

Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes

Monday 21 March 2016

The meeting commenced at 6.34pm 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 21 March 2016, commencing at 6.34pm

RECORDING OF MEETINGS	3
PRESENT	3
ALSO PRESENT WERE	3
NATIONAL ANTHEM	3
ACKNOWLEDGEMENT OF COUNTRY	3
APOLOGIES AND LEAVE OF ABSENCE REQUESTS	3
DECLARATION OF INTEREST	4
CONFIRMATION OF MINUTES	4
MAYORAL MINUTE	5
PLANNING AND ECONOMY	11
PE1 Planning Agreement – Cubbitch Barta Reserve in Camden Park	11
PE2 Draft Planning Proposal – Brooks Point Road, Appin	12
PE3 Adoption of Draft Economic Development Strategy	13
GOVERNANCE	14
GO1 Notice of Motion Status Report – March 2016	14
GO2 Investment of Funds as at 31 January 2016	15
GO3 Code of Conduct Amendment	16
GO4 Proposed Agreement for Easement – Gas Pipeline at Brooks Point Road, Appin – Illawarra Coal	17
GO5 Register of Disclosed Interests – 2015-16	19
GO6 Community Forum Guidelines Review	20
LATE REPORT	21
GO7 Sub-Lease – Bonnie Cottage – 122 Hawthorne Road, Bargo	21
NOTICE OF MOTION	22
NOM 1 Notice of Motion No. 1 submitted by Cr Hannan on 14 March 2016 regarding Vanderville Estate, The Oaks	22
NOM 2 Notice of Motion No. 2 submitted by Cr Hannan on 16 March 2016 regarding Storage Facilities for The Oaks Pony Club	23
NOM 3 Notice of Motion No. 3 submitted by Cr Hannan and M Banasik on 18 March 2016 regarding Redbank Creek	24
CLOSED REPORT	25
PE4 Western Sydney Airport	25
CLOSING	26

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

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), Law, Terry, M Banasik, Hannan, Gibbs and Mitchell.

ALSO PRESENT WERE

Acting General Manager, Acting 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

Apologies for Cr Amato, Cr B Banasik and the General Manager were noted for this meeting.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

DECLARATION OF INTEREST

TRIM 528-6

Cr Hannan declared a perceived Non-Pecuniary and less than significant Conflict of Interest in relation to Item PE4 - Western Sydney Airport. Cr Hannan advised that her place of residence is in the area of the impending declaration and therefore a potential this could be perceived as a conflict.

CONFIRMATION OF MINUTES

TRIM 88-11

27/2016 Resolved on the Motion of Crs M Banasik and Gibbs:

That the Minutes of the Ordinary Meeting held on Monday 15 February 2016, as circulated, be adopted as true and correct.

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

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

TRIM 88-11

28/2016 Resolved on the Motion of Crs M Banasik and Gibbs:

That the Minutes of the Closed Meeting held on Monday 15 February 2016, as circulated, be adopted as true and correct.

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

MAYORAL MINUTE

TRIM 531

During the past month the following events were attended by either me or as indicated, by other Councillors.

Tuesday 16 February 2016 I attended Thirlmere Public School Leadership Induction Ceremony.

Thursday 25 February 2016 I attended the HSC High Achievers Mayoral Reception. Cr Michael Banasik, Luke Johnson and Ally Dench attended.

Friday 26 February 2016 I attended Cocktails on the Rails & High Tea at Trainworks. Cr Michael Banasik and Ally Dench also attended.

Sunday 28 February 2016 I attended the Heritage Craft Fair at Warragamba Town Hall.

Sunday 6 March 2016 I attended the Thirlmere Festival of Steam. Deputy Mayor Cr Hilton Gibbs, Cr Michael Banasik and Luke Johnson attended.

Sunday 13 March 2016 I attended the Oaks Historical Society opening of the exhibition "Her War". Deputy Mayor Cr Hilton Gibbs, Cr Michael Banasik and Luke Johnson attended.

Sunday 20 March 2016 I attended the Wilton Markets Mud Stomp Event. Cr Michael Banasik attended.

Following on from Council Resolution of 15 February 2016 relating to Maldon-Dombarton and Blayney-Demondrille train lines a letter has been written to the Premier of NSW, to raise joint concerns with Cowra, Young, Harden and Wollongong Councils and request a meeting to discuss the State Government's intentions for the delivery of these rail lines and gain a definite answer and commitment to these important projects.

Council's endorsement is sought by Picton Thirlmere Bargo RSL Sub Branch for the gifting of the original plaque that was erected above the WW1 Machine Gun. The plaque will be housed in the Military Museum in the Sub Branch Hall at 1 Mason Street, Thirlmere. I propose that Council formally endorse this request.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

During March 2016 Council received 2 applications for Sponsorship:

- Success Women's Network to hold a Road to Enrichment Day \$1,000.
- Australia Remembers to establish the Wollondilly Component of an on-line directory for ANZAC's \$1,015.

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.

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

On Tuesday 16 February 2016 I attended Thirlmere Public School's Leadership Induction Ceremony.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

A Mayoral Reception for Higher School Certificate leavers who achieved a band 6 was held on 25 February 2016 at Council.

I congratulated all the students for their hard work which was evident by their results.



*Top Left to right – Domonic Colucci, Jack Hillier, Andrew Russell, Aaron Thompson,
Bottom left to right – Alexander McCahon, Andrew Hazard, Justin Russell, Carla Dal Pozzo, Dana Bruynius and Simone Brown*

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

On 10, 11 and 12 March 2016 The Australian Local Government Women's Association 2016 NSW Conference was held in Gunnedah.

Cr Judith Hannan, and two (2) staff, Robyn Cooper, Manager Compliance and Toni Spence, Principal Governance Officer attended.

Cr Judith Hannan provided the following update from the Conference:

The educational program was very inspirational with an address from Dr Jilly Hicks who lost both legs in the London Rail bombings.

Some valuable information was provided in regard to all of our Council staff relating to sick pay and Council advantages of helping them to be fit for work.

We networked with many other councils listening to how they manage things and the concerns many of them have about being forced to amalgamate.

There were workshops on social media usage and how to get the best community consultation. Cr Hannan connected with Dai Le a councillor from Fairfield who had statistics about the benefits of diversity in organisations and will continue to liaise with her about some programs she runs.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

On Sunday 13 March 2016 The Oaks Historical Society held their opening of a new exhibition “Her War” and the launch of the book “Red Poppies and the White Waratah; Heroines of the Great War in Wollondilly”. The opening was performed by Professor The Honourable Dame Marie Bashir AD CVO.

I would like to thank Deputy Mayor Cr Hilton Gibbs, Cr Michael Banasik and Luke Johnson for attending this event.



Simon Landow
MAYOR
21 March 2016

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

29/2016 Resolved on the Motion of Crs Landow and Hannan:

That the Mayoral Minute be accepted.

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Planning and Economy

PLANNING AND ECONOMY

PE1 Planning Agreement – Cubbitch Barta Reserve in Camden Park
263081 TRIM 8255

30/2016 Resolved on the Motion of Crs Terry and Hannan:

1. That Council adopt the Planning Agreement for Cubbitch Barta Reserve in the form included at Attachment 1 to this report.
2. That the Planning Agreement be executed by the General Manager, but only after Council's Executive *is satisfied*:
 - a) *the developer has completed all the agreed outstanding works as outlined in this report,*
 - b) *the pumps located in the stormwater ponds have been certified as fit for purpose by an independent and suitably qualified auditor, and*
 - c) *the termite protection measures applied to the bridge and other timber structures being certified as adequate by a suitably qualified person.*
3. That on receipt of the funds provided for by the Planning Agreement, a Steering Committee be formed as detailed in this report to establish how the funds could be used in the embellishment and maintenance of facilities within the Bridgewater Estate with expenditure of any funds to be determined by Council.
4. That the Mayor appoint two (2) Councillors to represent Council on the Steering Committee and appoint one of the representatives to chair the Committee.
5. That Terms of Reference be prepared to detail the role and function of the Steering Committee as well as the selection criteria and process for appointing the local resident committee members through an expression of interest process.

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

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

Planning and Economy

31/2016 Resolved on the Motion of Crs M Banasik and Law:

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Planning and Economy

PE3 **Adoption of Draft Economic Development Strategy**
267933

TRIM 8412

32/2016 **Resolved on the Motion of Crs M Banasik and Gibbs:**

That the Draft Economic Development Strategy be adopted.

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

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

Planning and
Economy

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Governance

GOVERNANCE

GO1 **Notice of Motion Status Report – March 2016**
264985

TRIM 5253-2

Items GO1 and GO2 were moved concurrently.

33/2016 **Resolved on the Motion of Crs M Banasik and Law:**

That Council note the March Notice of Motion Status Report.

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

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

Governance

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Governance

GO2 **Investment of Funds as at 31 January 2016**
112

TRIM 1022-3

34/2016 **Resolved on the Motion of Crs M Banasik and Law:**

That the information and certification in relation to the investment of Council funds as at 31 January 2016 be noted.

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

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

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Governance

GO3 **Code of Conduct Amendment**
238

TRIM 98

35/2016 **Resolved on the Motion of Crs Hannan and Law:**

That Council adopt the amended Wollondilly Shire Council Code of Conduct *without the following points:*

- ***removing the references to Administrators***
- ***removing the signing of meeting books.***

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

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

Governance

G04 **Proposed Agreement for Easement – Gas Pipeline at Brooks Point Road,**
Appin – Illawarra Coal
10845 TRIM 8899

Items GO4 and GO5 were moved concurrently

36/2016 Resolved on the Motion of Crs Hannan and Terry:

- 1. That Council as the Roads Authority under the Roads Act 1993 (NSW) Section 7(4) & 7(5) agree in principle to enter into negotiations for a Deed of Agreement for an easement with Illawarra Coal (aka South 32) for the purpose of installing and operating a suction gas pipeline within Brooks Point Road Reserve from Appin Mine to the Power Station located at Northamptondale Road, Appin.**
- 2. That the compensation for the total length of the proposed easement within the Brooks Point Road Reserve be \$46,500 plus GST subject to review and provision of an official registrable plan by Council's Valuer. That the security bond be determined at the time of negotiations.**
- 3. That in the event that the survey of the identified location for the gas line goes into freehold land, that land being transferred from the NSW Department of Industry NSW Trade & Investment (Crown Land) be declared as "Operational Land" upon acquisition.**
- 4. That all costs and disbursements to establish the agreement be borne by the applicant, including all reasonable legal costs and registration of documentation with Government Authorities.**
- 5. *That the Deed of Agreement is to include amongst other matters, a requirement for:***
 - *A full detailed survey plan;***
 - *All necessary approvals and requirements of environmental legislation being obtained;***
 - *The applicant to consult with Water NSW and to include details of the proposed water canal crossing in the Construction Environmental Management Plan. (The proposed gas line traverses the Upper Water Canal which is under the control and ownership of Water NSW);***

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Governance

- ***The applicant to undertake comprehensive community consultation with potentially affected key stakeholders in Appin (surrounding properties, Appin residents and Appin road users) in consultation with Council's Community Engagement Team;***
 - ***The applicant to submit a separate application under Section 138 of the Roads Act prior to works commencing.***
6. ***That the Deed of Agreement shall not operate so as to fetter Council's statutory obligations or discretions as a consent authority and as the relevant roads authority.***
7. **That the Mayor and General Manager be authorised to execute all documentation pertaining to this matter including those requiring the Common Seal of Council in accordance with the Local Government Act 1993 (NSW) S377(1)(h).**

Governance

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Governance

GO5 **Register of Disclosed Interests – 2015-16**
256

TRIM 2502-9

37/2016 **Resolved on the Motion of Crs Hannan and Terry:**

1. That Council adopt the following position as a “Designated Position” under Section 441 of the Local Government Act, 1993:
 - Precinct Planner.
2. That the tabling of the Disclosure of Interests 449 Returns be received by the General Manager at this Council meeting.

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

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

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Governance

GO6 **Community Forum Guidelines Review**
234777

TRIM 1422

38/2016 **Resolved on the Motion of Crs Hannan and Law:**

1. **That the Draft Community Forum Guidelines be placed on public exhibition to allow for community submissions.**
2. **That a report come back to Council following the submission period for the guidelines to be adopted.**

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

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

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Late Report

LATE REPORT

39/2016 Resolved on the Motion of Crs Law and Gibbs:

That council suspend standing orders to deal with the late report GO7.

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

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

GO7 Sub-Lease – Bonnie Cottage – 122 Hawthorne Road, Bargo
10845

TRIM 656

40/2016 Resolved on the Motion of Crs Hannan and M Banasik:

- 1. That Council agree to enter into negotiations to sub-lease Bonnie Cottage under Lease Plan Lots 1 & 2 DP 862324 Hawthorne Road, Bargo to Wollondilly Community Links in consultation with the owner of the property being the Department of Education.**
- 2. That the Mayor and General Manager be authorised to execute all necessary documents relating to the Lease including those documents that require the Common Seal of Council.**

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

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

41/2016 Resolved on the Motion of Crs Gibbs and Law:

That Council resume standing orders.

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Notice of Motion

NOTICE OF MOTION

TRIM 6416-5

NOM 1 Notice of Motion No. 1 submitted by Cr Hannan on 14 March 2016 regarding Vanderville Estate, The Oaks

42/2016 Resolved on the Motion of Crs Hannan and Gibbs:

That funds be transferred from the Growth Management Restricted Cash account to provide a resource to process applications, certificates, inspections and associated tasks primarily for Vanderville Estate. That the matter be reported back to Council in the event further funds are required.

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Notice of Motion

TRIM 6416-5

NOM 2 Notice of Motion No. 2 submitted by Cr Hannan on 16 March 2016 regarding Storage Facilities for The Oaks Pony Club

43/2016 Resolved on the Motion of Crs Hannan and Gibbs:

- 1. *That Council assist The Oaks Pony Club with the appropriate forms to enable continued use of the containers used for over 25 years to store equipment.***
- 2. *That as part of this, the club be asked to clean up the area and attend to graffiti.***
- 3. *That we write to the State and Federal MPs seeking funding for a new facility for the club and seek Section 94 funding in this regard.***
- 4. *That the cost of any new applications come from community grants.***

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Notice of Motion

TRIM 6416-5

NOM 3 Notice of Motion No. 3 submitted by Cr Hannan and M Banasik on 18 March 2016 regarding Redbank Creek

44/2016 Resolved on the Motion of Crs M Banasik and Hannan:

That Council write to the NSW Minister for Environment and NSW Minister for Resources and Energy requesting:

- **The establishment of on-going funding for investigations and monitoring of the condition of watercourses that are identified as being impacted by subsidence associated with underlying operations**
- **Ongoing funding be made available to local governments, research organisations and community groups upon the lodgement of suitably detailed applications.**

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

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

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Closed Report

CLOSED REPORT

45/2016 Resolved on the Motion of Crs Gibbs and Hannan:

That council suspend standing orders to deal with the late closed report PE4.

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

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

There was no debate therefore Council did not close its meeting.

PE4 Western Sydney Airport

19

TRIM 1806

46/2016 Resolved on the Motion of Crs Hannan and Law:

That Council provide advice back to the Australian Government Department of Infrastructure and Regional Development in the matter detailed in the confidential report.

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

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

47/2016 Resolved on the Motion of Crs Gibbs and Hannan:

That Council resume standing orders.

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

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

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 March 2016, commencing at 6.34pm

Closing

CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 7.17 pm.

This and the preceding 25 pages are the Minutes of the Ordinary Meeting of Council held on Monday 21 March 2016 and were confirmed in the subsequent meeting held on 18 April 2016.

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Mayor

Closing