

Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes

Monday 15 June 2015

The meeting commenced at 6.31pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

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RECORDING OF MEETINGS

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

PRESENT

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

ALSO PRESENT WERE

Acting General Manager, Acting Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Governance and one Administration Officer.

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 88-10

An apology for Cr Hannan was accepted for this meeting.

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DECLARATION OF INTEREST

TRIM 528-6

Cr Amato declared Non-Pecuniary but significant declarations of interest in relation to Items GO3 and GO4 being Council's Fit for the Future Proposal and Operational Plan. The reason being was that he is the Deputy Chair of the General Purpose Standing Committee No. 6 of the NSW Parliament Upper House enquiry into Local Government. He advised that the Committee is enquiring into a range of aspects relating to local councils being "Fit for the Future" which includes the role of IPART. Cr Amato left the meeting during discussion and voting on these matters.

CONFIRMATION OF MINUTES

TRIM 88-10

87/2015 Resolved on the Motion of Crs B Banasik and Gibbs:

That the Minutes of the Ordinary Meeting held on Monday 18 May 2015, as circulated, be adopted as true and correct.

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

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

88/2015 Resolved on the Motion of Crs B Banasik and Law:

That the Minutes of the Extraordinary Meeting held on Monday 1 June 2015, as circulated, be adopted as true and correct.

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

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

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MAYORAL MINUTE

TRIM 531

On Thursday 28 May 2015 the Together Arts Exhibition was held at Tahmoor Community Centre. Unfortunately I was unable to attend but I would like to thank Ally Dench, Acting General Manager for attending on my behalf.



WOLLONDILLY SHIRE COUNCIL

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On Friday 5 June 2015 Marsden's held their annual Local Government Planning and Environmental Law Conference at Campbelltown which was attended by Cr Hilton Gibbs and Ally Dench, Acting General Manager as well as relevant Council staff.



WOLLONDILLY SHIRE COUNCIL

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On Tuesday 9 June 2015 I attended the Official Opening of the Tahmoor Post Office to congratulate them for being recognised as a winner in the 2013 Local Business Awards in the category of Outstanding Specialised Retail Business.

Minister for Small Business the Hon Bruce Billson; Jai Rowell, Member for Wollondilly; Angus Taylor, Member for Hume; Post Office owner Phillip Magennis and Manager Lesley Beech were in attendance.



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The Hon Minister for Small Business, Bruce Billson attended Council's Community Forum on 9 June 2015 to make a presentation to local small business people. The Minister discussed the positive changes announced in the Federal budget for businesses. He was informative and engaging and answered all the questions from the floor.



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The Camden Wollondilly Local Business Awards Gala Presentation was held on Wednesday 10 June 2015 at Camden Civic Centre with approximately 570 local business people, sponsors and dignitaries celebrated the success of the outstanding businesses from the local area.

I would like to thank Cr Michael Banasik and Cr Lou Amato for attending this event on my behalf.

Ten businesses from Wollondilly Shire were recognised as winners at the Presentation Evening, including the Business of the Year, JJ Performance Smash Repairs, who won the Automotive Services category and also the Business of the Year for 2015. The Award was presented by Councillor Banasik. (Pictured below).



A certificate of Appreciation for Councils' contribution to The 2015 Camden Wollondilly Local Business Awards was tabled.

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On Friday, 12 June I met with the Minister for Planning, the Hon. Rob Stokes; State Member for Wollondilly, Jai Rowell; representatives from Planning NSW and the proponents for the Wilton Junction site. We took a tour of the proposed site so the new Minister could acquaint himself with Wollondilly and the Wilton Junction proposal.

I would like to acknowledge Cr Lou Amato; Ally Dench, Acting General Manager; Chris Stewart, Director Planning and Adam Gray, Senior Facilities Planner Growth who attended from Council.



Col Mitchell
MAYOR
15 June 2015

89/2015 **Resolved on the Motion of Crs Mitchell and B Banasik:**

That the Mayoral Minute be accepted.

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

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

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Planning and Economy

PE2 Proposed Housekeeping LEP Amendment - Penny Lane Land Acquisition Release
211 TRIM 5298

91/2015 Resolved on the Motion of Crs Landow and Law:

1. That Council prepare a planning proposal to release Lots B & C DP 383947 and Lot 3 Section C DP 1569 from the land reserved for acquisition layer in Wollondilly Local Environmental Plan, 2011.
2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
4. That a further report be provided to Council detailing the requirements of any Gateway Determination and give consideration to whether the Planning Proposal should proceed.

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

Vote For: Crs Mitchell, B Banasik, Law, Amato, M Banasik and Landow

Vote Against: Crs Gibbs and Terry

Planning and Economy

PE3 Planning Proposal - Montpelier Drive Residential Land TRIM 6961
41

92/2015 Resolved on the Motion of Crs Landow and Gibbs:

1. That Council as the delegated responsible authority adopt and make the draft Local Environmental Plan for land being:

Lot 601 DP 735032 (No. 780) and Lot 1 DP 1043567 (No. 790) Montpelier Drive, The Oaks, to amend Wollondilly Local Environmental Plan, 2011 as follows:

- Amend the Land Zoning Map (LZN Map) from Zone RU2 Rural Landscape (RU2) to Zone R2 Low Density Residential (R2)
 - Amend the Lot Size Map (LSZ Map) to indicate a minimum lot size of 975 m²
 - Amend the Height of Buildings Map (HOB Map) HOB to impose a maximum building height limit of 9 metres for the majority of the site and 6.8 metres at the western end of the site
 - Amend the Natural Resources Water Map (NRW Map) to allow for a 10m riparian zone along the watercourse on the western end of the site
 - Amend the Natural Resources Biodiversity (NRB Map) to allow for the protection of a small area of environmentally sensitive land located towards the western end of the site.
2. That in accordance with Section 59 of the Environmental Planning and Assessment Act 1979, Council makes the plan in the form as detailed in this report and request Parliamentary Counsel and the Department of Environment and Planning to make arrangements for the drafting and notification of the amended Local Environmental Plan subject to there being no objection from the Office of Environment and Heritage - Heritage Council.
 3. That Council support the amendments to WDCP 2011 as described in Section 4.10 to this report. That these amendments also be incorporated into Draft Wollondilly Development Control Plan 2015.
 4. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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

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

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Planning and Economy

PE4 **Picton Town Centre Traffic Investigation** TRIM 3138
211

93/2015 **Resolved on the Motion of Crs Mitchell and Amato:**

1. ***That a decision to undertake the Picton Town Centre Traffic Investigation be deferred.***
2. ***That a Councillor workshop be arranged to discuss the traffic upgrade works proposed by each Planning Proposal surrounding Picton and the need for a comprehensive Traffic Investigation.***
3. ***That this report come to the July Council meeting.***

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

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

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Planning and Economy

PE5 Public Exhibition of Mt Gilead Planning Proposal - Campbelltown City Council
235929 TRIM 1565

94/2015 Resolved on the Motion of Crs B Banasik and Terry:

That Council write to Campbelltown City Council requesting that it consider the following matters in the assessment of the Mt Gilead Planning Proposal:

- Consider placing the proposal on hold until the outcome of the NSW Government's investigation into the Greater Macarthur Area is complete.
- Consider the use of Environment Protection (E3 or E4) Zones and/or Natural Resources (Biodiversity) Clauses on all land which contains native vegetation that satisfies the Scientific Determinations for Shale/Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW).
- Consider additional ecology investigation to address the potential impacts associated with the proposal on existing habitat corridors within a regional context as part of the planning proposal process. This assessment should consider connectivity with adjoining identified regionally significant habitat corridors in the Wollondilly Shire.
- Consider additional ecology investigation to address the potential impacts of the proposal on koalas and their movement.
- Consider additional modelling and investigation of potential air quality impacts associated with the construction of the proposal in a regional context occur prior to public exhibition of the proposal as a response to community concerns regarding this issue.
- Consider additional modelling and investigation of the potential traffic and transport impacts with particular focus on Appin Road heading south and Bulli Appin Road *and impacts to Appin Village.*

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

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

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Governance

GOVERNANCE

GO1 **Notice of Motion Status Report - June 2015**
103

TRIM 5253

95/2015 **Resolved on the Motion of Crs M Banasik and Gibbs:**

That Council note the June Notice of Motion Status Report.

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

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

Governance

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Governance

GO2 **Investment of Funds as at 30 April 2015**
112

TRIM 1022-2

96/2015 **Resolved on the Motion of Crs M Banasik and Gibbs:**

That the information and certification in relation to the investment of Council funds as at 30 April 2015 be noted.

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

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

Governance

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Governance

GO3 **Wollondilly Shire Council Fit for the Future Proposal** TRIM 8280
3006

Cr Amato left the meeting at 6.47pm due to a previously declared conflict of interest in this item.

97/2015 **Resolved on the Motion of Crs M Banasik and Terry:**

1. **That Council adopt the Wollondilly Shire Council Fit for the Future proposal and that the proposal be submitted to the Office of Local Government by 30 June 2015.**
2. ***That a list of all planning proposals be provided with the submission.***
3. ***That a strategy in regards to resource sharing and regional collaboration be included in the submission.***
4. ***That it be included in the submission that the Shire's growth could exceed one hundred thousand.***

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

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

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Governance

GO4 Adoption of Operational Plan 2015/16

39

TRIM 5473-8

98/2015 Resolved on the Motion of Crs Mitchell and B Banasik:

1. That the Wollondilly Operational Plan 2015/16 be adopted, incorporating the changes recommended in this report, including the adoption of the 10.8% special rate variation increase in Council's rate revenue (inclusive of 2.4% rate peg) as determined by the Independent Pricing and Regulatory Tribunal (IPART).
2. That the rates and charges for the period 1 July 2015 to 30 June 2016 detailed in the exhibited draft Wollondilly Operational Plan 2015/16 be made.
3. That the exhibited draft Schedule of Fees & Charges 2015/16, as detailed in the exhibited draft 2015/16 Operational Plan be adopted with the amendments contained within this report.
4. That Council approve the budget as detailed in the exhibited draft 2015/16 Operational Plan including the amendments contained in this report and on that basis formally vote these funds for the 2015/16 financial year.
5. *That the minutes of the Internal Audit Committee be reported with the Quarterly Review so that the community are aware of progress with the operational plan and expenditure specifically including where the extra rate increase is being allocated.*

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

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

Cr Amato returned to the meeting at 7.01pm.

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Late Report

LATE REPORT

99/2015 Resolved on the Motion of Crs M Banasik and Landow:

That Council suspend standing orders to deal with the Late Report PE6.

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

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

PE6 Planning Proposal - 95 Great Southern Road, Bargo - Consideration of Amended Gateway Determination issued by Department of Planning and Environment

1010

TRIM 7696

100/2015 Resolved on the Motion of Crs B Banasik and Mitchell:

- 1. That Council support the preparation of a Planning Proposal for No. 95 Great Southern Road, Bargo in the manner specified in the amended Gateway Determination issued by the NSW Department of Planning and Environment on 22 May, 2015.**
- 2. That a further report be provided to Council which identifies an appropriate lot size in the part of the site to the east of the watercourse. This shall be following the submission of an on-site effluent disposal study which identifies an appropriate lot size in this part of the site to the satisfaction of Council.**
- 3. That the applicant and persons who made submissions regarding the draft Planning Proposal be notified of Council's decision.**

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

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

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Infrastructure

INFRASTRUCTURE

IN1 Draft Plan of Management - Sportsgrounds
240

TRIM 8382

102/2015 Resolved on the Motion of Crs B Banasik and Landow:

1. *That the Plan of Management – Sportsgrounds be amended as per the following changes:*

Clause 10 Page 14	<i>From 'Crown Lands Act'</i>
	<i>To 'Land & Property Information'</i>
Clause 10 Page 15	<i>From</i> <ul style="list-style-type: none"> ▪ <i>The proposed facility has been approved under the provisions of Council's adopted Telecommunications Facility Policy (especially the public exhibition of the proposal), with consideration to be given to Council's resolution of 19 September 2011, No. 223/2011.</i>
	<i>To</i> <ul style="list-style-type: none"> ▪ <i>The proposed facility has been approved under the provisions of Councils adopted Development Control Plan 2011 (Volume 5 – Industrial and Infrastructure uses)</i>
Clause 10 Page 15	<i>From</i> <ul style="list-style-type: none"> ▪ <i>The lease or licence is for a minimum period of 20 years, consisting of 4 x 5 year leases, and is to be renegotiated at its expiration. Any option, extension or second period of a lease or licence will be subject to public exhibition.</i>
	<i>To</i> <ul style="list-style-type: none"> ▪ <i>The lease or licence must not be for more than 21 years, except with Ministers Consent and then for no more than 30 years in accordance with Clause 47 of the Local Government Act.</i>

Infrastructure

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Infrastructure

2. **That Council adopt as Final, the Plan of Management - Sportsgrounds, incorporating the submissions items listed within this report**
3. **That upon adoption, a public notice be published identifying the adoption of the Plan.**

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

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

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Notice of Motion

NOTICE OF MOTION

TRIM 6416-5

NOM1 **Notice of Motion No. 1 submitted by Cr Mitchell on 28 May 2015 regarding Grey-headed Flying Fox Camps**

104/2015 **Resolved on the Motion of Crs Mitchell and B Banasik:**

That Council:

- 1. Writes to Eurobodalla Shire Council expressing our support in their efforts to elicit financial and technical assistance for managing the impacts on the community of fly fox camps and protecting this threatened species.**
- 2. Writes to the Office of Environment & Heritage and the Minister for the Environment, Mr Mark Speakman MP, seeking financial assistance in preparing Plans of Management and funds for mitigating actions associated with areas that are heavily impacted by the Grey Headed Flying Fox.**

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

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

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Notice of Motion

TRIM 6416-5

NOM2 **Notice of Motion No. 2 submitted by Cr Gibbs on 10 June 2015 regarding the W.S. Williams Memorial Playground Picnic Shelter at The Oaks**

105/2015 **Resolved on the Motion of Crs Gibbs and Landow:**

1. That for community safety reasons, the picnic shelter at W.S. Williams Memorial Playground, The Oaks be demolished as a matter of urgency due to its ongoing use as a night-time congregation point for *people* involved in anti-social behaviour and drug-taking. Funding for the work is to be sourced from existing capital budget savings.
2. *That a new awning be installed after a trial period. A recommendation from Council and Police is to be included in the review as to re-instate with an open awning.*
3. *That this be referred to the next Community Forum asking Police about response times and more regular police patrols on Friday and Saturday nights at The Oaks.*

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

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

Notice of Motion

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Notice of Motion

TRIM 6416-5

NOM3 **Notice of Motion No. 3 submitted by Cr Terry on 11 June 2015 regarding agricultural development**

106/2015 **Resolved on the Motion of Crs Terry and M Banasik:**

- 1. That a workshop be held with Councillors with a view of a report to come to Council investigating ways we can assist landowners with development applications for agricultural uses, exploring fee reductions and process efficiencies, as part of Council's broad desire to promote and expedite peri-urban agriculture.**
- 2. That the Rural Industry Liaison Committee and Economic Development Advisory Group are consulted with before the report comes to Council.**

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

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

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Notice of Motion

TRIM 6416-5

NOM4 **Notice of Motion No. 4 submitted by Cr M Banasik on 12 June 2015 regarding the Shop Local campaigns**

107/2015 **Resolved on the Motion of Crs M Banasik and Law:**

1. **That Wollondilly Council get involved in Shop Local campaigns to encourage our residents to shop local, similar to that which is promoted in some other councils e.g. Liverpool Plains.**
2. **That this item be referred to our Economic Development Advisory Group (EDAG).**
3. ***That Council leads the campaign in procurement of goods and services locally.***

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

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

Cr M Banasik tabled promotional 'shop local' literature from Liverpool Plains Council at the meeting.

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Notice of Motion

TRIM 6416-5

NOM5 **Notice of Motion No. 5 submitted by Cr M Banasik on 12 June 2015 regarding a Tourist Lookout at Vault Hill in Picton**

108/2015 **Resolved on the Motion of Crs M Banasik and Mitchell:**

That a report come to Council in regard to looking at the possibility of having a tourist lookout at Vault Hill in Picton.

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

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

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Notice of Motion

TRIM 6416-5

NOM6 **Notice of Motion No. 6 submitted by Cr M Banasik on 12 June 2015 regarding a letter to the former General Manager of Campbelltown City Council, Paul Tosi wishing him well in his retirement**

109/2015 **Resolved on the Motion of Crs M Banasik and Mitchell:**

That Wollondilly Council write a letter to Paul Tosi the former General Manager of Campbelltown City Council wishing him well in his retirement and thanking him for all the support he has given our council.

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

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

WOLLONDILLY SHIRE COUNCIL

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Closing

CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 7.27 pm.

This and the preceding 30 pages are the Minutes of the Ordinary Meeting of Council held on Monday 15 June 2015 and were confirmed in the subsequent meeting held on Monday 20 July 2015.

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Mayor

Closing