



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 27 April 2016

The meeting commenced at 3.30 pm

File No. 100/2016



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MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 April 2016



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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 27 APRIL 2016 COMMENCING AT 3.30 PM

Present: Clr L A C Whipper (Mayor – in the Chair)
Clr J G Arkwright
Clr H R Campbell
Clr J R Clark
Clr T D Gair
Clr G McLaughlin
Clr I M Scandrett
Clr G M Turland
Clr J Uliana

In Attendance:

General Manager	Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk	Mr Barry W Paull
Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
Group Manager Corporate and Community	Mr Nick O'Connor
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Chief Financial Officer (in part)	Mr Richard Mooney
General Counsel (in part)	Ms Christine Cunningham
Administration Officer	Ms Liz Johnson

1. OPENING OF THE MEETING

The Mayor Clr L A C Whipper opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr L A C Whipper acknowledged country:

“We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today.”

3. PRAYER

The meeting was led in prayer by Chaplain Steven Clancy of HarbisonCare.

4. APOLOGY

There were no apologies at this Meeting.

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY,
13 APRIL 2016

MN 179/16

MOTION moved by Clr T D Gair and seconded by Clr G M Turland

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 13 April 2016 MN 146/16 to MN 178/16 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, noting a correction to Item 12.7 – Proposed Development and Sale Lot 126 Anembo Street, Moss Vale on page 19 in that Clr L A C Whipper and Clr J R Clark had voted against the proposal and this was not recorded in the Minutes.

PASSED

6. BUSINESS ARISING

1. ITEM 12.1 – TENDER EVALUATION – CONSTRUCTION AND RENEWAL OF WINGECARRIBEE SHIRE FOOTPATHS 6330/16.6

Clr I M Scandrett noted on the matter of footpaths in Colo Vale the general mention of these in the minutes and the tenders thereof that Council will be looking at a small amendment to that in the Finance Committee relating to the width of those in Linda Street.

2. BUSINESS ARISING FROM THE MINUTES OF THE MEETING OF WEDNESDAY, 13 APRIL 2016 15/1138

Clr H R Campbell referred to the matter of 23 Purcell Street, Bowral [page 3 of the Minutes] and asked whether the construction certificate has been issued.

The Mayor Clr L A C Whipper advised that staff will take this on notice.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

101/3.1, 6330/14.24

Clr J Uliana declared a less than significant non-pecuniary interest in Item 12.5 – Welby Hockey Centre Stage 2 – Construction Tender – as two of his children play hockey at the Welby Hockey Fields. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1, 6330/14.24

Clr T D Gair declared a less than significant non-pecuniary interest in Item 12.5 – Welby Hockey Centre Stage 2 – Construction Tender – as his son and daughter in law and their children play hockey at the Welby Hockey Fields. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

8. MAYORAL MINUTES

8.1 Australia Local Government Association (ALGA) National General Assembly Conference 2016 - Motion

Reference: 102, 203/1
Report Author: Mayor
Authoriser: Mayor
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this Mayoral Minute is to present to Council a motion for consideration to the Australia Local Government Association (ALGA) – National General Assembly Annual Conference 2016.

MN 180/16

MOTION moved by Mayor L A C Whipper and seconded by Cllr J G Arkwright

THAT the following motion be submitted to the Australian Local Government Association for inclusion at the National General Assembly Conference to be held in June 2016:

1. ***THAT Council request the Australia Local Government Association (ALGA) to lobby the Federal Government to urgently review the policy on the sale of land to Foreign investors.***
2. ***THAT the Foreign Investment Board reviews the levels of investment allowable in Australian land and properties.***
3. ***THAT the Australian Local Government Association makes these representations to ensure that Australian agricultural lands remain in Australian ownership to ensure that Australian food and water security is ensured.***
4. ***THAT Roads deemed essential be given additional funding support from the Federal Government.***
5. ***THAT the Federal Government consider concessional infrastructure loans for Local Government projects for non-core infrastructure that may not have assistance through the Financial Assistance Grants (FAG) funding.***
6. ***THAT the Federal Government consider offering economic stimulus funding for Local Government incubator projects. These could be stimulus grant funds and/or low interest loans to assist with developing decentralised incubator premises for business moving to regional areas, who qualify for initial low rent.***

AMENDMENT moved by Cllr H R Campbell

THAT the following motion be submitted to the Australian Local Government Association for inclusion at the National General Assembly Conference to be held in June 2016:

1. **THAT** Council request the Australia Local Government Association (ALGA) to lobby the Federal Government to urgently review the policy on the sale of land to Foreign investors.
2. **THAT** the Foreign Investment Board reviews the levels of investment allowable in Australian land and properties.
3. **THAT** the Australian Local Government Association makes these representations to ensure that Australian agricultural lands remain in Australian ownership to ensure that Australian food and water security is ensured.

THE AMENDMENT LAPSED FOR THE WANT OF A SECONDER

MOTION PASSED

9. PUBLIC FORUM

There was no Public Forum at this Meeting.

COMMITTEE OF THE WHOLE

107/10

MN 181/16

MOTION moved by Clr T D Gair and seconded by Clr J Uliana

THAT in accordance with Section 373 of the Local Government Act, 1993, Council moves into Committee of the Whole to consider various matters detailed in the Agenda with Clr G M Turland to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

There were no Visitor Matters – Operations – at this Meeting.

CORPORATE & STRATEGY

There were no Visitor Matters – Corporate & Strategy – at this Meeting.

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE & RISK

12.1 Investment Report as at 31 March 2016

Reference:	2104
Report Author:	Accounting Officer - Banking and Investments
Authoriser:	Chief Financial Officer
Link to Corporate Plan:	Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulations 2005*, this report provides details of Council's Investments as at 31 March 2016.

The General Manager addressed Council on this matter.

MN 182/16

MOTION moved by Cllr H R Campbell and seconded by Mayor L A C Whipper

THAT the information on Council's Investments as at 31 March 2016 be received and noted.

PASSED

12.2 Civic Centre Commercial Cleaning Tender Evaluation

Reference: 6330/16.1
Report Author: Senior Assets Officer
Authoriser: Manager Assets
Link to Corporate Plan: Ensure all ideas and proposals are assessed on their life cycle impacts

PURPOSE

To report on the evaluation of tenders for the provision of commercial cleaning services for the Civic Centre and Moss Vale Library.

The General Manager read the recommendations from the Closed Council report.

MN 183/16

MOTION moved by Cllr T D Gair and seconded by Cllr G McLaughlin

THAT in relation to the report concerning Civic Centre Commercial Cleaning Tender Evaluation, Council adopt the recommendations contained within the Closed Council report – Item 22.1, as follows:

THAT the tender for the provision of commercial cleaning services for the Civic Centre and Moss Vale Library (RFT 6330/16.1) submitted by The Sparkle Team Pty Ltd be accepted for an initial term of two years with two optional extensions of one year each for the total contract value of \$217,962.00 (GST exclusive).

PASSED

12.3 Water and Sewer Main Renewal

Reference: 6330/16.2
Report Author: Project/Planning Engineer WS
Authoriser: Manager Water & Sewer
Link to Corporate Plan: Ensure the implementation and review of Wingecarribee 2031+, and plan by continuing engagement with the community

PURPOSE

The purpose of this report is to provide Council with information regarding the tenders received for the rehabilitation of water and sewer mains.

The General Manager read the recommendations from the Closed Council report.

MN 184/16

MOTION moved by Cllr T D Gair and seconded by Cllr J Uliana

THAT in relation to the report concerning Water and Sewer Main Renewal, Council adopt the recommendations contained within the Closed Council report – Item 22.2, as follows:

1. **THAT** Council accepts the Lump Sum tender in the sum of \$262,104.00, plus GST, submitted by Comdian Infrastructure for Schedule 1 of Contract 33/15.
2. **THAT** Council accepts the Lump Sum tender in the sum of \$331,368.00, plus GST, submitted by Comdian Infrastructure for Schedule 2 of Contract 33/15.

PASSED

12.4 Funding Application under the Fixing Country Roads Program

Reference: 7810/26
Report Author: Traffic Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Maximise the efficiency of freight transport through and within the area to encourage activities which will use rail, provide local employment and minimise impact on the Shire's roads and residents

PURPOSE

Reporting on Traffic Committee endorsement of Council's application for funding under the Fixing Country Roads program.

MN 185/16

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr J Uliana

THAT Council endorse the application for funding under the 2015-16 Fixing Country Roads program to assess the condition of all bridges in the Shire and note that the application is supported by the Traffic Committee.

PASSED

12.5 Welby Hockey Centre Stage 2 - Construction Tender

Reference: 6330/14.24
Report Author: Manager Projects & Contracts
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Provide structure in the Shire to encourage physical activities and enable access

PURPOSE

To report to Council in relation to the tenders received for the construction of Stage 2 of the Welby Hockey Centre.

Interest: Clr J Uliana declared a less than significant non-pecuniary interest in this matter as two of his children play hockey at the Welby Hockey Field. He remained in the chamber, took part in the debate and voted on the matter.

Interest: Clr T D Gair declared a less than significant non-pecuniary interest in this matter as his son and daughter in law and their children play hockey at the Welby Hockey Field. He remained in the chamber, took part in the debate and voted on the matter.

MN 186/16

MOTION moved by Mayor L A C Whipper and seconded by Clr T D Gair

1. **THAT** Council declines to accept any tenders in relation to the construction of Welby Hockey Centre Stage 2 in accordance with Clause 178 (1) of the Local Government (General) Regulation 2005.
2. **THAT** Council will call fresh tenders in relation to the project when issues relating to project funding have been resolved by the Southern Highlands Hockey Association.
3. **THAT** Council will retain \$631,000 from the Welby Hockey Field Internal Reserve to be made available to the Southern Highlands Hockey Association to construct a second synthetic turf hockey field at Welby Heights as per the resolution of the Finance Committee from 19 February 2014.
4. **THAT** Council forward a letter to the Member for Wollondilly Jai Rowell, with a copy to The Hon Pru Goward, MP, the Member for Goulburn, in support of Southern Highland Hockey's request for grant assistance of \$700,000 to construct a second synthetic hockey field at their Welby Heights facility and requesting any assistance they can provide to expedite that process.

PASSED

12.6 Acquisition of Land for Road Widening, Being Part Lot 1 DP 183599 Ringwood Lane Exeter

Reference: PN1787430, RD2312
Report Author: Senior Property Officer
Authoriser: Manager Business Services
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to gain Council approval to acquire an increased area of land for road widening being part of Lot 1 Deposited Plan 183599 Ringwood Lane Exeter.

MN 187/16

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr T D Gair

THAT with reference to the Minutes of Council made Wednesday 24 February 2016 (MN 48/16), it is noted that the area of land to be acquired from Lot 1 Deposited Plan 183599 is 1,500 square metres for road widening.

PASSED

12.7 Berrima Road Deviation - National Stronger Regions Funding Agreement

Reference:	7801
Report Author:	Manager Projects & Contracts
Authoriser:	Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan:	Provide safe and efficient road, cycle and where appropriate, walking paths between and within town and villages, and conveniently located parking areas for cars and bicycles. Ideally, all road reserves to include provision for safe walking and cycling

PURPOSE

To seek Council approval to formally execute the funding agreement from the Federal Government under the National Stronger Regions Fund for the Berrima Road Deviation project.

The General Manager addressed Council on this matter.

Mayor L A C Whipper left the Chambers, the time being 4.10 pm and returned to the meeting at 4.11 pm.

MN 188/16

MOTION moved by Mayor L A C Whipper and seconded by Cllr J Uliana

1. **THAT** Council authorises the General Manager to sign the agreement identified as “Funding Agreement in Relation to the Moss Vale Enterprise Corridor” on behalf of Council.
2. **THAT** Council amend the Draft 2016/17 Operational Plan and Budget to include funding for the Berrima Road Deviation Project at an estimated cost of \$9,205,192.
3. **THAT** matched funding of \$4,602,596 for the Berrima Road Deviation Project be allocated from the Land Rental Reserve pending the outcome of the Fixing Country Roads funding application.

PASSED

13. CORPORATE STRATEGY & DEVELOPMENT SERVICES

13.1 Review of Governance and Management of Council's Children's Services Policy Version 1.2

Reference: 1825/29.3, 104/7
Report Author: Family Day Care Children's Services Co-ordinator
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Maintain strong public institutions and facilities in the district to match the evolving needs of the community

PURPOSE

For Council to adopt the updated Governance and Management of Council's Children's Services Policy – Version 1.2 following the consultation and exhibition period.

MN 189/16

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr J G Arkwright

THAT Council adopts the updated Governance and Management of Council's Children's Services Policy – Version 1.2 – Attachment 1 to the report.

PASSED

13.2 Appointment of Agency Representative to the Community Development Committee

Reference: 1800/58 107
Report Author: Community Development Coordinator
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Facilitate and support leadership within the community by removing barriers to participation

PURPOSE

To appoint an agency representative to Council's Community Development Committee.

MN 190/16

MOTION moved by Mayor L A C Whipper and seconded by Deputy Mayor I M Scandrett

THAT Council appoint Ms Megan Ward as an agency representative to the Community Development Committee.

PASSED

13.3 Partnership Proposal Golf NSW (Women's NSW Open Golf Championship)

Reference: 1900, 6612
Report Author: Manager Tourism & Events
Authoriser: Deputy General Manager Corporate, Strategy & Development Services
Link to Corporate Plan: Develop and implement a compelling and competitive brand identity for the Southern Highlands, based on our distinctive lifestyle factors of climate, horticulture, recreation, landscape and heritage

PURPOSE

The purpose of this report is to facilitate the evaluation of the Request for Partnership by Golf NSW in relation to sponsorship of Women's NSW Open Golf Championship (3 years - 2017-2019 inclusive).

Interest: Clr J Uliana declared a pecuniary interest in this matter as he operates a golf course. He left the chamber at 4.20 pm, took no part in the debate and refrained from voting on the matter.

MN 191/16

MOTION moved by Clr J R Clark and seconded by Clr G McLaughlin

THAT Council declines the request for financial assistance of \$25,000 per annum for 2017-2019 to Golf NSW to support the Women's NSW Open Golf Championship AND THAT a letter under the Mayor's signature be forwarded to Golf NSW thanking them for their approach to Council and offering support in the future.

PASSED

Clr J Uliana returned to the meeting, the time being 4.26 pm.

13.4 Economic Development and Tourism Committee Appointment of Additional Members

Reference:	107/24
Report Author:	Deputy General Manager Corporate, Strategy & Development Services
Authoriser:	Deputy General Manager Corporate, Strategy & Development Services
Link to Corporate Plan:	Provide opportunities to participate in futures thinking and nurture ideas

PURPOSE

To appoint new members to the Economic Development and Tourism Committee.

MN 192/16

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr J G Arkwright

1. **THAT** Council appoints Mr Don Ferguson as a Community Representative to the Economic Development and Tourism Committee.
2. **THAT** Council include the Moss Vale and Rural Chamber of Commerce as a member of the Economic Development and Tourism Committee **AND THAT** the representative be the President or his/her delegate.

PASSED

14. GENERAL MANAGER

14.1 Legal Affairs

Reference: 107/22
Report Author: General Counsel
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 March 2016.

MN 193/16

MOTION moved by Cllr T D Gair and seconded by Mayor L A C Whipper

1. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.3.
2. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.

PASSED

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

It was noted that no representations from the public were received.

14.2 Southern Highlands Endurance Ride Request for Sponsorship

Reference: 1600/9
Report Author: Organisational Support Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Develop and implement a compelling and competitive brand identity for the Southern Highlands, based on our distinctive lifestyle factors of climate, horticulture, recreation, landscape and heritage

PURPOSE

The purpose of this report is to seek Council sponsorship support for the Southern Highlands Endurance Ride to the value of \$500.00.

MN 194/16

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr G McLaughlin

THAT Council provides sponsorship support for the 2016 Southern Highlands Endurance Ride to the value of \$500.00 AND THAT the funds be sourced from the Contingency Fund.

PASSED

15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

16. PETITIONS

There were no Petitions at this Meeting.

17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

18.1 Minutes of Economic Development and Tourism Committee Meeting held on Tuesday, 12 April 2016

Reference:	107/24
Report Author:	Manager Economic Development
Authoriser:	Deputy General Manager Corporate, Strategy & Development Services
Link to Corporate Plan:	Establish the Southern Highlands as a leading centre of industry, innovation and expertise, which provides tried and tested, cost effective solutions for the sustainable management and use of scarce water resources

PURPOSE

This report provides the Minutes of the Economic Development and Tourism Committee Meeting held on Tuesday, 12 April 2016.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 5.1 Rail Side Trail Project

ED 12/16

1. THAT this Committee endorse the Rail Side Trail project and encourage Council to seek funding of \$50,000 for the Feasibility Study as soon as possible.
2. THAT the Recreation Planner's presentation and video clip of the Rail Side Trail project be circulated to all committee members.

Item 5.2 Ten Thousand Paces – Local Supply Chains Presentation

ED 13/16

1. THAT the Ten Thousand Paces – Local Supply Chains presentation be noted AND THAT the Committee welcomes further discussion on promoting local food and wine.
2. THAT Mr Hamish Ta-me and Mr Mark Bourne be thanked for their presentation on this item.

Item 5.3 Moss Vale Visitor Accommodation

ED 14/16

THAT the Committee supports the urgent ongoing work associated with the Local Environmental Plan (LEP) to maximise the opportunities for diversification of business opportunities in the food, wine and agricultural industries in the Shire AND THAT the Committee urges Council to maintain this strategy in the years to come.

Item 5.4 Governance

ED 15/16

1. THAT the resignation of Mr Chris Muldoon be accepted, with regret, AND THAT a letter of appreciation be forwarded to Mr Muldoon thanking him for his service to this Committee.
2. THAT it was noted this item was not dealt with at this meeting and will be referred to a future meeting of the Committee.

Item 5.5 Hi-Speed Internet – RedTrain Networks

ED 16/16

THAT the information in relation to Hi-Speed Internet – RedTrain Networks be noted AND THAT a Councillor briefing session be held as soon as possible.

Item 5.6 Summary of Economic Development in the Southern Highlands (1 March Update)

ED 17/16

THAT the updated summary of Economic Development in the Southern Highlands be noted.

Item 5.7 Economic Development Workshop / Investment Summit

ED 18/16

THAT the information in relation to the proposed Economic Workshop on 21 June 2016 and the Investment Summit planned for October 2016 be noted.

Item 6 General Business

A. 2017 Bundanoon Highland Gathering

ED 20/16

THAT the Committee recommends Council supports the 2017 Brigadoon Highland Gathering 40th Year Anniversary.

MN 195/16

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr J Uliana

1. **THAT** recommendations Nos ED 10/16 to ED 20/16 - as detailed in the Minutes of the Economic Development and Tourism Committee Meeting held on Tuesday, 12 April 2016 - be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.
2. **THAT** in relation to Item 5.1 – Rail Side Trail Project - a full briefing be held for Councillors in relation to the project.

AMENDMENT moved by Cllr T D Gair and seconded by Cllr G McLaughlin

1. **THAT** recommendations Nos ED 10/16 to ED 11/16 and ED 13/16 to ED 20/16 - as detailed in the Minutes of the Economic Development and Tourism Committee Meeting held on Tuesday, 12 April 2016 - be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.
2. **THAT** in relation to Item 5.1 – Rail Side Trail Project - MN 12/16 - a full briefing be held for Councillors in relation to the project.

IT WAS NOTED THAT THE AMENDMENT WAS WITHDRAWN

MOTION PASSED

18.2 Minutes of the Wingecarribee Floodplain Risk Management Advisory Committee

Reference: 8100/11
Report Author: Floodplain and Stormwater Engineer
Authoriser: Manager Assets
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

This report provides the Minutes of the Wingecarribee Floodplain Risk Management Advisory Committee Meeting held on Friday, 15 April 2016.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 5.1 Nattai Ponds Flood Study-Stage 1 Update

WFPRMAC 02/16

1. THAT the Nattai Ponds Flood Study-Stage 1 draft report be accepted and this Committee recommends the draft report be put on public exhibition for a period of forty (40) days and submissions be invited.
2. THAT a report to the Council be submitted at the end of the submission period.
3. THAT affected property owners be informed about the exhibition of the Nattai Ponds Flood Study-Stage 1 Draft Report.

MN 196/16

MOTION moved by Clr J R Clark and seconded by Clr T D Gair

THAT recommendations Nos WFPRMAC 01/16 to WFPRMAC 02/16 – as detailed in the Minutes of the Wingecarribee Floodplain Risk Management Advisory Committee Meeting held on Friday, 15 April 2016 - be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

MAYOR RESUMES THE CHAIR

MN 197/16

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT Council move from Committee of the Whole back into Council, the time being 5.00 pm with the Mayor Clr L A C Whipper resuming the Chair to conduct the remainder of Council Business.

PASSED

SUSPENSION OF STANDING ORDERS

MN 198/16

MOTION moved by Clr J R Clark and seconded by Deputy Mayor I M Scandrett

THAT Standing Orders be suspended for Questions from the Public to be dealt with at this juncture, the time being 5.00 pm.

PASSED

QUESTIONS FROM THE PUBLIC – COUNCIL MEETING WEDNESDAY, 27 APRIL 2016

Mr Charlie Johns asked:

1. LEGAL COSTS 502, 100/10

Preamble – Council has invested hundreds of thousands of dollars employing right senior staff with correct qualifications to advise Councillors on decisions they are not qualified to make. I note over \$1.12 million has been spent on legal costs since 1 July 2014.

Question

Can Council tell ratepayers how much of these costs relate to DA's going to the Land & Environment Court because they complied, were recommended for approval by Council staff but were rejected by Councillors at a Council Meeting?

REPLY FROM GROUP MANAGER DEVELOPMENT SERVICES

The total amount of legal costs paid for this financial year as at 31 March 2016 is \$93,979.84.

-
2. RATEPAYERS FUNDS 100/10, PERS, 502

Preamble – In a local newspaper publication Councillor Uliana publicly claimed Council has wasted approximately \$500,000 of ratepayers money trying to “get him out of Council”.

In reading back through Council Minutes and listed legal costs I cannot find any information stating such spending.

Question

Can Councillor John Uliana justify this claim and identify these costs wasting ratepayers money and can Council confirm the waste of \$500,000 on such a claim?

REPLY FROM GENERAL MANAGER/GENERAL COUNSEL

Council has no knowledge of the underlying basis for Clr Uliana's statement.

REPLY FROM COUNCILLOR ULIANA

I will not perpetuate the negative agenda of Mr Johns or engage in correspondence with an individual who has attacked me both personally and professionally since November 2012, following my election as a Councillor in September 2012.

Mr Johns' question portrays a negative agenda by Council towards me which is not the case. Ratepayers money was wasted in responding to Notices of Motion tabled by Councillors in this email who persistently put forward and supported over 30 Notices of Motion relating to me, which WSC were obligated to pursue and report on.

Evidence of Mr John's agenda was contained in the same article in Latte Life Newspaper. An email from Mr Johns was published with the following reference to me: "Meanwhile (sic) John Uliana is the weak link in the Council, we need to keep the pressure on... maybe there will be a bi-election.... John was never going to vote with us...."

In response to the email published, residents can rest assured Mr Johns will never influence my vote on Council.

3. COMMUNITY UPDATE PUBLICATION

100/10, 600/15

Preamble – For the last 15 years to my knowledge it has been traditional for Council to advertise Council's "Community Update" information in Rural Press publications including the Southern Highland News.

Question

Have any Council staff members been approached by a Councillor or Councillors to have Council advertise the Council's "Community Update" information in editions of Latte Life?

REPLY FROM GENERAL MANAGER/GROUP MANAGER CORPORATE & COMMUNITY

Yes.

Further, Latte Life has made several approaches to Council staff over the past 12 months asking Council to take advertising in their publication. However, they have not been able to meet our statutory requirements for advertising.

19. QUESTIONS WITH NOTICE

19.1 Question with Notice 04/2016 - Question with Notice of 23 March 2016 re Rate Rise - Item 19.1

Reference: 101/2, 2210
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: Clr John Uliana
From: Clr Garry Turland
Received: 20 April 2016

Subject: Your Question with Notice dated 16 March 2016 – Item 19.1 Rate Rise

Question:

1. You stated why should you continue to support a rate rise when the community has still not seen the benefits of the previous rate rise of 9.5%. Can you provide details on the previous 9.5% rate rise?
2. You listed 5 projects in your Question with Notice. Can you provide a list of dates and briefing sessions on each item.
3. Can you provide a list of times you attended each briefing session on each item?

Response:

Clr Turland is seeming to infer that the more briefing sessions you attend the better Councillor you are. I would however, define a good Councillor as someone who focusses on the delivery of real, positive outcomes for ratepayers and the community.

Ratepayers don't attend briefing sessions and like I, can see the lack of tangible results following expenditure on key projects and infrastructure.

The full determination of the lack of outcomes will be determined in September at the local Government election.

I'll be judged not on how many briefing sessions I have attended but on what I've delivered.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 April 2016



MN 199/16

MOTION moved by Clr G McLaughlin and seconded by Clr T D Gair

THAT the information in relation to Question with Notice 04/2016 - Question with Notice of 23 March 2016 re Rate Rise - Item 19.1 - be noted.

PASSED

19.2 Question with Notice 05/2016 - Latte Life Issue 17 - Page 9

Reference: 101/2, 502, 100/10
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: Clr John Uliana
From: Clr Garry Turland
Received: 20 April 2016

Subject: Latte Life Issue 17 – Page 9

Question:

1. You made a statement in this Issue 17 that Council had wasted approximately \$500,000 of ratepayers money “in trying to get me out”. Can you provide evidence and a detailed breakdown of your claims?
2. Can you provide a list of the Questions with Notice and Notices of Motion and what they relate to?

Response:

Councillor Turland has at his disposal a full list of notices of motion and questions with notice that have been asked over this current council period, based on his prolific correspondence I assume he keeps detailed records.

He would have a complete dossier of all the issues of every finger pointing session. Apart from the monetary costs associated with Council management time, one needs to include legal costs and lost productivity, all of which Clr Turland would be very aware of and would be able to calculate himself.

MN 200/16

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT the information in relation to Question with Notice 05/2016 - Latte Life Issue 17 - Page 9 - be noted.

PASSED

20. NOTICES OF MOTION

20.1 Notice of Rescission of Motion 02/2016 - Constitutional Referendum

Reference: 100/5, 105
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Duncan Gair, Larry Whipper and Juliet Arkwright have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 27 April 2016:

THAT the following Motion passed by Council on Wednesday, 9 September 2015 - being Minute No 469/15 - be rescinded:

THAT Council resolve to hold a constitutional referendum, to be held in September 2016 in conjunction with the scheduled election of Councillors, to change the number of Councillors for the 2020-2024 term.

The Group Manager Corporate & Strategy addressed Council on this matter.

The General Manager left the Chamber at this juncture, the time being 5.15 pm and returned to the meeting at 5.28 pm.

MN 201/16

MOTION moved by Cllr T D Gair and seconded by Mayor L A C Whipper

THAT the following Motion passed by Council on Wednesday, 9 September 2015 - being Minute No 469/15 - be rescinded:

***THAT** Council resolve to hold a constitutional referendum, to be held in September 2016 in conjunction with the scheduled election of Councillors, to change the number of Councillors for the 2020-2024 term.*

PASSED

20.2 Notice of Motion 07/2016 - Review of the Use of the Temporary Use Clause

Reference: 100/4, 5901
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Larry Whipper and Jim Clark have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 27 April 2016:

1. THAT Council review the use of the Temporary Use clause immediately.
2. THAT through this review, Council maintain a policy that restricts the temporary clause use to an initial period of twelve (12) months if these applications do not have a negative impact upon the objectives of the E3 zones within the Shire.
3. THAT where a twelve (12) month period has been completed, then Council look at the merits of the application and if there has been no conflict between the objectives of the E3 zone or from adjoining neighbours, a period of five (5) years be considered on a recurrent basis thereafter.
4. THAT this policy remains in force until such time as the Local Planning Strategy is completed and endorsed.

The Deputy General Manager Corporate, Strategy & Development Services addressed Council on this matter.

Deputy Mayor I M Scandrett left the chambers, the time being 5.42 pm and returned to the meeting at 5.44 pm.

MN 202/16

MOTION moved by Mayor L A C Whipper and seconded by Clr G McLaughlin

1. **THAT** Council review the use of the Temporary Use clause immediately.
2. **THAT** through this review, Council maintain a policy that restricts the temporary clause use to an initial period of twelve (12) months if these applications do not have a negative impact upon the objectives of the E3 zones within the Shire.
3. **THAT** where a twelve (12) month period has been completed, then Council look at the merits of the application and if there has been no conflict between the objectives of the E3 zone or from adjoining neighbours, a period of three (3) years be considered on a recurrent basis thereafter.
4. **THAT** this policy remains in force until such time as the Local Planning Strategy is completed and endorsed.

PASSED

VOTING ON THE MOTION

For the Motion: Clr J G Arkwright, Clr J R Clark, Clr T D Gair, Clr G McLaughlin, Clr J Uliana and Mayor L A C Whipper

Against the Motion: Clr H R Campbell, Deputy Mayor I M Scandrett and Clr G M Turland

21. GENERAL BUSINESS

There was no General Business at this Meeting.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.12 pm, Council moved into Closed Council.

MN 203/16

MOTION moved by Cllr T D Gair and seconded by Cllr J R Clark

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 as addressed below to consider the following reports that are confidential for the reasons specified below:

22.1 Civic Centre Commercial Cleaning Tender Evaluation

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

To report on the evaluation of tenders for the provision of commercial cleaning services for the Civic Centre and Moss Vale Library.

22.2 Water and Sewer Main Renewal

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to provide Council with information regarding the tenders received for the rehabilitation of water and sewer mains.

22.3 Legal Affairs - Closed Report

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

Reporting the ongoing management of legal proceedings since last reported to Council on 23 March 2016.

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

PASSED

Clr J Uliana left the chambers, the time being 6.13 pm.

Clr J G Arkwright left the chambers, the time being 6.13 pm.

Clr J G Arkwright returned to the meeting, the time being 6.14 pm.

Clr J Uliana returned to the meeting, the time being 6.14 pm.

22.1 Civic Centre Commercial Cleaning Tender Evaluation

Reference: 6330/16.1
Report Author: Senior Assets Officer
Authoriser: Manager Assets
Link to Corporate Plan: Ensure all ideas and proposals are assessed on their life cycle impacts

This Item was dealt with earlier in the Meeting (refer MN 183/16 on page 13).

22.2 Water and Sewer Main Renewal

Reference: 6330/16.2
Report Author: Project/Planning Engineer WS
Authoriser: Manager Water & Sewer
Link to Corporate Plan: Ensure the implementation and review of Wingecarribee 2031+, and plan by continuing engagement with the community

This Item was dealt with earlier in the Meeting (refer MN 184/16 on page 14).

22.3 Legal Affairs - Closed Report

Reference: 107/22
Report Author: General Counsel
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

PURPOSE

Reporting the ongoing management of legal proceedings since last reported to Council on 23 March 2016.

The General Counsel addressed Council on this matter.

Clr J Uliana left the chambers, the time being 6.26 pm and retired from the Meeting.

MN 204/16

MOTION moved by Clr J R Clark and seconded by Mayor L A C Whipper

THAT the information contained in the Legal Affairs report be noted.

PASSED

RESUMPTION OF OPEN COUNCIL

107/10

MN 205/16

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 206/16

MOTION moved by Clr G McLaughlin and seconded by Clr T D Gair

THAT the recommendations of the Closed Council held on Wednesday, 27 April 2016 being MN 204/16 be adopted.

PASSED

23. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 207/16

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT the recommendations of the Committee of the Whole held on Wednesday, 27 April 2016 being MN 182/16 to MN 197/16 be adopted.

PASSED

24. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 27 April 2016 numbered M/N 179/16 to M/N 207/16 were signed by me hereunder at the Council Meeting held on Wednesday 11 May 2016.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 11 MAY 2016

CHAIRMAN

PUBLIC OFFICER