

Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes

Monday 18 September 2017

The meeting commenced at 6.30pm 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 18 September 2017

RECORDING OF MEETING	3
WEBCAST NOTICE	3
PRESENT	3
ALSO PRESENT WERE	4
NATIONAL ANTHEM	4
ACKNOWLEDGEMENT OF COUNTRY	4
APOLOGIES AND LEAVE OF ABSENCE REQUESTS	4
DECLARATION OF INTEREST	4
CONFIRMATION OF MINUTES	5
ITEMS TABLED	6
MAYORAL MINUTE	6
PLANNING AND ECONOMY	19
PE1 Development Application No: 010.2016.00000808.001 for Multi Dwelling Housing containing 2 Single Storey and 12 Two Storey Dwellings and Strata Subdivision – 56 & 58 Carlton Road, Thirlmere	19
PE2 Planning Agreement for Maintenance Contribution – 20, 30, 40, 60 and 61 Marion Street, Thirlmere	20
PE3 Outcome of Gateway Review – The Oaks North Planning Proposal.....	21
PE4 Darley Street Planning Proposal – Outcome of Gateway Determination	22
PE5 Adoption of Draft Compliance Policy	23
GOVERNANCE	24
GO1 Investment of Funds as at 31 July 2017	24
GO2 Proposal to Council for a Land Exchange – Manolis Lane & Menangle Street West, Picton	25
GO3 Adoption of the Draft Code of Meeting Practice.....	26
GO4 Review of Council Delegations	27
GO5 Review of Code of Conduct	28
GO6 General Manager’s Performance Review	29
ENVIRONMENT	31
EN1 Plan of Management for the Upper Nepean State Conservation Area.....	31
INFRASTRUCTURE	32
IN1 Recommendations Local Traffic Committee – August 2017.....	32
NOTICE OF MOTION	34
NOM1 Notice of Motion No. 1 submitted by Cr Landow on 4 September 2017 regarding support for the appointment of a Minister for Young People	34
NOM2 Notice of Motion No. 2 submitted by Cr Briggs on 7 September 2017 regarding the reuse of recycled waste water and stormwater from Wilton Priority Growth Area on agricultural lands	35
NOM3 Notice of Motion No. 3 submitted by Cr Banasik on 12 September 2017 regarding Administrators running for Local Council Elections.....	36
NOM4 Notice of Motion No. 4 submitted by Cr Banasik on 13 September 2017 regarding a Pedestrian Crossing on Remembrance Drive, Tahmoor	37
CLOSING	38

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 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, Lowry, Banasik, Deeth and Briggs.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

ALSO PRESENT WERE

General Manager, Acting Executive Director Community Services and Corporate Support, Acting Director Planning, Director Infrastructure and Environment, Assistant Director People, Legal and Governance, 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 88-12

There were no apologies noted for this meeting.

DECLARATION OF INTEREST

TRIM 9156

Cr Banasik declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item PE4 – Darley Street, Planning Proposal. He advised that he has a number of acquaintances in the area of this proposal. Cr Banasik stated that he would remain in the meeting and vote on this matter.

Cr Banasik declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item GO2 – Land Exchange Proposal – Manolis Lane and Menangle Street West, Picton. The reason being he operates a business in Picton. Cr Banasik stated that he would remain in the meeting and vote on this matter.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

Cr Lowry declared a Non-Pecuniary Conflict of Interest in Item PE4 – Darley Street, Planning Proposal as one of the property owners are regular customers of his wife’s business and also employ his daughter. Cr Lowry advised that he would leave the meeting during this matter.

Cr Deeth declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item PE4 – Darley Street, Planning Proposal. The reason being the land holders in this application are acquaintances of his. Cr Deeth stated that he would remain in the meeting and vote on this matter.

Cr Hannan declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item PE3 – The Oaks North Planning Proposal. The reason being she has a relative that lives near this proposal. Cr Hannan stated that she would remain in the meeting and vote on this matter.

Cr Khan declared a Pecuniary Conflict of Interest in Item GO2 – Land Exchange Proposal – Manolis Lane and Menangle Street West, Picton as the applicant of this proposal is his Landlord. Cr Khan stated that he would leave the meeting during this matter.

Luke Johnson declared a Pecuniary Conflict of Interest in Item GO6 – General Manager's Performance Review as he is the General Manager and the report relates to his performance review. The General Manager stated that he would leave the meeting during this matter.

CONFIRMATION OF MINUTES

TRIM 88-12

175/2017 Resolved on the Motion of Crs Briggs and Deeth:

That the Minutes of the Ordinary Meeting held on Monday 21 August 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, Lowry, 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 18 September 2017

ITEMS TABLED

TRIM 88-12

- Petition to fix the footpaths on Picton Main Street
- Certificate of appreciation from Max Potential in recognition of the sponsor contribution by Council for the Macarthur Max Potential Youth Leadership Program 2017.

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.

Tuesday 22 August 2017 MACROC CEO Breakfast Forum

Tuesday 22 August 2017 Broughton Pass Mayoral Morning Tea

Saturday 26 August 2017 Wollondilly Women in Business Network Annual Event attended by myself, Deputy Mayor Robert Khan and Executive Director, Ally Dench

Tuesday 29 August 2017 Community Grants Presentation

Thursday 31 August and Friday 1 September 2017 Smart Cities Expo World Forum

Tuesday 5 September 2017 Citizenship Ceremony

Wednesday 6 September 2017 Narellan Chamber of Commerce Breakfast with Premier

Thursday 7 September 2017 10th Annual NSW Volunteer of the Year Awards

Thursday 7 September 2017 Threatened Species Art & Writing Competition Award Ceremony

Sunday 10 September 2017 Leadership and Congregation of Tahmoor Baptist Church attended by Cr Noel Lowry

Friday 15 September 2017 Launch of Margaret Flockton Exhibition

Sunday 17 September 2017 Step up Down Syndrome

Sunday 17 September 2017 Menangle Milk Shake Up

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

Sunday 17 September 2017 Reveal of Children's Cancer Institute Fundraiser House at Appin

Sunday 17 September 2017 Ahepa Pilgrimage of Picton

In September 2017 Council received 3 applications for Donations.

- Application from Alexandra McCormack for \$250 to assist with costs participating in the NSW Dressage Team at the Australian Equestrian Interschool Championships in Toowoomba QLD.
- Application from Hayley Magro for \$250 to assist with costs to attend the IN NSW Netball Junior Nationals in QLD.
- Application from Bailey Seckold for \$250 to assist with costs to attend the BMX World Titles in USA.

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

I would like to table this Petition to fix the footpaths on Picton Main Street.

I would also like to table this Certificate which was presented by Max Potential in recognition to the sponsor contribution by Council for the Macarthur Max Potential Youth Leadership Program 2017.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

David Savage, Compliance Team Leader who was a mentor in this program attended the Max Potential Showcase event held at The Cube, Campbelltown Catholic Club on Tuesday 5 September 2017. David accepted this Certificate on behalf of Council.

I am pleased to announce publically that the next critical step in delivering the new Bargo RFS Station was completed last Friday. The construction tender of Lynch Building Group was accepted by the General Manger and the contract was awarded last Friday.

Lynch Building Group are currently preparing the construction documentation required for the project and finalising their program around the date of the contract being formed.

The current program should see the new station being operation in April 2018.

It is great news for our community that after a tortuous series of process such as having to sub-divide and purchase land from the State Government that had not been identified as surplus, that we are shortly to commence construction works and I would like to thank all of the team involved in this project for their efforts in getting us to this milestone.

That a report on the update of the program and reporting schedule come back to Council.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Tuesday 22 August 2017 the MACROC CEO Breakfast Forum was held at Picton Bowling Club. Guest Speaker was Dr Michael Schaper, Deputy Chair, Australian Competition and Consumer Commission speaking on 'Big Issues for Small Business'.

I would like to thank fellow Councillors, Executive Staff and Managers from Council for attending this Breakfast Forum.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

Also on Tuesday 22 August 2017 a Broughton Pass Mayoral Morning Tea was held in appreciation to those who worked on the reopening of Broughton Pass.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Tuesday 29 August 2017 I attended a Community Grants Presentation at Council. I would like to thank Cr Michael Banasik, General Manager, Luke Johnson and Executive Director, Ally Dench for accompanying me to this event.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Tuesday 5 September 2017 I officiated at a Citizenship Ceremony held in the Council Chambers. It was a great pleasure to meet six (6) new Australian Citizens now living in Wollondilly who originated from Vietnam, Thailand, Germany, India, Italy and Scotland.

This is always such a special privilege to be able to welcome and congratulate these new Australian Citizens.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On 6 September 2017 the Greater Narellan Chamber of Commerce held a Breakfast with the NSW Premier, the Hon. Gladys Berejiklian MP.

It was a great start to the day at the newly renovated Club Menangle, with special guest singer Alfi Alcuri making an appearance.

There was a great deal of networking during the breakfast and I used it as an opportunity to raise awareness of the key projects and issues in our Shire.

I would like to thank fellow Councillors; Robert Khan; Michael Banasik and Matthew Deeth; General Manager, Luke Johnson; Director Environment and Infrastructure, Michael Malone; Acting Executive Director, Peter Wright; Manager Growth and Strategic Planning, David Smith; Manager Economic Development and Tourism, Tate Ryan and Precinct Planner, Wesley Folitarik for accompanying me to this event.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Thursday 7 September 2017 I attended the 10th Annual NSW Volunteer of the Year Awards held at Campbelltown Catholic Club.

It was an honour to present certificates and celebrate the work to the nominees in our local community who generously give their time to help others.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Thursday 7 September 2017 I attended the Threatened Species Art & Writing Competition Award Ceremony held at Australian PlantBank, The Australian Botanic Garden, Mount Annan.

This was a great event celebrating the beauty and uniqueness of the plant and animal species as depicted through the artwork and stories created by talented young artists and writers.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Friday 15 September 2017 I attended the Launch of the Margaret Flockton Award Exhibition held at the Australian PlantBank, Australian Botanic Gardens, Mt Annan.

The Margaret Flockton Award commemorates the contribution Margaret Flockton made to Australian scientific botanical illustration. The Maple Brown Family and the Foundation & Friends of the Botanic Gardens sponsor this annual, international award for excellence in scientific botanical illustration.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Sunday 17 September 2017 the Menangle Community Association Inc. Menangle held their inaugural Milk-Shake Up at the Old Menangle School Grounds.

I would like to thank Cr Matthew Deeth and General Manager, Luke Johnson for accompanying me to this event.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

On Sunday 17 September 2017 I attended the reveal of the Children's Cancer Institute Fundraiser House at Appin.



Judith Hannan
Mayor
September 2017

176/2017 **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, Lowry, 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 18 September 2017

Planning and Economy

PE3 Outcome of Gateway Review – The Oaks North Planning Proposal
265508 TRIM 9004

179/2017 Resolved on the Motion of Crs Gould and Hannan:

1. That Council note the outcome of the Gateway Review and the resulting Alteration to the Gateway Determination for the Oaks North Planning Proposal.
2. *That following preparation of specialist studies a further report be provided to Council on the suggested form of the proposal including lot size. This report is to be prior to resubmitting the planning proposal to the Department of Planning and Environment for their endorsement.*
3. *That the building height be altered from 9 metres to 6.4 metres across the entire site.*
4. *That the applicant be advised that Council also requires the preparation of an agricultural impact study that details the loss of agricultural capability from the rezoning and any potential impacts on the capability of adjoining land to be used for agriculture and any measures required to ameliorate that impact.*

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, 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 18 September 2017

Planning and Economy

PE4 **Darley Street Planning Proposal – Outcome of Gateway Determination**
265508 TRIM 9362

Cr Lowry left the meeting at 7.09pm due to a previously declared Conflict of Interest in this Item.

180/2017 **Resolved** on the Motion of Crs Banasik and Deeth:

1. That Council note the direction provided by the Gateway Determination for the Darley Street Planning Proposal.
2. That the Darley Street Planning Proposal be progressed in line with the approach given in the Gateway Determination to revise the planning proposal and to apply a zone and associated development standards that will achieve the highest possible residential yield *for all land with a slope less than 10%* in consultation with the Department of Planning and Environment and Sydney Water. *That a minimum lot size of 4,000m² be adopted for all land with a slope greater than or equal to 10%.*
3. That following the preparation of specialist studies a further report be provided to Council on the suggested form of the proposal for endorsement prior to resubmitting the planning proposal to the Department of Planning and Environment.
4. That any rezoning of the land is to be accompanied by a master plan, to be prepared by the proponent in consultation with Council and all landowners within the proposal, to ensure future development of the site is coordinated and that this masterplan be included within the Wollondilly Development Control Plan as part of the site specific development controls. *This master plan shall include a reserve/park/lookout with a minimum of 5,000m² located at the top of Innes St, adjoining Owen Street, opposite the Queen Victoria Memorial Home land.*
5. *That the master plan is to ensure the retention of as many existing trees as possible.*
6. That the applicant, landowners and submitters be notified of Council's Resolution.

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

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

Cr Lowry returned to the meeting at 7.27pm.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

Governance

GO3 **Adoption of the Draft Code of Meeting Practice**
234777

TRIM 106

Items GO3, GO4 and GO5 were moved concurrently.

184/2017 **Resolved on the Motion of Crs Banasik and Hannan:**

That the Draft Code of Meeting Practice be adopted.

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

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

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 September 2017

Governance

GO4 **Review of Council Delegations**
234777

TRIM 572-8

****185/2017** **Resolved on the Motion of Crs Banasik and Hannan:**

1. **That Council remake the Instrument of Delegation approved on 18 August 2014 and delegate to the General Manager the exercise of Council's powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2 of the Instrument of Delegation.**
2. **That both Council and the General Manager agree to the Director Planning and the Manager Sustainable Growth, having delegated Authority to make a Local Environmental Plan Amendment.**

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

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

** This resolution was later rescinded refer to page 30 of this document.

Governance

The General Manager left the meeting at 7.36pm due to a previously declared Conflict of Interest in the next Item. The Director Infrastructure and Environment took his chair.

187/2017 Resolved on the Motion of Crs Hannan and Gould:

That Council suspend standing orders to deal with the Closed Report GO6 and deal with the matter in open Council.

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

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

GO6 General Manager's Performance Review
270678

TRIM 5236

188/2017 Resolved on the Motion of Crs Hannan and Khan:

- 1. That Council endorse the General Manager's Performance Review Committee findings and recommendations.**
- 2. That the General Manager be thanked and his performance and achievements over the past year be acknowledged.**

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

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

Council resumed standing orders.

189/2017 Resolved on the Motion of Crs Banasik and Hannan:

That Item GO4 be recommitted and rescinded.

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

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

Governance

190/2017 **Resolved on the Motion of Crs Banasik and Hannan:**

1. **That Council remake the Instrument of Delegation approved on 18 August 2014 and delegate to the General Manager the exercise of Council's powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2 of the Instrument of Delegation.**
2. **That both Council and the General Manager agree to the Director Planning and the Manager Sustainable Growth, having delegated Authority to make a Local Environmental Plan Amendment.**
3. ***That the General Manager has delegated Authority to make a Local Environmental Plan Amendment.***

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

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

The General Manager returned to the meeting at 7.38pm.

Environment

ENVIRONMENT

EN1 Plan of Management for the Upper Nepean State Conservation Area
31172 TRIM 9725

191/2017 Resolved on the Motion of Crs Banasik and Deeth:

1. That Council endorse the draft submission prepared by Staff on the draft Plan of Management.
2. That Council write to the National Parks and Wildlife Service to:
 - Welcome the preparation of the draft Plan and provide in-principle support.
 - Request discussions with National Parks and Wildlife Service Staff over the following issues associated with the linkage between the State Conservation Area and the Nepean-Bargo River Gorge.
 - The possible expansion of the SCA and possible future gazettal sections of sections of the Nepean-Bargo River Gorge as a National Park *including an update of the assessment report.*
 - *The possibilities of a low impact walking trail as described in Wollondilly's submission.*
 - The management of koala populations and associated habitat within a broader context encompassing both the SCA and the Nepean-Bargo River Gorge in conjunction with Council.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, 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 18 September 2017

Infrastructure

4. **Bargo Public School – “Bargo Public School Fete 2017” – Request for road closure on section of Great Southern Rd between Bargo Rd and Avon Dam Rd on Saturday 7 October 2017**
52 TRIM 1598
- That Council approve the road closure of Great Southern Road, Bargo from railway overbridge to the south of the school and the intersection of Great Southern Road and Bargo Road between the hours of 7.30am and 2.00pm on Saturday 7 October 2017 for the staging of “Bargo Public School Fete 2017” subject to the requirements for the issue of a permit for “Road Event – Road Closure”.
5. **Late Item - Bowral Cycling Classic 2017 – addition of Harley St to Approved Route**
52 TRIM 2487
- That, for the “Bowral Cycling Classic 2017” event on Sunday, 22 October 2017, Harley St Yanderra be added to the previously approved route, subject to the requirements for the issue of a Permit for “Road Event - Road Closure”.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, 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 18 September 2017

Notice of Motion

NOTICE OF MOTION

TRIM 6416-7

NOM 1 **Notice of Motion No. 1 submitted by Cr Landow on 4 September 2017 regarding support for the appointment of a Minister for Young People**

193/2017 **Resolved on the Motion of Crs Landow and Khan:**

That Council submit a motion to the NSW Local Government Conference seeking their support in calling on the state government to appoint a dedicated Minister for young people.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, 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 18 September 2017

Notice of Motion

TRIM 6416-7

NOM 2 **Notice of Motion No. 2 submitted by Cr Briggs on 7 September 2017 regarding the reuse of recycled waste water and stormwater from Wilton Priority Growth Area on agricultural lands**

194/2017 **Resolved on the Motion of Crs Briggs and Hannan:**

That Council write to both Sydney Water and Elizabeth Macarthur Agricultural Institute (EMAI) to see if they would be willing to participate in a working group to look into the option of reusing recycled waste water and stormwater from Wilton Priority Growth Area on agricultural lands including the EMAI lands. That Council also write to the Hon Niall Blair, Minister for Primary Industries and Minister for Regional Water seeking his support to the investigation of these options.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, 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 18 September 2017

Notice of Motion

TRIM 6416-7

NOM 3 **Notice of Motion No. 3 submitted by Cr Banasik on 12 September 2017 regarding Administrators running for Local Council Elections**

195/2017 **Resolved on the Motion of Crs Banasik and Briggs:**

That Council write to the Minister and Shadow Minister for Local Government calling for changes to the Local Government Act to prevent Administrators running for Local Council Elections. (Clearly a sitting Administrator has unfair advantage in an election and shouldn't be allowed to stand.) Further this motion be sent to Local Government NSW as a motion for this years Conference.

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, 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 18 September 2017

Notice of Motion

TRIM 6416-7

NOM 4 **Notice of Motion No. 4 submitted by Cr Banasik on 13 September 2017 regarding a Pedestrian Crossing on Remembrance Drive, Tahmoor**

196/2017 **Resolved on the Motion of Crs Banasik and Khan:**

- 1. That Council write to Roads and Maritime Services (RMS) calling for a pedestrian crossing *solution (including if necessary signalisation)* to be placed on Remembrance Drive, Tahmoor near the main shops as a matter of urgency.**
- 2. *That Council write to the Minister for Roads, Melinda Pavey in relation to this matter.***
- 3. *That Council take some kind of public action in relation to this matter.***

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

Vote: Crs Briggs, Banasik, Khan, Deeth, Lowry, 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 18 September 2017

Closing

CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 8.08pm.

This and the preceding 37 pages are the Minutes of the Ordinary Meeting of Council held on Monday 18 September 2017 and were confirmed in the subsequent meeting held on Monday 16 October 2017.

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Mayor

Closing