of the public, appropriate investigations can commence.

The development of the outdoor signage and advertising provisions in the Development Control Plans was undertaken by qualified Council employees which is precisely what staff are employed by Council to do, therefore the suggestion Council spent thousands of dollars is incorrect.

The Shire has approximately 50,000 residents and numerous business operators. Council uses a variety of forums to reach out to residents and businesses about Council requirements on many of its services. It is acknowledged that increased temporary signage in particular, occurs during the changeover of seasonal sport as well as during peak tourism

periods. Council will consider options to remind the community on the limitations and requirements around temporary event signage requirements.

100/10 7457

BERRIMA ROAD DEVIATION PROJECT

3. Can the General Manager explain to the community how the Mayor's claim that it has cost ratepayers nothing for the loss of the \$4.6million Federal grant for the Berrima Road Deviation Project when there would have been hundreds of staff hours costing thousands of dollars preparing for the project, only to find the budget was wrong and now we cannot afford it?

These figures will be of little use in the future so will somebody be held accountable for this waste of ratepayers money?

REPLY FROM A/DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

I am not at liberty to comment on any statement made by the Mayor in respect of the Berrima Road Deviation Project.

In the development of any major project staff time will be involved. The extent of staff time committed to any project has not previously been tracked for this or any other project.

Planning for the Berrima Road Deviation began in 2011. A number of staff who would have been involved in the Project have since retired or taken employment elsewhere.

I am therefore unable to make any assessment of staff based costs.

The cost to Council is set out in a report to the Council's Ordinary Meeting of 10 April 2019.

Accountability was accepted by the Deputy General Manager, Operations Finance and Risk, at that meeting.

VISITOR ITEMS (CONTINUED)

10.3 DA 19/0940.02 - s.8.2A Review of Refused Dual Occupancy development - 12 Solomon Street, Renwick

Reference:	19/0940.02
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	PS Design & Construction Pty Ltd
Owner:	PS Group of Companies Pty Ltd
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to consider s.8.2A review application 19/0940.02, being a review of Development Application 19/0940 which refused a proposed dual occupancy and subdivision at Lot 1325 DP 1234992, being 12 Solomon Street Renwick. This report is prepared for determination, and recommends **REFUSAL** for reasons contained in Attachment 1.

Clr I M Scandrett declared a significant non pecuniary interest in Item 10.3 DA 19/0940.02 - s.8.2A Review of Refused Dual Occupancy development - 12 Solomon Street, Renwick as his family owns property in Renwick. Clr I M Scandrett left the chambers, the time being 05:43pm.

Clr K Halstead declared a non pecuniary interest in Item 10.3 DA 19/0940.02 - s.8.2A Review of Refused Dual Occupancy development - 12 Solomon Street, Renwick as he owns property in Renwick. Clr K J Halstead left the chambers, the time being 05:43pm.

Mr Scott Lee addressed Council in relation to this matter.
Mr Lee was granted an extension of two minutes.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

THAT s.8.2A review application 19/0940.02, being a review of Development Application 19/0940 which refused a proposed dual occupancy and subdivision at Lot 1325 DP 1234992, being 12 Solomon Street Renwick, be APPROVED subject to conditions as determined by the General Manager.

MOTION LOST

VOTING ON THE MOTION

For the motion: Clr G McLaughlin, Deputy Mayor G M Turland

Against the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

MN 180/19

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

THAT s.8.2A review application 19/0940.02, being a review of Development Application 19/0940 which refused a proposed dual occupancy and subdivision at Lot 1325 DP 1234992, being 12 Solomon Street Renwick, be REFUSED for the reasons described in Attachment 1 to the report.

FORESHADOWED MOTION WAS PUT TO THE MEETING AS A MOTION 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, and Clr L A C Whipper

Against the motion: Deputy Mayor G M Turland and Clr G McLaughlin

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Investment Report - March 2019

Reference:	2104
Report Author:	Deputy Chief Financial 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 present Council's Investment Portfolio held at 31 March 2019.

MN 181/19

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

THAT the information on Council's Investments as at 31 March 2019 be received and noted.

PASSED

Clr I M Scandrett returned to the meeting, the time being 06:16pm.

Clr K J Halstead returned to the meeting, the time being 06:16pm.

12.2 Outcome of Direct Negotiations in Relation to the Renewal of Sewer Pump Station at Lackey Park, Moss Vale

Reference: 6330/18.6
Report Author: Senior Project Manager
Authoriser: Manager Project Delivery
Link to Community
Strategic Plan: Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the tender negotiations held on 26 July 2018 with Gongues Construction Pty Ltd for the Renewal of the Lackey Park – Moss Vale and Australia Ave – Berrima SPS project.

MN 182/19

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

THAT Council decline the tender of Gongues Construction Pty Ltd for Tender number 6330/18.6 under 178(1)(b) of the Local Government (General) Regulation 2005.

PASSED

12.3 Expressions of Interest for the Moss Vale Civic Centre Refurbishment

Reference:	6350/19.1
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
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 Expression of Interest (EOI) for the Moss Vale Civic Centre - Refurbishment.

MN 183/19

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

1. **THAT** in relation to the report concerning Expression of Interest (EOI) for Moss Vale Civic Centre Refurbishment - Council adopts the recommendations contained within the Closed Council report – Item 22.1.
2. **THAT** Council undertakes a selective tender process in accordance with Clause 168 of the Local Government (General) Regulation, 2005 for Moss Vale Civic Centre refurbishment.
3. **THAT** the following companies who responded to the Expression of Interest (EOI) for the Moss Vale Civic Centre Refurbishment be invited to submit a tender:
 - Degan Constructions P/L
 - Matrix Group Co. P/L
 - Novati Constructions P/L
 - Pacific Services Group Holdings P/L
 - Patterson Building Group P/L

PASSED

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

Reference:	1827/5
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 a request from the Wingecarribee Adult Day Care Centre's (WADCC) Board to amend the terms and conditions of the interest free Loan approved by Council on the 13 February 2019.

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

THAT Council convert the current Loan offer of \$270,000 to a funding grant to WADCC to cover the additional costs associated with the alterations and extension of the WADCC building.

MOTION LOST

MN 184/19

AMENDMENT moved by Clr I M Scandrett and seconded by Clr K J Halstead

1. **THAT** the terms and conditions of the Loan Agreement of \$270,000 to WADCC be changed to reflect a fifteen (15) year term.
2. **THAT** Council staff and the Mayor meet with the representative of the WADCC to discuss the resolution.

AMENDMENT BECAME THE MOTION

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Public Exhibition of the Draft 2019/20 Operational Plan and Budget

Reference:	501/2019
Report Author:	Group Manager Corporate and Community
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 the draft 2019/20 Operational Plan, Budget, Revenue Policy and Fees and Charges to be endorsed for public exhibition.

The Group Manager Corporate and Community addressed Council in relation to this matter.

The Chief Financial Officer addressed Council in relation to this matter.

MN 185/19

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

THAT Council endorse the draft 2019/20 Operational Plan, Budget, Revenue Policy and Fees and Charges, as set out in Attachments 1 and 2 for public exhibition from 29 April 2019 to 27 May 2019.

PASSED

Clr I M Scandrett requested his dissenting vote be recorded

13.2 DA 07/1004.01 Section 4.55 Modification - Change of Use From Transitional Group Home to Permanent Group Home - 15 Parmenter Court, Bowral

Reference: 04/1004.01
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire

PURPOSE

UPDATED ASSESSMENT REPORT

This assessment report supersedes the assessment report Agenda Item 13.3 of the Ordinary Council Meeting of 10 April, 2019.

This assessment report contains a review and assessment of the submissions made in response to the notification of the modification application. These submissions were not addressed in the previous report.

The purpose of this report is to consider an application to modify Development Consent 2007/1004 which seeks to change the approved use of the site from a transitional group home to a permanent group home at Lot 109, DP1043085, 15 Parmenter Court, Bowral. This report is prepared for determination and recommends APPROVAL, with no change to the conditions of consent and a change to the description of the development only (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 186/19

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

THAT the Recommendation items be discussed in seriatim.

PASSED

MN 187/19

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

THAT the resolution of Council MN156/19 passed by Council on 10 April 2019 be rescinded.

PASSED

MN 188/19

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

1. **THAT** the application to modify Development Consent 2007/1004 for a change of use to a permanent group home at Lot 109 DP 1043085, No 15 Parmenter Court, Bowral be APPROVED subject to the attached notice of consent as described in Attachment 1 to the report.
2. **THAT** the Disability Trust be invited to meet in a briefing session with Councillors and Council staff to respond to concerns raised by residents in Parmenter Court, Bowral.

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

13.3 DA19/1311 - Use of Land and Carrying out of Works for the Purpose of a Restaurant or Cafe, lot 2 DP1014065, 61-63 Main Street, Mittagong

Reference:	19/1311
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Siam Confort Pty Ltd
Owner:	Southern Highlands Properties Pty Ltd
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

This report details assessment of development application 19/1311 under section 4.15 (1) of the Environmental Planning and Assessment Act 1979, and recommends the Council determine the application by granting conditional consent. The application is reported to Council for determination as a Councillor is a Director of the Company that owns the property.

Deputy Mayor Clr G Turland declared a pecuniary interest in Item 13.3 DA19/1311 - Use of Land and Carrying out of Works for the Purpose of a Restaurant or Cafe, lot 2 DP1014065, 61-63 Main Street, Mittagong as he is a director of the company making the application. Deputy Mayor G M Turland left the chambers, the time being 07:07pm.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 189/19

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

THAT development application 19/1311 for a proposed restaurant or café at Lot 2 DP1014065, No 61-63 Main Street, Mittagong be APPROVED subject to conditions 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 K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Clr L A C Whipper
Against the motion:	Nil

13.4 Planning Proposal to Rezone Land at 18-20 Parkes Road, Moss Vale from IN2 Light Industrial to R2 Low Density Residential

Reference:	5901 PN 1153100
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To consider a Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 18-20 Parkes Road, Moss Vale from IN2 Light Industrial to R2 Low Density Residential and apply a minimum lot size of 700m².

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

Deputy Mayor G M Turland returned to the meeting, the time being 07:09pm.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 190/19

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

1. **THAT** the Planning Proposal to rezone land at 18-20 Parkes Road, Moss Vale from IN2 Light Industrial to R2 Low Density Residential and apply a minimum lot size of 700m² **NOT BE SUPPORTED.**
2. **THAT** the proposed Strategic Study of the Garrett Street – Parkes Road - Lackey Road Moss Vale Precinct include the subject land.

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

13.5 Request for Financial Assistance from Salvation Army Red Shield Appeal

Reference: 1850/1 1732/3
Report Author: Coordinator Community Development
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

The purpose to this report is to seek Council's position on a request from the Salvation Army Red Shield Appeal for part sponsorship of the Annual Business Breakfast to be held 9 May 2019 at Bendooley Estate, Berrima.

MN 191/19

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

THAT Council support the request from the Salvation Army Red Shield Appeal for a contribution of \$1,500 towards its annual Business Breakfast funded from Council's Contingency Fund

PASSED

14. GENERAL MANAGER

14.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
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 update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday 27 March 2019.

Deputy Mayor Clr G Turland declared a non pecuniary interest in Item 14.1 – Legal Report as he is noted in that report. If discussion or debate takes place he will leave the Chamber when the item is heard.

MN 192/19

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

1. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.2.

PASSED

15. DELEGATE REPORTS

Nil

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

Nil

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

20.1 Notice of Motion 12/2019 - Abolition of the Office of Environment and Heritage and Office of Local Government

Reference:	100/4 5650 202
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

Councillors L A C Whipper and G Markwart have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 24 April 2019:

The General Manager left the meeting at 7:00pm.

The General Manager returned to the meeting at 7:15pm.

MN 193/19

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

1. **THAT** as a matter of priority Council write to the Premier, The Hon Gladys Berejiklian expressing deep concerns about the abolition of the Office of Environment and Heritage and the Office of Local Government as stand alone departments.
2. **THAT** Council request an in-depth explanation in relation to the reasoning behind such an act which could be perceived as a brutal attack upon local autonomy and democracy; and also as an act that exposes our fragile environment to considerable risk.
3. **THAT** Council relay our concerns to Local Government New South Wales (LGNSW) and ask what action they are taking to advocate for the restoration of these two departments as stand alone representative bodies for Local Government and protection of the Environment AND THAT this be submitted as a Notice of Motion to the NSW Local Government Conference later in 2019.

PASSED

20.2 Notice of Rescission Motion 2/2019 - Berrima Road Deviation Project

Reference:	100/5 7457
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

Councillors G M Turland, K J Halstead and I M Scandrett have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 24 April 2019:

MN 194/19

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

THAT the motion passed by Council on 10 April 2019 being Item number 12.2 MN151/19 be rescinded.

MOTION LOST

21. GENERAL BUSINESS

There was no General Business at this Meeting.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7:19pm, Council moved into Closed Council.

MN 195/19

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

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:**

22.1 Expressions of Interest for the Moss Vale 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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Expressions of Interest (EOI) for the Moss Vale Civic Centre - Refurbishment.

22.2 Legal Report - Closed Council

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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 update Council on the status of legal proceedings reported to Council at the meeting of 27 March 2019.

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

PASSED

22.1 Expressions of Interest for the Moss Vale Civic Centre Refurbishment

Reference:	6350/19.1
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

The purpose of this report is to present the evaluation of the Expressions of Interest (EOI) for the Moss Vale Civic Centre - Refurbishment.

[This matter was addressed earlier in the meeting MN182/19 page 20](#)

22.2 Legal Report - Closed Council

Reference:	107/22
Report Author:	General Counsel
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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 March 2019.

General Counsel addressed Council in relation to this matter.

Clr L A C Whipper left the chambers, the time being 07:26pm.

Clr L A C Whipper returned to the meeting, the time being 07:28pm.

EXTENSION OF TIME

MN 196/19

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

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 7:45pm.

PASSED

MN 197/19

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

THAT the information in the Legal Report be noted.

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 198/19

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

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 199/19

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

THAT the recommendation of the Closed Council held on Wednesday, 24 April 2019 being MN 197/19 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 200/19

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 24 April 2019 being MN 177/19 to MN 178/19 be adopted with the exception of MN178/19.

PASSED

MN 201/19

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

THAT Item 10.2 be recommitted to the Open Council as the voting was tied at four votes all and the matter was dealt with in Committee of the Whole and the Mayor was unable to use his casting vote in Committee Of The Whole.

MOTION PASSED

MN 202/19

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

THAT Section 4.55 (2) application 03/2011.06 to modify development consent 03/2011 be **APPROVED** subject to conditions as described in Attachment 1 and subject to the following inclusion by inserting in Condition 5(b) after holidays, for a period of no more than 2 years commencing [insert future date which relates to the satisfactory signoff of conditions 5A and 18] once the conditions of consent have been met.

ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL, THEREFORE THE MAYOR D GAIR CAST HIS VOTE IN THE AFFIRMATIVE TO APPROVE THE MODIFICATION APPLICATION.

VOTING ON THE MOTION

For the motion: Mayor Clr T D Gair, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Clr K J Halstead, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

PASSED

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

THAT Section 4.55 (2) application 03/2011.06 to modify development consent 03/2011 be DEFERRED for two months AND THAT a report be brought back to Council based on the most recent twelve month register (log book records) detailing the following:

- Traffic volume and frequency compared to maximum permitted;
- Breaches of conditions -
 - time of day; and
 - frequency.
- Any known safety matters on wildlife injuries during the evaluation period
- Any omission or errors in the register (log book record).

VOTING ON THE AMENDMENT

For the motion: Clr K J Halstead, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

Against the motion: Mayor Clr T D Gair, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

ON BEING PUT TO THE MEETING VOTING ON THE AMENDMENT WAS TIED AT FOUR VOTES ALL AND THEREFORE THE MAYOR CLR D GAIR CAST HIS VOTE IN THE NEGATIVE TO THE AMENDMENT AND THE AMENDMENT WAS LOST.

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:46 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 24 April 2019 numbered M/N 174/19 to M/N 202/19 were signed by me hereunder at the Council Meeting held on Wednesday 8 May 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 8 MAY 2019

CHAIRMAN

PUBLIC OFFICER