

# Ordinary Meeting Of Council

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**Wollondilly**  
Shire Council

## Minutes

**Monday 16 October 2017**

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The meeting commenced at 6.31pm 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 16 October 2017

<b>RECORDING OF MEETING</b>	<b>4</b>
<b>WEBCAST NOTICE</b>	<b>4</b>
<b>PRESENT</b>	<b>4</b>
<b>ALSO PRESENT WERE</b>	<b>4</b>
<b>NATIONAL ANTHEM</b>	<b>5</b>
<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>5</b>
<b>APOLOGIES AND LEAVE OF ABSENCE REQUESTS</b>	<b>5</b>
<b>DECLARATION OF INTEREST</b>	<b>5</b>
<b>CONFIRMATION OF MINUTES</b>	<b>6</b>
<b>ITEMS TABLED</b>	<b>6</b>
<b>MAYORAL MINUTE</b>	<b>7</b>
<b>Efficient and Effective COUNCIL</b>	<b>15</b>
EC2     Annual Financial Statements for the Year Ended 30 June 2017	15
<b>Sustainable and Balanced GROWTH</b>	<b>16</b>
GR1     Development Application No. 010.2016.00000010.002 – Modification of Consent for Intensive Plant Horticulture, Erection of a Hail Net and Farm Building, Demolition of an Outbuilding and Enlargement of Existing Dam at 275 Bargo Road, Bargo	16
GR2     Station Street, Menangle Planning Proposal – Development Control Plan Provisions	19
GR3     Draft Planning Agreement for Station Street, Menangle	20
GR4     Planning Proposal – Attached Dual Occupancies in Rural Zones and Clarification of Sewer Requirements	21
GR5     Planning Proposal – Land Adjoining Bargo Sportsground	22
GR6     Planning Proposal – Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme & Associated Amendments to Wollondilly Development Control Plan 2016	23
<b>Looking after the COMMUNITY</b>	<b>24</b>
CO1     Memorandum of Understanding with NSW Education	24
CO2     Memorandum of Understanding with Southern Tablelands Arts	25
<b>Efficient and Effective COUNCIL</b>	<b>Error! Bookmark not defined.</b>
EC1     Investment of Funds as at 31 August 2017	26
EC3     Proposed Closure and Purchase of Parts of York Street, Thirlmere Way & George Street and Dedication of Land in York Street and Thirlmere Way, Tahmoor	27
EC4     Rail Symposium	33
EC5     Tourism Action Plan	34
EC6     Voting Delegates for the 2017 Local Government Conference	35
<b>NOTICE OF MOTION</b>	<b>36</b>
NOM1    Notice of Motion No. 1 submitted by Cr Deeth on 15 September 2017 regarding Flyers sent with the Council Rate Notices	36
NOM2    Notice of Motion No. 2 submitted by Crs Deeth and Hannan on 22 September 2017 regarding Slow Down and Move Over Laws	37
NOM3    Notice of Motion No. 3 submitted by Crs Banasik and Gould on 28 September 2017 regarding Council's Classification Type	38

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

NOM4	Notice of Motion No. 4 submitted by Cr Hannan on 27 September 2017 regarding the development of a framework to secure funding from developers for the up-front planning costs to Councils of major growth .....	39
NOM5	Notice of Motion No. 5 submitted by Cr Landow on 3 October 2017 regarding the comprehensive review of our DCP to consider parking requirements in R3 zones.....	40
NOM6	Notice of Motion No. 6 submitted by Cr Landow on 3 October 2017 regarding the comprehensive review of our DCP to consider inclusion of a water park/pool at The Oaks .....	41
NOM7	Notice of Motion No. 7 submitted by Cr Banasik on 5 October 2017 regarding a dedicated Parking Area at the Hume Highway and Picton Road Intersection .....	42
NOM8	Notice of Motion No. 8 submitted by Cr Briggs on 10 October 2017 regarding Eco Tourism in Rural Zones.....	43
NOM9	Notice of Motion No. 9 submitted by Cr Deeth and Landow on 11 October 2017 regarding the Old Menangle School .....	44
NOM10	Notice of Motion No. 10 submitted by Cr Gould on 11 October 2017 regarding the SRV .....	45
<b>CLOSING</b>	.....	<b>46</b>

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

---

## **RECORDING OF MEETING**

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. It was requested that mobile phones be placed on silent.

## **WEBCAST NOTICE**

The Mayor advised members of the public present that tonight's meeting is webcast live and requested that as both video and audio transmission is being publically broadcast to please remain quietly seated in the public gallery.

Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that Wollondilly Shire Council records and webcasts live all Ordinary and Extraordinary Meetings of Council held in open session for the purpose of facilitating community access. The webcasts are publically available for viewing on Council's website.

Video footage collected is of the decision making body only, if you do not wish your image to be recorded please remain in the public gallery. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided.

The webcasts and webcast recordings are protected by copyright and owned by Council. No part of the proceedings of a meeting of the Council may be recorded, copied or made available to others by members of the public without the authority of the Council.

Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

## **PRESENT**

Councillors: Hannan (Mayor), Landow, Gould, Khan, Banasik, Deeth and Briggs.

## **ALSO PRESENT WERE**

General Manager, Acting Executive Director Corporate and Community, Director Planning, Director Infrastructure and Environment, Assistant Director People, Legal and Governance, Acting Manager Governance and two Administration Officers.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

---

## **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 88-12

An apology for Cr Lowry was accepted for this meeting.

## **DECLARATION OF INTEREST**

TRIM 9156

Cr Deeth declared a Pecuniary Conflict of Interest in Items GR2 Station Street, Menangle Planning Proposal – DCP Provisions and GR3 Draft Planning Agreement for Station Street, Menangle. The reason being that he lives on Station St, Menangle. Cr Deeth advised that he would leave the meeting and not vote on these matters.

Cr Gould declared a Non-Pecuniary (Significant) Conflict of Interest in Items GR2 Station Street, Menangle Planning Proposal – DCP Provisions and GR3 Draft Planning Agreement for Station Street, Menangle. The reason being that he is on the South West Planning Panel for these matters. Cr Gould advised that he would leave the meeting and not vote on these matters.

Cr Briggs declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item EC5 – Tourism Action Plan. The reason being he works in the tourism industry for Mowbray Park Farm Holidays. Cr Briggs advised he would remain in the meeting and vote on this matter.

The Acting Executive Director Corporate and Community declared a Non-Pecuniary Conflict of Interest in Items GR2 Station Street, Menangle Planning Proposal – DCP Provisions and GR3 Draft Planning Agreement for Station Street, Menangle. The reason being he will be representing Council on the South West Sydney Planning Panel considering these proposals. The Acting Executive Director advised he would leave the meeting during discussion and voting on these matters.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

---

Cr Banasik declared a Non-Pecuniary (less than significant) Conflict of Interest in relation to the donation applications in the Mayoral Minute for the Buxton Community Association as he is a member of the Association. Cr Banasik remained in the meeting and voted on this matter.

## CONFIRMATION OF MINUTES

TRIM 88-12

**197/2017      Resolved on the Motion of Crs Khan and Briggs:**

**That the Minutes of the Ordinary Meeting held on Monday 18 September 2017, as circulated, be adopted as true and correct.**

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

Vote:   Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

## ITEMS TABLED

TRIM 88-12

The General Manager tabled the Register of 449 Returns.  
The Mayor advised that the Draft Financial Statements would be tabled at this meeting.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

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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 with details provided on the following pages.

Thursday 21 September 2017 Year 12 Graduation Ceremony Picton High School.

Thursday 21 September 2017 UDAI NSW South West Industry Briefing.

Saturday 23 September 2017 Kids of Macarthur Health Foundation Night at the Trots which I attended.

Wednesday 4 October 2017 Photo opportunity Gymtastic Representatives.

Thursday 12 October 2017 U-Turn the Wheel Event Picton High School.

Saturday 14 October 2017 Launch of the Tahmoor BMX Pump Track.

Sunday 15 October 2017 Damfest.

In October 2017 Council received 2 applications for Donations and 3 applications for Sponsorship.

- Application from Jorja Baker for \$250 to attend the Pacific School Games in Adelaide for Softball
- Application from Buxton Community Association for \$500 run a Kids Gardening Gang and Family Fun Day
- Application from St Marks Pioneer Cemetery Restoration Project for Sponsorship of \$1000 to assist with the cemetery restoration following the Picton Storm Event
- Application from Variety Club of NSW – Graham Dempsey for Sponsorship of \$1000 towards the entry fee for a local team to participate in the fundraising event
- Application for \$400 from Picton Harmony to perform at the International Day of People with Disability and Australia Day.

Additionally Council has provided \$500 funding to each of the following groups for Carols by Candlelight and Christmas Community events:

- Wilton Anglican Church
- Appin Chamber of Commerce
- Warragamba Silverdale Neighbourhood Centre Inc.
- Buxton Community Association
- Douglas Park Evangelical Church
- St Stephens Anglican Church Thirlmere
- Wollondilly Anglican Parish
- Picton Uniting Church
- Rotary Club of Wollondilly North
- St James Menangle

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

---

The requests have been assessed against the program criteria and deemed eligible to receive funding through the Donation Program.

*Cr Banasik declared a Non-Pecuniary (less than significant) Conflict of Interest in relation to the donation applications made by the Buxton Community Association.*

Council has been approached by the Municipality of Lavreotiki in Greece to establish a sister city relationship to support cultural exchange. This exchange will promote both regions and highlight Greek history and culture in the Wollondilly area. Council accepts no financial commitments in entering into this exchange. I would like to acknowledge Macarthur Greeks for facilitating this opportunity for our area.

*The Mayor acknowledged the Manager Sustainable Growth, Development Assessment & Strategic Planning, David Smith who was in attendance. The Mayor advised that the Manager was leaving Council and highlighted his long career and valued contribution to Council.*

I am pleased to announce that the Wollondilly Koala Conservation Project was named a winner in the LGNSW 'Excellence in the Environment' Awards, alongside the Southern Highlands Koala Conservation Project.

Council's Environment Education Officer, Damion Stirling attended the event on Wednesday where he received the award on behalf of the Project team.

The success of this project has been about working together, with Wollondilly staff working across local government boundaries with their colleagues at Wingecarribee Shire Council, Campbelltown City Council and the Office of Environment and Heritage to understand the koala population dynamics across the landscape and to share resources and knowledge.

I would like to congratulate everyone involved.





Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

---

*The Mayor tabled a letter from Jai Rowell MP, Member for Wollondilly in relation to a meeting to discuss a pedestrian crossing in Tahmoor.*

*The Mayor advised that she has also attended the Country Women's Association (CWA) AGM.*

On Thursday 21 September 2017 I attended the Year 12 Graduation Ceremony at Picton High School.

It was a privilege to attend this year's event which was very well attended.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

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Thursday 21 September 2017 UDAI NSW South West Industry Briefing.

Guest Speaker for this briefing was Brendan Nelson, Deputy Secretary – Growth, Design & Programs, Department of Planning and Environment. Guest Panelists were Lindy Deitz, General Manager Campbelltown City Council; Luke Johnson, General Manager Wollondilly Shire Council and Ron Moore, General Manager Camden Council.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

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On Wednesday 4 October 2017 I had the pleasure of meeting the Gymtastic Kids team comprising of 18 local gymnasts before they headed to Japan to compete. The team recently received a grant from Council to assist with their trip.

On behalf of Council I wish them every success.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

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I attended the 2017 U-Turn the Wheel event held on Thursday 12 October 2017 at Picton High School. Picton Rotary with Council's Road Safety Officer liaise with Picton High School and Wollondilly Anglican College for Year 11 students for this annual event.

Delivery of seven presentations from representatives of NSW Police, Ambulance, NRMA, Cawdor Haulage, Youth Solutions, Greg & Eve Langham and Council's Wollondilly Road Safety Group (pictured below) to raise awareness to increase knowledge and consider the consequences of a road accident to improve driver behaviour in our Shire.





Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

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Council in conjunction with the Born to Ride Freestyle Association and Community Links facilitated an opening event at the new Tahmoor Pump Track at the DNA BMX Park on Saturday 14 October 2017. The event was attended by MP Jai Rowell; Deputy Mayor, Cr Robert Kahn and Council's Director Infrastructure & Environment, Michael Malone.

The project was jointly funded by Council and the NSW Government's Community Building Partnership Program and involved re-shaping the existing beginners run of jumps to form a circuit style pump track.

User feedback and usage levels had indicated that BMX based activities have evolved since the installation of the original dirt jumps over 10 years ago and this project was designed to meet the current needs of BMX riders and also offer new opportunities for people of all ages and experience levels to participate in BMX riding.

The opening event attracted BMX riders from as far and wide as Canberra, with professional riders from South West Sydney Academy of Sport and the Macarthur Pirates BMX Club.

Council would like to extend appreciation to Earthworx for their donation of the soil for the Pump Track and in particular, the Born To Ride Freestyle Association who played a key role in assisting with the design of the new track and devote endless volunteer hours to maintaining and promoting the BMX park throughout the community.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

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On Sunday 15 October 2017 I attended Damfest, an annual event which was a great success.

Pictured below with me are Angus Taylor MP, Member for Hume and Cr Matthew Gould.



Judith Hannan  
**Mayor**  
October 2017

**198/2017      Resolved on the Motion of Crs Hannan and Khan:**

**That the Mayoral Minute be accepted.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Efficient and Effective COUNCIL

**EFFICIENT AND EFFECTIVE COUNCIL**

**199/2017      Resolved on the Motion of Crs Banasik and Briggs:**

**That Council suspend standing orders to deal with Item EC2.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

**EC2              Annual Financial Statements for the Year Ended 30 June 2017**

56

TRIM 234-12

*Luke Malone, Audit Director from Prosperity Audit Services presented his summary of the audit of Council's Annual Financial Statements for the year ended 30 June 2017.*

*The Draft 2016/17 Annual Financial Statements were tabled.*

**200/2017      Resolved on the Motion of Crs Hannan and Briggs:**

- 1.    That Council form an opinion in the prescribed format (as attached) on the General Purpose Financial Reports for the year ended 30 June 2017.**
- 2.    That the audited financial reports, together with the Auditor's reports, be presented to the public at the 20 November 2017 Council meeting.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

**201/2017      Resolved on the Motion of Crs Banasik and Gould:**

**That Council resume standing orders.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

## Sustainable and Balanced GROWTH

## SUSTAINABLE AND BALANCED GROWTH

- GR1 Development Application No. 010.2016.00000010.002 – Modification of Consent for Intensive Plant Horticulture, Erection of a Hail Net and Farm Building, Demolition of an Outbuilding and Enlargement of Existing Dam at 275 Bargo Road, Bargo  
27534 010.2016.00000010.002

202/2017 Resolved on the Motion of Crs Deeth and Landow

That in accordance with Section 96(2) of the *Environmental Planning and Assessment Act*, Council grant approval to the Modification Application No. 010.2016.00000010.002 to amend Development Consent No. 010.2016.00000010.001 as follows:

1. Condition 1(2) of the original consent is modified to read:

“(2) *Development shall take place in accordance with the original plans and supporting documents approved by Council in respect of Development Application No. 010.2016.00000010.001 except for those plans replaced by new plans, listed below and submitted to Council in respect of Application to Modify Development Consent No. 010.2016.00000010.002.*

New plan			Superseded plan	
Plan Name	Plan No.	Date	Plan Name	Plan No.
Landscape Plan	L 01G	15/10/2017	Landscape Plan	L 01B
Site Plan and Drainage Plan	DWG No 16997C – Sheets 1 to 5	02/08/2017	Site Plan	17/10/16

*Where there is an inconsistency between an approved plan and any other condition of this consent the other condition shall prevail to the extent of the inconsistency.”*

2. Condition 1(7) of the original consent is modified to read:

“(7) *The proposal shall be redesigned to achieve the following outcomes:*

- *A personal access door(s) shall be provided to the proposed farm building in accordance with the Building Code of Australia.*



Sustainable and Balanced GROWTH

- *Amended plans demonstrating compliance with this Condition shall be submitted to Council or the nominated Accredited Certifier prior to the issue of a Construction Certificate in regard to Stage 2.*

3. New condition 1(7A) is added and states:

*“(7A) The development shall be staged as follows:*

- *Stage 1: Demolition and all civil earthworks for the driveway and growing areas, landscaping, erection of hail nets and installation of hydroponic growing tables and subsequent use of the land for intensive plant horticulture.*
- *Stage 2: Erection of Farm Shed. The farm building shall be located wholly within the development lot and shall maintain rear and side setbacks in accordance with the approved site plan. A survey report completed by a registered surveyor shall be submitted to the Principal Certifying Authority at the commencement of work / at slab formwork stage prior to the pouring of concrete to demonstrate compliance with this condition.*

4. Conditions 22(1) – (15) of the original consent be deleted and replaced with the following condition:

*“(1) The existing dam has sufficient capacity to support the proposed development as shown in amended plans by D&M Consulting Pty Ltd. Any future modifications to the existing dam will require a development application submitted to Wollondilly Shire Council.”*

5. Condition 18(2) of the original consent is modified to read:

*“(2) Landscaping is to be installed in accordance with the approved Landscape Plan prepared by HLS Pty Limited (Plan No L 01G issued 15 October 2017) incorporating the following:*

- (a) three (3) rows of Brush Cherry Lillypilly (Syzgium Austral) planted the full length of the common boundary with No. 295 Bargo Road, Bargo (Lot 100 DP 773840). The row closest to the common boundary shall be setback 2 metres.*
- (b) all plantings are to be in groups and consist of advanced stock detailed in the approved Landscape Plan.*
- (c) all plantings shall be provided at 2.5 metre intervals (maximum). The distance between rows shall not exceed 2 metres.*

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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 16 October 2017

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Sustainable and Balanced GROWTH

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***The landscaping must be maintained in accordance with the details provided on that Plan at all times."***

- 6. All other conditions of the original consent remain valid and applicable.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

Growth

## Growth

Cr Deeth, Cr Gould and the Acting Executive Director Corporate and Community left the room at 7.02pm due to previously declared Conflicts of Interest in the upcoming Items.

- 1. That this item be deferred as it is considered premature. Further that Council request that the South West Planning panel exhibit the amended planning proposal and accompanying documents addressing the communities unresolved planning concerns prior to or in conjunction with exhibition of the DCP provisions.***

**2. That Council write to the South West District planning panel outlining the Councils strategic position on growth; specifically that Council will not be supporting major urban development or the development of new towns or villages within its rural areas including those parts of Wollondilly that are in the “Greater Macarthur Land Release Investigation Area” (other than its commitment to the development of a major new town at Wilton).**

***Further that protection of agricultural lands and landscapes, minimising rural land fragmentation, retaining significant heritage of our villages is of high strategic value and importance.***

**3. That it be noted that this Council does not endorse this planning proposal at this time.**

**4. That this resolution be forwarded to the South West District planning panel for their consideration.**

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

Vote For: Crs Banasik, Briggs and Landow

Vote Against: Crs Hannan and Khan

## Growth

TRIM 9316

***That this item be deferred as it is considered premature. Further that Council request that the South West Planning panel exhibit the amended planning proposal addressing the communities unresolved planning concerns prior to or in conjunction with exhibition of the Draft Planning Agreement.***

Vote For: Crs Banasik, Briggs, Hannan and Landow  
Vote Against: Cr Khan

Cr Deeth, Cr Gould and the Acting Executive Director Community Services and Corporate Support returned to meeting at 7.11pm.

## Growth

TRIM 8290

- 1. That Council support the Planning Proposal to permit dual occupancies (attached) with Council's consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones and clarify sewer requirements by removing subclause (3) of clause 7.1 – Essential Services of Wollondilly Local Environmental Plan 2011.**
- 2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be finalised and forwarded to the Greater Sydney Commission for publishing.**

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Sustainable and Balanced GROWTH

GR5 **Planning Proposal – Land Adjoining Bargo Sportsground** TRIM 6743  
993

206/2017 **Resolved** on the Motion of Crs Banasik and Deeth:

1. That Council support the proposed amendment to the Land Adjoining Bargo Sportsground Planning Proposal to enable the Planning Proposal to Proceed in the following manner:
  - Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and E2 Environmental Conservation
  - Amend the Lot Size Map from a minimum lot size category of 16 hectares to 4,000 square metres across the R5 rural landscape zoned part of the site. No minimum lot size shall apply to the proposed E2 environmental conservation zoned land
  - Amend the Height of Buildings Map to reflect a Maximum Building Height Category of 9 metres across the entire site.
2. That the updated Planning Proposal be forwarded to the Greater Sydney Commission for a revised Gateway Determination to reflect the above changes.
3. That the proponent be requested to provide the following prior to the public exhibition of the proposal:
  - An updated Flora and Fauna Study which addresses the environmental concerns raised in section 2.1 of this report prior to Public Exhibition of the proposal
  - An updated Aboriginal Cultural Heritage Assessment which addresses the concerns raised by the NSW Office of Environment and Heritage which are detailed in section 2.2 of this report
  - An updated Bushfire Hazard Assessment which addresses the access requirements identified in section 2.7 of this report.
4. That the proponent be informed of Council's resolution.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

## Growth

TRIM 9019

1. That Council support the amendment to the planning proposal as described in Section 2.1.2 and adopt and make the draft Local Environmental Plan under delegation for the Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Schemes Planning Proposal to amend the Wollondilly Local Environmental Plan 2016 as follows:

- amend Part 4 to insert clause 4.1AA Minimum Subdivision lot size for community title schemes, and
  - amend Part 4 to insert new clause 4.2B Boundary adjustment within certain residential, environmental protection and rural zones.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to Parliamentary Counsel and the Greater Sydney Commission with a request to make arrangements for the drafting of the amended Local Environmental Plan in the form as detailed in this report and in the Planning Proposal.
3. That Council support the amendments to WDCP 2016 as described in Section 2.1.3 to this report.
4. That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 public notice is given of Council's decision to adopt the Wollondilly Development Control Plan 2016 in a local newspaper within 28 days.
5. That a Fact Sheet be prepared to complement the boundary adjustment controls within the amendment to the local environmental plan and the development control plan.
6. That the Fact Sheet be made available on Council's website.
7. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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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 16 October 2017

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Looking after the COMMUNITY

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**LOOKING AFTER THE COMMUNITY**

**CO1**            **Memorandum of Understanding with NSW Education**  
271

TRIM 9867

**208/2017**       **Resolved on the Motion of Crs Banasik and Gould:**

**That Council enters into a Memorandum of Understanding with NSW Education as a basis for ongoing cooperation regarding joint use of facilities and land.**

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

Vote:    Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould



**C02**      **Memorandum of Understanding with Southern Tablelands Arts**  
249738      TRIM 1931-5

**That Council enter into the amended Memorandum of Understanding with Southern Tablelands Arts for the period 1 November 2017 to 31 December 2020 and agree to the proposed financial contribution of 0.60 cents per head of population (*calculated on the Shire's current estimated population of 49,742*) with an annual increase linked to the rate pegging percentage applied to Council.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Efficient and Effective COUNCIL

**EFFICIENT AND EFFECTIVE COUNCIL**

**EC1**                    **Investment of Funds as at 31 August 2017**  
112

TRIM 1022-5

**210/2017**            **Resolved on the Motion of Crs Banasik and Deeth:**

**That the information and certification in relation to the investment of Council funds as at 31 August 2017 be noted.**

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

**Vote:**    Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

Council

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Efficient and Effective COUNCIL

*Item EC2 was dealt with following the Mayoral Minute. Refer to page 15.*

**EC3      Proposed Closure and Purchase of Parts of York Street, Thirlmere Way & George Street and Dedication of Land in York Street and Thirlmere Way, Tahmoor**  
239945      TRIM 5288

Moved on the motion of Crs Gould and Deeth:

1. That in accordance with the Roads Act, 1993 Part 4 Division 1, and also due to the time lapse, Council proceed with further community consultation and authority notification for a twenty-eight (28) day time period.
2. That after the consultation period has ended *a further report come back to Council regarding the outcomes of the community consultation.*

Cr Hannan foreshadowed the motion:

1. That in accordance with the Roads Act, 1993 Part 4 Division 1, and also due to the time lapse, Council proceed with further community consultation and authority notification for a twenty-eight (28) day time period.
2. That after the consultation period has ended, community comments be forwarded to the Minister and the Governor for approval to close the road reserves being Part York and George Street and Thirlmere Way, Tahmoor.
3. That Council, in assessing the application to formally close a portion of York Street, Tahmoor in accordance with the Roads Act, agrees "in principle" to formal closure, subject to the applicant ensuring access is available at all times along the closed section of York Street for passenger vehicles and pedestrians generally and subject to the following:
  - a) Council agree to the proposal "in principle" to initiate the process to close the roads being part of York and George Street, and Thirlmere Way, Tahmoor.

Efficient and Effective COUNCIL

- b) If a condition of consent to the Development Application requires the dedication of land to Council then that dedication shall be considered to be necessary for the purposes of the development and therefore shall be dedicated at no cost to Council and there shall be no opportunity to seek compensation for such dedication under the terms of any agreement relating to the road closure.
- c) The existing road configuration in York Street shall be retained until the new alternate access arrangements are in place with all legal instruments in place and the alternate access road and traffic facilities constructed to Council's satisfaction and approval.
- d) The road closure is conditional on the following:
  - 24 hour access being maintained along the closed section of York Street for passenger vehicles and pedestrians
  - The minimum clear height of access along the closed section of York Street is no less than 2.6 metres
  - A 24 hour security management plan be prepared and implemented, after endorsement by Council and NSW Police
  - Conspicuous signage being provided at each end of the closed section of York Street advising that through access is available for passenger vehicles and pedestrians along York Street.
- e) The future owner of the closed road reserve, enter into a Deed of Agreement for the proposal to ensure the process is carried out according to Council's obligations under the Roads Act 1993. Council's solicitor will be engaged to complete the terms and conditions of the Deed of Agreement which is to be in Council's best interest.
- f) The agreed compensation for the land is valued at \$600 per square metre. The area of land to be compensation will be calculated as being the land area for the road closures only. The final areas will be determined if development consent is granted, at the time that engineering plans have been approved. If the applicant does not continue with the application within a reasonable timeframe, Council reserves the right to revalue the land and re-negotiate the terms of agreement.
- g) All costs including legal fees and Council's cost for the road closure must be met by the future owner.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Efficient and Effective COUNCIL

- h) The future owner of the closed road be required to prepare a plan of subdivision to allow the affected road to become a new Lot within a new Deposited Plan. Survey and plan preparation will be at the full cost of the future owner. That the Deposited Plan be registered with the Department of Land and Property Information in accordance with the Deed of Agreement.
  - i) The applicant complies with Council's Road Closure Policy (PLA0025). The Road Closure fees are paid by the future owner of the closed road prior to application being lodged with the NSW Government Department of Industry Lands.
  - j) The Mayor and General Manager be authorised to execute all documentation in relation to this matter, including those requiring the Common Seal of Council.
  - k) When the roads are closed the land be classified as "Operational Land" in accordance with the Local Government Act 1993 to enable the land to be transferred to the future owner.
  - l) Proceeds from the sale of the closed roads are secured in the Roads Reserve fund to be used for future road improvements in Tahmoor.
  - m) In the event that the applicant is not successful in obtaining the necessary approvals (Development Consent), the application for the road closure and subsequent purchase and dedication of the land to Council will not proceed from that point onwards. The applicant will be responsible for all costs incurred by Council up until that point in time.
  - n) The proposed agreement will in no way infer or imply approval of any development application submitted to achieve any of these proposals. This agreement is to be made by Council in its role as a land owner and in no way fetters its discretion as a consent authority under the Environmental Planning and Assessment Act, 1979 in the assessment of any future development application relating to these road matters.
4. That Council's decision be reported to the Traffic Committee for information purposes.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Efficient and Effective COUNCIL

The motion of Crs Gould and Deeth was put to the meeting:

1. That in accordance with the Roads Act, 1993 Part 4 Division 1, and also due to the time lapse, Council proceed with further community consultation and authority notification for a twenty-eight (28) day time period.
2. That after the consultation period has ended *a further report come back to Council regarding the outcomes of the community consultation.*

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

Vote For: Crs Deeth, Khan and Gould

Vote Against: Crs Hannan, Banasik, Landow and Briggs

**211/2017      Resolved on the Motion of Crs Hannan and Banasik:**

1. That in accordance with the Roads Act, 1993 Part 4 Division 1, and also due to the time lapse, Council proceed with further community consultation and authority notification for a twenty-eight (28) day time period.
2. That after the consultation period has ended, community comments be forwarded to the Minister and the Governor for approval to close the road reserves being Part York and George Street and Thirlmere Way, Tahmoor.
3. That Council, in assessing the application to formally close a portion of York Street, Tahmoor in accordance with the Roads Act, agrees "in principle" to formal closure, subject to the applicant ensuring access is available at all times along the closed section of York Street for passenger vehicles and pedestrians generally and subject to the following:
  - a) Council agree to the proposal "in principle" to initiate the process to close the roads being part of York and George Street, and Thirlmere Way, Tahmoor.
  - b) If a condition of consent to the Development Application requires the dedication of land to Council then that dedication shall be considered to be necessary for the purposes of the development and therefore shall be dedicated at no cost to Council and there shall be no opportunity to seek compensation for such dedication under the terms of any agreement relating to the road closure.

Efficient and Effective COUNCIL

- c) **The existing road configuration in York Street shall be retained until the new alternate access arrangements are in place with all legal instruments in place and the alternate access road and traffic facilities constructed to Council's satisfaction and approval.**
- d) **The road closure is conditional on the following:**
  - **24 hour access being maintained along the closed section of York Street for passenger vehicles and pedestrians**
  - **The minimum clear height of access along the closed section of York Street is no less than 2.6 metres**
  - **A 24 hour security management plan be prepared and implemented, after endorsement by Council and NSW Police**
  - **Conspicuous signage being provided at each end of the closed section of York Street advising that through access is available for passenger vehicles and pedestrians along York Street.**
- e) **The future owner of the closed road reserve, enter into a Deed of Agreement for the proposal to ensure the process is carried out according to Council's obligations under the Roads Act 1993. Council's solicitor will be engaged to complete the terms and conditions of the Deed of Agreement which is to be in Council's best interest.**
- f) **The agreed compensation for the land is valued at \$600 per square metre. The area of land to be compensation will be calculated as being the land area for the road closures only. The final areas will be determined if development consent is granted, at the time that engineering plans have been approved. If the applicant does not continue with the application within a reasonable timeframe, Council reserves the right to revalue the land and re-negotiate the terms of agreement.**
- g) **All costs including legal fees and Council's cost for the road closure must be met by the future owner.**
- h) **The future owner of the closed road be required to prepare a plan of subdivision to allow the affected road to become a new Lot within a new Deposited Plan. Survey and plan preparation will be at the full cost of the future owner. That the Deposited Plan be registered with the Department of Land and Property Information in accordance with the Deed of Agreement.**

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Efficient and Effective COUNCIL

- i) **The applicant complies with Council's Road Closure Policy (PLA0025). The Road Closure fees are paid by the future owner of the closed road prior to application being lodged with the NSW Government Department of Industry Lands.**
  - j) **The Mayor and General Manager be authorised to execute all documentation in relation to this matter, including those requiring the Common Seal of Council.**
  - k) **When the roads are closed the land be classified as "Operational Land" in accordance with the Local Government Act 1993 to enable the land to be transferred to the future owner.**
  - l) **Proceeds from the sale of the closed roads are secured in the Roads Reserve fund to be used for future road improvements in Tahmoor.**
  - m) **In the event that the applicant is not successful in obtaining the necessary approvals (Development Consent), the application for the road closure and subsequent purchase and dedication of the land to Council will not proceed from that point onwards. The applicant will be responsible for all costs incurred by Council up until that point in time.**
  - n) **The proposed agreement will in no way infer or imply approval of any development application submitted to achieve any of these proposals. This agreement is to be made by Council in its role as a land owner and in no way fetters its discretion as a consent authority under the Environmental Planning and Assessment Act, 1979 in the assessment of any future development application relating to these road matters.**
4. **That Council's decision be reported to the Traffic Committee for information purposes.**

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

Vote For: Crs Hannan, Banasik, Briggs and Landow  
Vote Against: Crs Khan, Deeth and Gould

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 16 October 2017

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Efficient and Effective COUNCIL

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**EC4**            **Rail Symposium**  
271

TRIM 10093

**212/2017**    **Resolved on the Motion of Crs Banasik and Deeth:**

**That Council approve a budget allocation of \$12,000 for the purpose of conducting the Rail Symposium with funds to be provided from the Tourism & Economic Development Restricted Cash Account.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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 16 October 2017

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Efficient and Effective COUNCIL

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**EC5**            **Tourism Action Plan**  
267933

TRIM 1457-1

**213/2017**      **Resolved on the Motion of Crs Briggs and Banasik:**

**That Council supports the strategic directions and actions of the Tourism Action Plan, to be utilised as a foundation for the development of a comprehensive Destination Management Plan.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

Council

EC6	<b><u>Voting Delegates for the 2017 Local Government Conference</u></b>	
	234777	TRIM 3207-10

**That the voting delegates for the 2017 LGNSW Conference, for each type of voting, be the Mayor, Deputy Mayor and *Councillor Banasik* in line with our voting entitlement.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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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 16 October 2017

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Notice of Motion

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**NOTICE OF MOTION**

TRIM 6416-7

**NOM1**      **Notice of Motion No. 1 submitted by Cr Deeth on 15 September 2017 regarding Flyers sent with the Council Rate Notices**

**215/2017**      **Resolved on the Motion of Crs Deeth and Briggs:**

**That Council incorporate a regular insert flyer in its Rates Notices in order to communicate key messages and report back to the community on how Council uses and proposes to use the rates/SRV income.**

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

Vote:   Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Notice of Motion

TRIM 6416-7

**NOM2      Notice of Motion No. 2 submitted by Crs Deeth and Hannan on 22 September 2017 regarding Slow Down and Move Over Laws**

*The General Manager left the room at 7.58pm and returned at 8.01pm.*

**216/2017      Resolved on the Motion of Crs Deeth and Hannan:**

That Council endorse and call on the NSW State Government to introduce critical legislation in NSW that requires motorists, *when safe to do so*, to slow to at least 40km/h when they are approaching emergency vehicles that are stopped either on the road or at the roadside, attending an emergency with their warning lights activated and where possible, and safe to do so, motorists must move across to adjacent lanes to provide a safety buffer during this emergency situation.

This protection should also be afforded to recovery vehicles such as tow trucks and roadside assistance vehicles for broken down vehicles such as the NRMA, if these vehicles are fitted with warning lights.

Further that letters be sent to the following requesting an urgent response:

- Minister for Roads, the Honourable Melinda Pavey, MP
- Premier of NSW, Gladys Berejiklian
- Member for Wollondilly, Jai Rowell, MP
- The Hon Lou Amato MLC
- The RMS.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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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 16 October 2017

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Notice of Motion

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TRIM 6416-7

**NOM3      Notice of Motion No. 3 submitted by Crs Banasik and Gould on 28 September 2017 regarding Council's Classification Type**

**217/2017      Resolved on the Motion of Crs Banasik and Gould:**

- 1.      *That this matter be deferred and a further report outlining the implications be brought back to Council.***
- 2.      *That a strengths, weaknesses, opportunities and threats analysis (SWOT) of metropolitan vs regional classifications be undertaken.***

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

Vote:   Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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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 16 October 2017

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Notice of Motion

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TRIM 6416-7

**NOM4**      **Notice of Motion No. 4 submitted by Cr Hannan on 27 September 2017 regarding the development of a framework to secure funding from developers for the up-front planning costs to Councils of major growth**

**218/2017**      **Resolved on the Motion of Crs Hannan and Khan:**

**That Council submit the following motion to the NSW Local Government Conference:**

**That the LGNSW prepares a best practice guideline for the procurement of funding from developers to assist Councils in fulfilling their obligations under the Environmental Planning & Assessment Act 1979 resulting from accelerated housing supply in Growth Areas. That the guideline is prepared in partnership with the Office of Local Government and the NSW Department of Planning and Environment and builds community confidence in the assessment and decision making process.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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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 16 October 2017

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Notice of Motion

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TRIM 6416-7

**NOM5**      **Notice of Motion No. 5 submitted by Cr Landow on 3 October 2017 regarding the comprehensive review of our DCP to consider parking requirements in R3 zones**

**219/2017**      **Resolved on the Motion of Crs Landow and Hannan:**

**That the comprehensive review of Council's Development Control Plan consider increased parking for residential unit development proposed on land zoned R3 Medium Density, if frequent public transport is not readily available.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould



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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 16 October 2017

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Notice of Motion

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TRIM 6416-7

**NOM6**      **Notice of Motion No. 6 submitted by Cr Landow on 3 October 2017 regarding the comprehensive review of our DCP to consider inclusion of a water park/pool at The Oaks**

**220/2017**      **Resolved on the Motion of Crs Landow and Hannan:**

*That the proposal to potentially include a Water Park / Pool at The Oaks in Council's Development Contributions Plan be further considered following an assessment of Council's Open Space, Recreation and Community Facilities Strategy and further community consultation and also having regard to on-going budget considerations.*

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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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 16 October 2017

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Notice of Motion

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TRIM 6416-7

**NOM7**      **Notice of Motion No. 7 submitted by Cr Banasik on 5 October 2017 regarding a dedicated Parking Area at the Hume Highway and Picton Road Intersection**

**221/2017**      **Resolved on the Motion of Crs Banasik and Khan:**

- 1. That Wollondilly Shire Council write to the RMS requesting a dedicated parking area at the intersection of the Hume Highway and Picton Road. (Similar to the ones at the bottom of Mt Ousley and at Yerrinbool off the Highway).**
- 2. *That we write to the DOP as part of the ILUIP (Interim Land Use Infrastructure Implementation Plan) as part of the upgrade to the intersection.***

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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 16 October 2017

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Notice of Motion

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TRIM 6416-7

**NOM8      Notice of Motion No. 8 submitted by Cr Briggs on 10 October 2017 regarding Eco Tourism in Rural Zones**

**222/2017      Resolved on the Motion of Crs Briggs and Hannan:**

**That the Tourism Related Planning Proposal currently being considered by Council include a review of the permissibility of Eco-tourism Facilities and Camping Grounds on agricultural and other appropriately zoned land.**

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

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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 16 October 2017

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Notice of Motion

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TRIM 6416-7

**NOM9      Notice of Motion No. 9 submitted by Cr Deeth and Landow on 11 October 2017 regarding the Old Menangle School**

**223/2017      Resolved on the Motion of Crs Deeth and Landow:**

**That a report be presented to Council with a recommended approach to addressing the future of the Menangle Old School site including community consultation, timeframes and potential sources of funding.**

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

Vote:   Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 October 2017

Notice of Motion

TRIM 6416-7

**NOM10      Notice of Motion No. 10 submitted by Cr Gould on 11 October 2017 regarding the SRV**

Cr Banasik left the meeting at 8.52pm and returned at 8.54pm.

**224/2017      Resolved on the Motion of Crs Gould and Hannan:**

1. That Council reaffirm its continued commitment to collecting and expending the additional funds raised under the Special Rate Variation exclusively on the infrastructure backlog and on specific new assets as identified in the IPART determination, in order to achieve the 10 year financial plan objectives for financial sustainability and improve the state of Council infrastructure.
2. That the level of Council funding budgeted towards addressing the infrastructure backlog that is drawn from sources other than the SRV be maintained at the planned levels or increased for the duration of the SRV.
3. That as a part of the quarterly and annual reporting processes; that information on capital expenditure and budget sources at a project level be provided in addition to the required reporting at the program level. Further, that this information be made easily accessible on our website following the information being tabled to Council.
4. *That on our website and the Council rates notice flyer we put a copy of the following portion of the Independent Audit Report:*  
*“We considered the allocation of SRV funds throughout our review of asset renewals and assets additions. We confirm that these funds were appropriately allocated as per the SRV Works Program including on Remembrance Driveway, Menangle Road and Thirlmere Way. We did not identify any issues to report.”*

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Landow, Hannan and Gould

## 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 16 October 2017

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### Closing

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#### CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 9.04 pm.

This and the preceding 45 pages are the Minutes of the Ordinary Meeting of Council held on Monday 16 October 2017 and were confirmed in the subsequent meeting held on Monday 20 November 2017.

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Mayor

Closing