

# Ordinary Meeting Of Council

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# Wollondilly

## Shire Council

### Minutes

### Monday 15 February 2016

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The meeting commenced at 6.33pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

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## **RECORDING OF MEETINGS**

The Mayor stated that in accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

## **PRESENT**

Councillors: Landow (Mayor), B Banasik, Law, Terry, M Banasik, Gibbs and Mitchell.

## **ALSO PRESENT WERE**

General Manager, Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Executive Services, Manager Governance and two Administration Officers.

## **NATIONAL ANTHEM**

The Mayor requested that everyone stand for the Australian National Anthem.

## **ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

## **APOLOGIES AND LEAVE OF ABSENCE REQUESTS**

TRIM 88-11

It was noted that Cr Hannan was on an approved Leave of Absence.

An apology for Cr Amato was accepted for this meeting.

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## DECLARATION OF INTEREST

TRIM 528-7

Cr Terry declared a Non-Pecuniary (less than significant) Conflict of Interest in Item PE1 – Application to Modify Development Consent No. 010.2003.00050952.008 – Menangle Retirement Village – 153 Menangle Road, Menangle as she resides in a street that is mentioned in the report. Cr Terry advised that she would stay in the meeting to consider the item and take part in the vote.

Cr Landow declared a Non-Pecuniary (significant) Conflict of Interest in Item PE6 – Montpelier Drive Planning Proposal – Amendments to WDCP 2016 as he has previously personally engaged the applicant as a contractor. He advised that he would leave the meeting during consideration of this item and not vote on the matter.

Cr Mitchell declared a Non-Pecuniary (less than significant) Conflict of Interest in Item IN2 Private Road – 'Avoca Road' – Status and Maintenance. He advised that he has a private road as debate extended to private roads in general. He stayed in the meeting to consider this item and voted on the matter.

## CONFIRMATION OF MINUTES

TRIM 88-11

**1/2016      Resolved on the Motion of Crs M Banasik and Gibbs**

**That the Minutes of the Ordinary Meeting held on Monday 21 December 2015, as circulated, be adopted as true and correct.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

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## MAYORAL MINUTE

TRIM 531

During the past month the following events were attended by either myself or as indicated by other Councillors:

Tuesday 26 January 2016 Australia Day Celebrations held in the Picton Botanic Gardens. It was a great honour to be involved in the announcements of the following awards to these very worthy recipients.

- Sportsperson of the Year - JUDITH RIGG
- Achiever of the Year - TIM BENNETT SMITH
- Local Hero of the Year - JULIE SHEPPARD
- Young Citizen of the Year - JOSH PORTEOUS & TEAM COSHI
- Citizen of the Year - JACK WILTON
- Special Award – Lifetime Achievement Award - PHIL COSTA

Saturday 30 January 2016 Grand Opening of new grocery store SPAR Wilton.

Tuesday 9 February 2016 Summer Reading Program Prize Presentation attended by Deputy Mayor Cr Hilton Gibbs.

Sunday 14 February 2016 commencement and Induction Service of Rev Ben Boardman held at Wilton Anglican Church.

During February 2016 Council received 4 applications for Donations:

- Ryan Schulter for \$250 to attend the Interpacific Spearfishing Championships in The Bay of Islands New Zealand in March 2016
- Hayley Tones Appin Dogs Junior Rugby League Football Club \$500 to support the Club's Open Day and Open Air Cinema
- Elyse Wood for \$250 to attend Australian Karate Federation National Championships in August 2016
- Kirra Bennett-Smith \$250 to participate in the National Junior Championships in Athletics, Long Jump and Javelin in March 2016.

These requests have been assessed against the program criteria and deemed eligible to receive funding through the Donation Program as per the criteria for individuals and organisations.

Special Event Dispensation (Australia Day Fishing Event 2016)

The purpose of this Minute is to seek ratification to the decision to give "Special Event Dispensation" for the Australia Day Fishing Event 2016 and to the covering of the 'fishing prohibited' sign for 26 January 2016 - Australia Day.

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Cr Hannan recently attended the Lachlan Regional Transport Committee meeting, and has advised of the Committee's concern regarding the State Government's response to the Expressions of Interest for the 'Maldon Dombarton' and 'Blayney / Demondrille' rail lines.

It is understood that following the State Government's consideration of the Expressions of Interest, neither appears likely to progress.

Council's endorsement is sought to seek a meeting with the Premier of NSW (together with the Mayors of Cowra, Young, Harden and Wollongong) during April / May to raise joint concerns regarding this matter.

In accordance with Council's Councillor Fees, Expenses and Facilities Policy permission is sought by Councillor Judith Hannan to attend the Australian Local Government Women's Association 2016 NSW Conference being held in Gunnedah on 11 & 12 March 2016. In accordance with this Policy I move that Council grant permission for Cr Hannan to attend this Conference representing Council.

I would like to take this opportunity and note congratulations to Federal Member for Hume Angus Taylor with the announcement on Saturday 13 February 2016 of his appointment as the new Assistant Minister to the Prime Minister, with special responsibility for Cities and Digital Transformation.

I would now like to table the following pages of this document which provide more details in regard to events attended.

*The Mayor tabled a copy of the full Mayoral Minute as follows.*



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On Tuesday 26 January 2016 I attended the Australia Day celebrations held in the Picton Botanic Gardens, and I would like to thank my fellow Councillors and Council's Executive Staff who also attended; Deputy Mayor, Cr Hilton Gibbs; Cr Kate Terry; Cr Judith Hannan; Cr Lou Amato; Cr Ray Law; Cr Michael Banasik; Cr Col Mitchell; General Manager, Luke Johnson; Executive Director, Ally Dench; Director Planning, Chris Stewart; Director Infrastructure and Environment, Michael Malone and Manager Executive Services, Matthew Toro.

At this year's event there were 9 new citizens from 5 countries who pledged their loyalty to Australia at this year's event and was witnessed by many friends and family.

It was a great honour to be involved in the announcements of the following awards to these very worthy recipients.

Sportsperson of the Year - JUDITH RIGG  
Achiever of the Year - TIM BENNETT SMITH  
Local Hero of the Year - JULIE SHEPPARD  
Young Citizen of the Year - JOSH PORTEOUS & TEAM COSHI  
Citizen of the Year - JACK WILTON  
Special Award – Lifetime Achievement Award - PHIL COSTA

Congratulations to all the nominees.



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On Saturday 30 January 2016 I attended the official grand opening celebrations of the new grocery store SPAR Wilton.

Jai Rowell, Member for Wollondilly also attended this event.





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I would like to thank Deputy Mayor Cr Hilton Gibbs for attending the Summer Reading Prize Presentation which was held in the Gallery. General Manager, Luke Johnson; Manager Executive Services, Matthew Toro and Manager Governance, John Sproule also attended.

This program is held annually with the aim of encouraging a love of reading. This year the reading program had 164 young people participating, with a total of 1,481 books read.



Simon Landow  
**MAYOR**  
15 February 2016

**2/2016      Resolved on the Motion of Crs Landow and Law:**

**That the Mayoral Minute be accepted.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

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Planning and Economy

PE1 Application to Modify Development Consent No. 010.2003.00050952.008  
– Menangle Retirement Village – 153 Menangle Road, Menangle  
77 I615-03 (DD010.2003.00050952.008)

1. That *the Application to Modify Development Consent No. 010.2003.00050952.008 to amend Development Consent I615-03 relating to shared pathways to service the Retirement Village at Lot 1 DP 270706 No. 153 Menangle Road be deferred to permit further discussions with the Applicant regarding improvements to the network of pedestrian pathways in Menangle Village, including consultation with the potentially effected residents and Council's Heritage Adviser.*
2. *That considering the previous difficulties with the development of pathways in Menangle, discussions are also to include alternative contribution opportunities in lieu of not providing pathway, for example, monies towards the refurbishment of Council owned assets such as the historic Menangle School.*
3. *That a report comes back to Council.*

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

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Planning and Economy

PE2                      **Clause 4.1A – Wollondilly Local Environmental Plan, 2011**                      TRIM 2145  
19

4/2016                      **Resolved on the Motion of Crs M Banasik and Gibbs:**

**That the effect and operation of Clause 4.1A of Wollondilly Local Environmental Plan, 2011 be noted and that there be no change to this clause.**

On being put to the meeting the motion was declared CARRIED.

Vote:                      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

Planning and  
Economy

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Planning and Economy

PE3      **Wollondilly Local Environmental Plan 2011 Housekeeping Amendment to correct Original Holdings Maps applying to certain land at Razorback and Menangle**  
1010      TRIM 8277

5/2016      **Resolved on the Motion of Crs M Banasik and Gibbs:**

1.      That Council support the Planning Proposal to include the land identified on the maps at Attachment 1 on the Wollondilly Local Environmental Plan 2011 Original Holdings Map.
2.      That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Director-General with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and in the Planning Proposal.

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

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Planning and Economy

PE4 Draft Planning Proposal – West Parade, Buxton  
259421

TRIM 8757

6/2016 Resolved on the Motion of Crs M Banasik and Mitchell:

1. That Council support the preparation of a Planning Proposal for land being Lot 1 DP 940895 (No. 600 West Parade, Buxton) to amend Wollondilly Local Environmental Plan, 2011 as follows:
  - Amend the Land Zoning Map from RU1 Primary Production to E3 Environmental Management and R5 Large Lot Residential
  - Amend the Lot Size Map from a minimum lot size category of 40 hectares to 4000sq.m.
2. That the proposed E3 Environmental Management land use zone should include all land identified by Council for natural revegetation.
3. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
4. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
5. That the applicant and submitters be notified of Council's Resolution.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow



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Planning and Economy

PE5 Queen Victoria Memorial Home Planning Proposal  
41

TRIM 6399

7/2016 Resolved on the Motion of Crs M Banasik and Law:

1. That Council support the Planning Proposal for land being Lot 1 DP 264150 (590 Thirlmere Way) and Lot 31 DP 1022462 (No 220 Bridge Street) and Lots 32 and 33 DP 1022462 (615 and 555 Thirlmere Way), Thirlmere to amend Wollondilly Local Environmental Plan, 2011 as follows:
  - Amend the Land Zoning Map so that an additional land use 'Seniors Housing' is added to the zone for Lots 31, 32 and 33 DP 1022462 and the title of the SP2 Health Services Facility Zone is changed to 'SP2 Health Services Facility and Seniors Housing; and
  - Amend the Height of Buildings Map so that the area within the curtilage of the existing heritage item I265 (Queen Victoria Hospital) will have a maximum building height of 15 metres; and
  - Amend Wollondilly LEP 2011 Lot Size Map so that Lot 1 DP 264150 has a minimum lot size of 16 hectares in accordance with the Lot Size Maps attached; and the remainder of the site being Lots 31, 32 and 33 DP 1022462 has a minimum lot size of 100 hectares; and
  - Amend the Heritage Map so that the curtilage of the existing heritage item I265 (Queen Victoria Hospital) is reduced from mapping the entire Lot 32 DP 1022462 to the curtilage as indicated in the Heritage Map; and Harmony House a new Archaeological Heritage Item within Lot 31 DP 1022462 is added to the Heritage Map and included within Schedule 5 Environmental Heritage, Part 3 Archaeological site; and
  - Amend the Natural Resources – Biodiversity Map so that the biodiversity layer applies to various parts of the subject site; and
  - Amend the Natural Resources – Water Map Sheet NRW to extend the 10m buffer on the watercourse in Lot 31 DP 1022462 in the south-east corner of the site to the north-west to the boundary with Lot 2 DP 800462.

Planning and Economy

2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Director-General with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and if necessary support a Gateway alteration to allow for the change to the planning proposal by not allowing Lot 1 DP 261450 to be rezoned to include seniors housing as an annotated permitted use as this part of the site is considered unsuitable for the following reasons:

- The whole of Lot 1 is bushfire prone and carries the highest level of bushfire risk which makes it unsuitable for senior housing which is a Special Fire Protection Purpose as defined under the NSW Rural Fire Service, Planning for Bushfire Protection 2006.
- Lot 1 contains Shale Sandstone Transition Forest of high conservation status. SSTF is a critically endangered ecological community listed under the NSW Threatened Species Conservation Act 1995 and requires protection.
- Lot 1 is significant in terms of its cultural heritage for aboriginals as there are a number of potential aboriginal archaeological deposits (PAD) located there and development for seniors housing may impact on these items or on other deposits not yet discovered.
- The only access to Lot 1 is across the Thirlmere tourist railway line which may prove unsafe for future potentially vulnerable residents in terms of access and egress and emergency evacuation.
- Lot 1 is located on the western side of Thirlmere Way and is relatively isolated from the remainder of the site and the current and proposed on-site community facilities and services for the aged.
- Odour has been identified as having a potential impact on future residents of Lot 1.
- It is unlikely that any future proposed seniors housing for Lot 1 would be able to satisfactorily address the requirements of State Environmental Planning Policy Housing for Seniors or People with a Disability.

Or in a form the Minister may determine appropriate to account for the issue outstanding for the Office of Environment and Heritage.

3. That Council approve the amendments as publicly exhibited to Controls for Specific Locations for Queen Victoria Memorial Home Planning Proposal in the subdivision volume of Wollondilly Development Control Plan 2016 and that the amended WDCP replace the current plan.

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Planning and Economy

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4. That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 public notice is given of Council's decision in a local newspaper within 28 days.
5. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

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Planning and Economy

**PE6** **Montpelier Drive Planning Proposal – Amendments to WDCP 2016**  
41 TRIM 6961

The Mayor left the meeting at 6.56pm due to a previously declared Conflict of Interest in this Item. The Deputy Mayor, Cr Gibbs took the Chair.

**8/2016** **Resolved on the Motion of Crs Gibbs and B Banasik:**

1. That Council approve the amendments as publicly exhibited to Controls for Specific Locations for Montpelier Drive Residential Land in the subdivision and residential volumes of Wollondilly Development Control Plan 2016 and that the amended WDCP replace the current plan.
2. That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 public notice be given of Council's decision in a local newspaper within 28 days.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell and Gibbs

The Mayor returned to the meeting at 6.59pm and resumed the chair.

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Planning and Economy

**PE7      Star Street Former Road Reserves Planning Proposal and Draft Development Control Plan 2016 Amendments**

41

TRIM 7965

Cr Law left the meeting at 6.59pm.

**9/2016      Resolved on the Motion of Crs M Banasik and Mitchell:**

1. That the amendments to Wollondilly Development Control Plan 2016 as described in Section 2.4 to this report shall be placed on public exhibition for a period of 28 days in accordance with the provisions of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
2. That the applicant, adjoining and nearby landowners and persons who made submissions to the planning proposal shall be notified about the public exhibition.

On being put to the meeting the motion was declared CARRIED.

Vote:              Crs B Banasik, Terry, M Banasik, Mitchell, Gibbs and Landow



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### Governance

#### GOVERNANCE

**GO1**            **Notice of Motion Status Report – February 2016**  
103

TRIM 5253

Items GO1 to GO3 were moved concurrently.

**10/2016**        **Resolved on the Motion of Crs M Banasik and B Banasik:**

**That Council note the February Notice of Motion Status Report.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Terry, M Banasik, Mitchell, Gibbs and Landow

Governance

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### Governance

**GO2**            **Audit Committee Charter Review**  
238

TRIM 5374-2

**11/2016**        **Resolved on the Motion of Crs M Banasik and B Banasik:**

**That Council endorse the changes outlined in the report and the revised Audit Committee Charter be adopted.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Terry, M Banasik, Mitchell, Gibbs and Landow

Governance

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**G03** **Second Quarterly Review of 2015/16 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2015**

1. That the information provided in this report be received.
2. That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 December 2015 and proposed adjustments to the 2015/16 budget estimates, be adopted.

Vote: Crs B Banasik, Terry, M Banasik, Mitchell, Gibbs and Landow

## Governance

**GO4**      **Investment of Funds as at 30 November 2015 and 31 December 2015**

**13/2016      Resolved on the Motion of Crs Terry and B Banasik:**

1. That the information and certification in relation to the investment of Council funds as at 30 November 2015 be noted.
2. That the information and certification in relation to the investment of Council funds as at 31 December 2015 be noted.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

GO5 Locality Boundary Amendment – Brundah Road & Tickle Drive TRIM 3260  
239945

1. That Council supports the proposed realignment of the locality boundary from Tahmoor to Thirlmere from:
  - The current boundary location being the road centreline of Tickle Drive to the southern property boundary of Lot 2 DP 920876, Lot 3 DP 606962, and Lot 192 DP 618071 (the corner property being Lot 191 DP 618071 will be totally within the locality of Thirlmere).
  - The current boundary location being the road centreline of Brundah Road to the eastern property boundary of Lot 14 DP 30970, Lot 15 DP 30970, Lot 16 DP 730970, Lot 17 DP 46882, Lot 18 DP 746882, and Lot 19 DP 746882 from Tahmoor to Thirlmere.
2. That Council supports this locality boundary review to be submitted to the Geographical Names Board for final determination at their next Annual Meeting in March 2016.
3. *That appropriate locality signage be put on the Tahmoor/Thirlmere boundary.*

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow





## INFRASTRUCTURE

**16/2016      Resolved on the Motion of Crs M Banasik and Mitchell:**

- 1. That Council apply to the NSW Department of Primary Industries to transfer ownership of Crown Roads Antill Street and Bell Street, Thirlmere to Council as Public Roads on the basis that Council does not intend to close and sell the road reserve for the foreseeable future.**
- 2. That all costs associated with the transfer and construction of the unformed part of Antill and Bell Street to be borne by the applicant.**
- 3. That the Mayor and General Manager be authorised to execute all documentation in relation to this matter including those requiring the Common Seal of Council.**

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

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Infrastructure

IN2

**Private Road – 'Avoca Road' – Status and Maintenance**  
266878

TRIM 3192

Moved on the motion of Crs B Banasik and Mitchell:

1. That Council provide no further maintenance of the private road known as "Avoca Road" unless it is on a fee for service basis for full recovery of costs.
2. That the relevant property owners be advised of Council's decision.

Cr Terry foreshadowed the following motion that:

1. *Recognising the previous agreements for road maintenance between Council and the land owners accessing their properties via the private road known as Avoca Road, Silverdale and the desirability of allowing the landowners to plan for and budget for future works at full cost; that, in accordance with Sections 610 A & B and Section 67 of Local Government Act for the undertaking of Private Works, the rates for the inspection and maintenance of the private road known as "Avoca Road", Silverdale be adopted as follows:*
  - a. *The base rate for daily hire of labour resources and construction plant for the maintenance of an unsealed road be set at \$6,653/day plus GST.*
  - b. *For 2015/16 the charge rate for "Avoca Road" be fixed at 50% of the base rate i.e. \$3,327/day plus GST.*
  - c. *Supply and cartage to site of granular road-base materials for road maintenance works @\$31.50/tonne plus GST {approximately 300 tonne per day}.*
  - d. *Supply and cartage to site of recovered granular road-base materials for road maintenance works @\$10/tonne plus GST.*
  - e. *Provision of professional advice to determine the scope of works and appropriate works method by a council engineer @ \$237 (includes travel and one hour on site) plus GST.*

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Infrastructure

2. *For subsequent years, in addition to any applicable inflation based increases (Road and Bridge Construction - Construction Index), that the daily rate for the road works on "Avoca Road" be:*
  - a. 2016/17 – 50% of the base rate
  - b. 2017/18 – 75% of the base rate
  - c. 2018/19 – 100% of the base rate.
3. *For subsequent years, the rates for the supply of materials be increased by Road and Bridge Construction - Construction Index for each year.*

Moved on the motion of Crs B Banasik and Mitchell:

1. That Council provide no further maintenance of the private road known as "Avoca Road" unless it is on a fee for service basis for full recovery of costs.
2. That the relevant property owners be advised of Council's decision.

On being put to the meeting the motion was declared LOST.

Vote For: Crs B Banasik and Mitchell,

Vote Against: Crs Law, M Banasik, Gibbs, Terry and Landow

The foreshadowed motion of Cr Terry was put to the meeting.

**17/2016** **Resolved on the Motion of Crs Terry and Gibbs:**

1. ***That recognising the previous agreements for road maintenance between Council and the land owners accessing their properties via the private road known as Avoca Road, Silverdale and the desirability of allowing the landowners to plan for and budget for future works at full cost; that, in accordance with Sections 610 A & B and Section 67 of Local Government Act for the undertaking of Private Works, the rates for the inspection and maintenance of the private road known as "Avoca Road", Silverdale be adopted as follows:***
  - a. ***The base rate for daily hire of labour resources and construction plant for the maintenance of an unsealed road be set at \$6,653/day plus GST.***

- b. For 2015/16 the charge rate for “Avoca Road” be fixed at 50% of the base rate i.e. \$3,327/day plus GST.*
  - c. Supply and cartage to site of granular road-base materials for road maintenance works @\$31.50/tonne plus GST {approximately 300 tonne per day}.*
  - d. Supply and cartage to site of recovered granular road-base materials for road maintenance works @\$10/tonne plus GST.*
  - e. Provision of professional advice to determine the scope of works and appropriate works method by a council engineer @ \$237 (includes travel and one hour on site) plus GST.*
- 2. That for subsequent years, in addition to any applicable inflation based increases (Road and Bridge Construction - Construction Index), that the daily rate for the road works on “Avoca Road” be:*
  - a. 2016/17 – 50% of the base rate*
  - b. 2017/18 – 75% of the base rate*
  - c. 2018/19 – 100% of the base rate.*
- 3. That for subsequent years, the rates for the supply of materials be increased by Road and Bridge Construction - Construction Index for each year.*
- 4. That Council writes to the residents and the Gun club advising them of this decision and that Council suggests to the Gun club that they levy an amount to visitors/members to go towards maintenance of the private road.*

Vote For: Crs Terry, M Banasik, Gibbs and Landow  
Vote Against: Crs B Banasik, Law and Mitchell

*During the debate in open Council a Councillor briefly spoke in relation to all private roads within the Shire. The Councillor advised the Council of an intention to move a motion to include all private roads be maintained by Council. Cr Mitchell therefore advised that as he has a private he would need to declare an interest in this item.*

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

### Notice of Motion

#### NOTICE OF MOTION

TRIM 6416-6

**NOM 1      Notice of Motion No. 1 submitted by Cr M Banasik on 12 February 2016 regarding Appin Road**

The General Manager left the meeting at 7.35pm and returned at 7.37pm.

**18/2016      Resolved on the Motion of Crs M Banasik and Landow:**

**That Wollondilly Shire Council writes to the Minister for Roads seeking urgent upgrades to Appin Road. Council also write to Campbelltown and Wollongong Councils seeking their support in regard to this matter. A copy of this Notice of motion be provided to the Local Member.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

Notice of Motion

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM 2      Notice of Motion No. 2 submitted by Cr M Banasik on 12 February 2016 regarding Mining Impacts to Redbank Creek**

**19/2016      Resolved on the Motion of Crs M Banasik and Terry:**

- 1.      That Council take a proactive role in advocating for the protection of the natural environment from impacts of mining under Redbank Creek.**
- 2.      That Council write to the State Minister for Planning, the Minister for Environment and the Minister for Resources and Energy expressing its concern that compensation mechanisms for damage to the natural environment from mining impacts is not considered in the function of the Mine Subsidence Board and Council calls for this situation to be reviewed and remedied.**
- 3.      That Council consider the allocation of resources in the third Quarterly Review to undertake advocacy regarding this issue.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

Notice of Motion

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM 3      Notice of Motion No. 3 submitted by Cr Law on 12 February 2016 regarding the 'Homes for Heroes' Programme**

**20/2016      Resolved on the Motion of Crs Law and M Banasik:**

**That Council note the inability of RSL Lifecare to implement a 'Homes for Heroes' Programme at Queen Victoria Hospital due to financial restraints and lack of availability of suitable mental health resources in the local area. Furthermore that Council write to the Local Member, Angus Taylor and the Minister for Veterans Affairs and ask them for their support.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow



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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

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Notice of Motion

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**21/2016      Resolved on the Motion of Crs Landow and Gibbs:**

**That Council suspend standing orders to deal with NOM 5.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

TRIM 6416-6

**NOM 5      Notice of Motion No. 5 submitted by Cr Mitchell on 12 February 2016 regarding the Community Forum Guidelines**

**22/2016      Resolved on the Motion of Crs Mitchell and Gibbs:**

**That Council review the current community forum guidelines, paying particular attention to the Informal Question/Statement Time for general issues.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

**23/2016      Resolved on the Motion of Crs Landow and Gibbs:**

**That Council resume standing orders.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

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Notice of Motion

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TRIM 6416-6

**NOM 4      Notice of Motion No. 4 submitted by Cr Law on 12 February 2016 regarding parking near Bargo Public School**

**24/2016      Resolved on the Motion of Crs Law and B Banasik:**

**That Council liaise with Bargo Public School P&C in regard to difficulties with car parking near the school.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

Closed Reports

CLOSED REPORTS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A (2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

PE8

**Bingara Gorge Appeal**

19

TRIM 8642

Set out below is Section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

This report contains matters that are of legal professional privilege.

Pursuant to Section 10A(4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No representations were received.

25/2016

**Resolved on the Motion of Crs B Banasik and Gibbs:**

1. That Council move into Closed Session to consider business identified in the closed report PE8 – Bingara Gorge Appeal.
2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs and Landow

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

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Closed Reports

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Council closed its meeting at 7.58pm.

The public and media left the chamber.

The Ordinary meeting re-opened to the public at 8.34pm.

Cr Mitchell left the meeting at 8.35pm.

The Mayor read the resolution adopted in respect of Item PE8.

That, in relation to the proposed increase in the development cap from 1165 to 1800 residential allotments at Bingara Gorge:

1. *Whilst Council continues discussions with Lend Lease communities, that these discussions be on the basis of a maximum number of allotments not exceeding the original 1165 blocks.*
2. Council note the effort to undertake negotiations with Lend Lease Communities in response to Council's previous resolution.
3. Council note that further ongoing work will be required in regard to the negotiation, exhibition and adoption of a Voluntary Planning Agreement.
4. Council note that any decision to increase the number of allotments in the Bingara Gorge Estate will be made contrary to the controls recently adopted in the Wollondilly Development Control Plan 2016.
5. Staff in negotiating conditions of consent as part of the Court process seek to maximise community benefit and protect public safety and the environment by incorporating conditions that:
  - a) Include community building initiatives.
  - b) Introduce new detailed caps on subdivision certificate release based on the continued completion of the golf course and associated facilities as per the table below:

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

Closed Reports

Task	Completion
Golf course bridge	Prior to the release of subdivision certificate for more than two thirds of the development cap or December 2017 whichever occurs first
Stage 2a of Golf clubhouse - initial	Not applicable (Completed)
Stage 2a of Golf clubhouse - final pro-shop and related car parking	Prior to the release of subdivision certificate for more <i>than</i> three quarters of the development cap or June 2018 whichever occurs first
Stage 2b of Golf clubhouse - lounge, dining, bar and final kitchen and related car parking	Prior to the release of subdivision certificate for more <i>than</i> three quarters of the development cap or December, 2018 whichever occurs first

- c) Require the timely completion of Wollondilly Street. In this regard attempts shall be made to negotiate the payment by Lend Lease of any biobanking credits necessary for the vegetation removal to enable road construction.
  - d) Include conditions that protect biodiversity in accordance with NSW legislation and that require any works for asset protection purposes (eg fire trails, roads, managed areas) occur outside the biodiversity protected footprint and include perimeter roads that incorporate shared pathways where appropriate.
  - e) Require full payment of developer contributions under the Wollondilly Developer Contributions Plan 2011 *if the Court approves additional lots* over 1,165 unless and until a new Voluntary Planning Agreement has been considered by Council and endorsed.
6. A range of community building initiatives contained within a "Community Building Strategy" shall be implemented to engage with new and existing residents to assess their needs and address as appropriate. The strategies employed can be direct or indirect but must be aimed at enhancing social cohesion, participation and the overall wellbeing of residents.

The "Community Building Strategy" shall be submitted to Council for approval prior to implementation and must include the following components:

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Closed Reports

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- Consultation with relevant government and non-government agencies in identifying areas for the provision of quality social infrastructure and human services provision
- Community engagement process to establish an evidence base to guide future initiatives
- Community welcome initiatives that include information about community title living, available services and activities
- Innovative engagement techniques that seek to involve residents in the design, development, enhancement and activation of public spaces
- Practical strategies to engage the community in an active lifestyle, focussed on overall well-being with a specific focus on connectivity with the existing community
- Annual reporting on the highlights and achievements of the strategy submitted to Council.

The applicant may seek to satisfy the requirements of this condition by entering into a planning agreement in accordance with the Act on terms and conditions which are acceptable to Council, but there is no obligation to do so.

## WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 15 February 2016, commencing at 6.33pm

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### Closing

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#### CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 8.39pm.

This and the preceding 37 pages are the Minutes of the Ordinary Meeting of Council held on Monday 15 February 2016 and were confirmed in the subsequent meeting held on Monday 21 March 2016.

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Mayor

Closing