



MINUTES

of the
Ordinary Meeting of Council
held in
Council Chambers
Civic Centre, Elizabeth Street, Moss Vale
on

Wednesday 22 March 2017

The meeting commenced at 3.30 pm

File No. 100/2017



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MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 22 March 2017



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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 22 MARCH 2017 COMMENCING AT 3.30 PM

Present: Clr K J Halstead (Mayor - in the Chair)
Clr G J Andrews
Clr T D Gair
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

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	Mr Richard Mooney
	Manager Environment & Sustainability (in part)	Mr Barry Arthur
	Acting Strategic Planning Team Leader/Coordinator (in part)	Ms Susan Stannard
	Legal Counsel	Ms Christine Cunningham
	Coordinator Media & Communications	Mr David Sommers
	Administration Officer	Ms Liz Johnson
	Administration Officer	Ms Belinda Serone

1. OPENING OF THE MEETING

The Mayor Clr K J Halstead opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr L A C Whipper acknowledged country:

"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The meeting was led in prayer by Chaplain John Wheeler of Transport for Christ.

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
8 MARCH 2017

MN 86/17

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 08 March 2017 MN 59/17 to MN 85/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the exception of Item 20.4 – Notice of Motion 06/2017 – Chelsea Gardens/Coomungie Urban Release Area - MN 82/17.

PASSED

1. ITEM 20.4 – NOTICE OF MOTION 06/2017 – CHELSEA GARDENS/COOMUNGIE URBAN RELEASE AREA 100/4, 5901/5, PN1682700, PN1705662

Clr I M Scandrett referred to this Item on page 38 and noted that it was a planning matter and as such Councillors' votes should have been recorded. He also noted that Clr Gair, who had declared an interest, and Clr Nelson were absent for the vote.

MN 82/17

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr G J Andrews

1. **THAT** staff request a meeting, as soon as possible, with the NSW Minister for Planning, the Hon Anthony Roberts, MP, and the Departmental Secretary to discuss the removal of Chelsea Gardens/Coomungie from the:
 - (a) Future urban release area.
 - (b) Future residential estates sites list.
2. **THAT** the Mayor, Deputy Mayor, the Chair of the Demographics and Housing Advisory Committee and staff attend such meeting.
3. **THAT** a briefing paper for the meeting be prepared on the history of the proposal **AND THAT** such paper also be circulated to the Hon Pru Goward, MP, the Member for Goulburn and for courtesy to Mr Jai Rowell, MP, Member for Wollondilly.

AMENDMENT moved by Clr G M Turland and seconded by Clr G McLaughlin

THAT Notice of Motion 06/2017 – Chelsea Gardens/Coomungie Urban Release Area - be noted.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

THE MOTION WAS PUT TO THE VOTE AND PASSED.

VOTING ON THE MOTION

- For the motion:** Clr G J Andrews, Mayor K J Halstead, Clr G Markwart,
Deputy Mayor I M Scandrett and Clr L A C Whipper
- Against the motion:** Clr G McLaughlin and Clr G M Turland
-

6. BUSINESS ARISING

1. ITEM 22.1 – QUESTION WITH NOTICE 02/2017 – LOTS 11 AND 12 RANGE ROAD,
MITTAGONG 100/5, PN1257900, PN1257800

Clr G M Turland referred to this item on page 37 of the Minutes and noted that in Question 2 it was incorrectly stated as “Ms” Uliana. Clr Turland advised that this should correctly be Mr and Mrs Uliana.

The General Manager noted that that was how the Question with Notice was worded.

2. ITEM 12.7 – ASBESTOS MANAGEMENT PLAN – ROADS 7810/24

Clr L A C Whipper referred to page 41 of the Minutes and asked if there was any follow up from the hygienist in relation to McEvelly Road or is there a timeframe for receipt of the report.

The Deputy General Manager Operations, Finance & Risk advised that Council has contacted the company that did the assessment 5 years ago and will get them on site as soon as possible, but the issue is the weather currently.

3. ITEM 12.7 – ASBESTOS MANAGEMENT PLAN – ROADS 7810/24

Clr G M Turland advised that he had some questions for Clr I M Scandrett in relation to the bag of asbestos that he brought into the chamber last week. [This matter is recorded in question and answer format not verbatim]:

Q: Was there 6 pieces of asbestos?

A: I did not bring a bag in - it was given to me by a resident of McEvelly Road for the purposes of debate.

Q: Do you have any idea where that asbestos was found on the 1.6 km road?

A: It was found in the area that is currently breaking up and in fact that road could break up to the tune of 25 mm a year particularly with rain and dry events – even more.

Q: Are you aware that there was only .6 km that was identified by the EPA that had 14 pieces of asbestos found in that .6?

A: The resident advised that it came from the affected area.

Q: Are you aware that the 14 pieces that were found had a 500 x 500 m² of 2-coat sealed tar put on them?

A: This should await the report from the hygienist but the resident said these pieces were found in McEvelly Road.

Q: The issue is that you are prepared to spend \$275,000 for Council to tar 1.6 km road and only .6 km of the road had asbestos with a 100 ml cap on it. I want to make it quite clear, asbestos could be found on any road in this district and anything from the scrapings of the road that Council takes has to go to landfill. There is probably a lot of asbestos picked up on the side of the road at any one time, but what I am trying to say is that the asbestos that was brought to the chamber last week - that came from the resident came from the road – and I am not questioning that – but it did not have any tar seal on it so it has not come up through the road and has come from some other source accidentally up and down the road. The \$275,000 should never have gone to Council.

A: There is slag seal on a substantial part of the road which was graded and put in after the asbestos report 4 years ago and there is certainly a sealed area at the beginning of the road where it intersects Belmore Falls Road, but as to where the exact pieces were found I do not know but I do know there are 9 other roads in the Shire that are also similarly awaiting sealing.

The Mayor Clr K J Halstead noted that there is no seal other than the first section of the road as stated by Clr Scandrett and the rest of road has the placement of slag material on the top layer. He noted that there would be no further discussion on this matter.

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, PN556900

Clr G M Turland declared a less than significant non-pecuniary interest in Item 12.2 – Proposed Sale 10 Frankland Street Mittagong – as his grandfather was an engineer on that project. He advised that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1, 5901

Clr G M Turland declared a less than significant non-pecuniary interest in Item 13.3 – Correction of Cadastre Layer for WLEP 2010 Maps - as it is his property that is affected. He stated that he will be absent from the Chambers for consideration of that item.

101/3.1, PN1795690, PN1778910

Clr T D Gair declared a less than significant non-pecuniary interest in Item 12.3 – Proposed Lease – Part Venables Park Merrigang Street Bowral to Bowral Bowling Club Ltd – as Mr Gordon Lewis, the former President and current member of the Club, was a running mate in the 2016 Council Elections. 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, PN1795690, PN1778910

Clr P W Nelson declared a less than significant non-pecuniary interest in Item 12.3 – Proposed Lease – Part Venables Park Merrigang Street Bowral to Bowral Bowling Club Ltd - as the past President of the Club ran on the same election ticket in the 2016 Local Government Elections for the Wingecarribee Shire Council. 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

There were no Mayoral Minutes at this Meeting.

9. PUBLIC FORUM

PN1795690, PN1778910

ITEM 12.3 – PROPOSED LEASE – PART VENABLES PARK MERRIGANG STREET, BOWRAL TO BOWRAL BOWLING CLUB LTD

Mrs Elaine Jones, Chairperson of the Bowral Bowling Club, requested and was granted approval to speak on this matter which is listed on the Agenda.

The Mayor Clr K J Halstead thanked Mrs Jones for her comments and noted that the matter will be considered later in the meeting.

COMMITTEE OF THE WHOLE

107/10

MN 87/17

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

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 the Mayor Clr K J Halstead remaining in 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 - February 2017

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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 28 February 2017.

The Chief Financial Officer addressed Council on this matter.

MN 88/17

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

THAT the information on Council's Investments as at 28 February 2017 be received and noted.

PASSED

12.2 Proposed Sale 10 Frankland Street Mittagong

Reference: PN556900
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to obtain the approval of Council to enter into a Contract for Sale of Land, being Council property at 10 Frankland Street Mittagong.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as his grandfather was an engineer on that project. He remained in the chamber, took part in the debate and voted on the matter.

MN 89/17

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

THAT the report concerning Proposed Sale 10 Frankland Street Mittagong – be considered in Closed Council – Item 22.1.

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.

No objections were received.

12.3 Proposed Lease - Part Venables Park Merrigang Street Bowral to Bowral Bowling Club Ltd

Reference: PN1795690, PN1778910
Report Author: Property & Projects Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to gain Council approval to grant a lease to Bowral Bowling Club Limited for the continued occupation of Council property, being part of Venables Park, Merrigang Street Bowral.

Interest: Clr T D Gair declared a less than significant non-pecuniary interest in this matter as Mr Gordon Lewis, the former President and current member of the Club, was a running mate in the 2016 Council Elections. He remained in the chamber, took part in the debate and voted on the matter.

Interest: Clr P W Nelson declared a less than significant non-pecuniary interest in this matter as the past President of the Club ran on the same election ticket in the 2016 Local Government Elections for the Wingecarribee Shire Council. He remained in the chamber, took part in the debate and voted on the matter.

MN 90/17

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

1. **THAT** the General Manager be delegated authority to negotiate the terms and conditions of a lease to Bowral Bowling Club Limited for the property known as part Venables Park, Merrigang Street Bowral, being part of the land comprised in Lot B Deposited Plan 160166 and Lot 1 Deposited Plan 160497, for a maximum term of 21 years.
2. **THAT** it is noted that the proposed Lease of part of Venables Park to Bowral Bowling Club Limited is authorised in the adopted Plan of Management for Mittagong Rivulet (which incorporates Venables Park Bowral).
3. **THAT** the draft Lease referred to in Resolution 1 above be publicly exhibited for a minimum 28 day period **AND THAT** following public exhibition, a further report be forwarded to a future Ordinary Meeting of Council for approval.

PASSED

12.4 Proposed Lease of Part Road Reserve, Adjacent to Botanic Gardens Site, Corner Kangaloon and Old South Roads, Bowral

Reference: 6500/22, 6500/22.1
Report Author: Property & Projects Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is for Council to consider a short term lease of part of the unformed road reserve at the corner of Kangaloon and Old South Roads Bowral, adjoining the Southern Highlands Botanic Gardens Site.

MN 91/17

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

1. **THAT** Council approve in principle a short-term five (5) year lease of part Road Reserve, Corner Kangaloon and Old South Roads, Bowral to the applicant, being the lessee of the Botanic Gardens Site **AND THAT** the approval of Roads and Maritime Services be sought with Kangaloon Road being a classified road.
2. **THAT** the General Manager and Mayor be delegated authority to execute the lease document referred to in resolution 1 above and to affix the Common Seal of Council if required.
3. **THAT** rental is \$1.00 per annum, in consideration of the not-for-profit status of the proposed lessee, Southern Highlands Botanic Gardens Limited.
4. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to enter into a short term lease of a segment of the unformed road reserve at the corner of Kangaloon and Old South Roads Bowral to Southern Highlands Botanic Gardens Limited **AND THAT** if any objections are received a further report be forwarded to a future Ordinary Meeting of Council following the period of public notice.
5. **THAT** during the term of the lease, Council apply to the NSW Department of Industry – Lands for the closure of that part of the road reserve adjacent to Kangaloon Road, with the intention that upon closure the land will vest in Council and be consolidated with the title for the Botanic Gardens site.

PASSED

12.5 Proposed Sale 5 Kirkland Road East Kangaloon

Reference: PN819900
Report Author: Property & Project Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to enable Council to consider the potential sale of 5 Kirkland Road, East Kangaloon to the adjoining land owner.

MN 92/17

MOTION moved by Clr L A C Whipper and seconded by Clr G M Turland

1. **THAT** the General Manager be delegated authority to negotiate with the adjoining owner, being 1961 Kangaloon Road East Kangaloon, for the sale of the Council property 5 Kirkland Road East Kangaloon within 10% range of the formal valuation obtained from a registered valuer.
2. **THAT** in respect of the proposed sale of 5 Kirkland Road East Kangaloon, authority be delegated to the General Manager and Mayor to execute the Contract for Sale of Land, Transfer or other associated real property dealings under the Common Seal of the Council.

PASSED

12.6 Proposed Licence Agreement - Community Garden, Part Corlette Park, Railway Street Moss Vale

Reference: PN1248500, 6546/8
Report Author: Property & Projects Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council approval to grant a Licence Agreement for the continued use of Council property, being part Corlette Park at Railway Street Moss Vale. The licensee is Moss Vale Community Garden Incorporated.

MN 93/17

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr P W Nelson

1. **THAT** authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement for a community garden, being part Corlette Park, Railway Street Moss Vale, to Moss Vale Community Garden Incorporated **AND THAT** it be noted that the term of the Licence Agreement is five (5) years.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to enter into the Agreement referred to in Resolution 1 above.
3. **THAT** if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of the Council (if required) **AND THAT** if any objections are received, a further report will be forwarded to a future Ordinary Meeting of Council.

PASSED

12.7 Licence Agreement for the Use of Early Childhood Centre, Part Winifred West Park, Mittagong

Reference: PN1266800, 6545/11
Report Author: Property & Project Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to advise Council of the outcome of the public exhibition of the draft Licence Agreement for use of the Early Childhood Centre, Part Winifred West Park, Mittagong.

MN 94/17

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

THAT it be noted that no objections were received during the period of public exhibition of the Licence Agreement for the use of the Early Childhood Centre, Part Winifred West Park Mittagong by Alcoholics Anonymous.

PASSED

13. CORPORATE STRATEGY & DEVELOPMENT SERVICES

13.1 Fire Safety Report - 'Allans Motel' 21 Arthur Street, Moss Vale

Reference: PN83200, 5200/6, LUA13/0855
Report Author: Senior Accredited Certifier
Authoriser: Team Leader Accredited Certifiers
Link to Delivery Program: Ensure important decisions are made on the basis of how they meet our goals

PURPOSE

This report considers the Fire Safety Report in respect of "Allans Motel", 21 Arthur Street, Moss Vale. It is recommended that this report be considered in Closed Council under Section 10A(2)(e) of the *Local Government Act 1993* as it contains information that would, if disclosed, prejudice the maintenance of law.

MN 95/17

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

THAT in relation to the Fire Safety Report - 'Allans Motel' 21 Arthur Street, Moss Vale – Council adopts the recommendations contained within the Closed Council Report – Item 22.2, as follows:

1. **THAT** Council notes the Inspection Reports and recommendations of Fire and Rescue New South Wales dated 9 February 2017, File Ref No. BFS17/185.
2. **THAT** Council issue Order No 6 in accordance with the proposed terms on the owner of Lot 1 DP 738786; 21 Arthur Street Moss Vale 'the premises' pursuant to Section 121B of the *Environmental Planning and Assessment Act 1979* in relation to the inadequate provisions for fire safety within the building.

PASSED

13.2 Draft Development Control Plan Amendments - Ecologically Sustainable Development

Reference: 5700
Report Author: Acting Strategic Planning Team Leader/Coordinator
Authoriser: Group Manager Planning, Development & Regulatory Services
Link to Delivery Program: Conserve the key natural resources of the Shire water catchments, arable land, key wildlife corridors, vegetation and scenic landscapes

PURPOSE

The purpose of this report is to present draft Development Control Plan provisions with regard to Ecologically Sustainable Development to provide stronger and clearer guidelines and controls for particular types of development and circumstances.

The Acting Strategic Planning Team Leader/Coordinator addressed Council on this matter.

MN 96/17

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

THAT the draft Development Control Plan amendments relating to Ecologically Sustainable Development be placed on public exhibition for a period of 28 days **AND** **THAT** a report be presented to Council at the conclusion of the exhibition period.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Deputy Mayor I M Scandrett, Clr G M Turland and Clr L A C Whipper

Against the motion: Nil

13.3 Correction of Cadastre Layer for WLEP 2010 Maps

Reference: 5901
Report Author: Acting Strategic Planning Team Leader/Coordinator
Authoriser: Group Manager Planning, Development & Regulatory Services

Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek a resolution of Council to proceed with a submission to the Department of Planning and Environment to correct two zoning maps under Wingecarribee Local Environmental Plan 2010 as allowed under s.73A of the *Environmental Planning and Assessment Act 1979*.

Interest: Clr G M Turland declared a pecuniary interest in this matter as it is his property that is affected. He left the chamber, took no part in the debate and refrained from voting on the matter.

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

MN 97/17

MOTION moved by Clr P W Nelson and seconded by Clr G Markwart

THAT Council proceed with a submission to the Department of Planning and Environment under s73A of the *Environmental Planning & Assessment Act 1979*, to replace maps LZN_007F which accompanied Amendments 36 and 38 to Wingecarribee Local Environment Plan 2010 in order to correct the underlying cadastre layer.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Deputy Mayor I M Scandrett, Clr G M Turland and Clr L A C Whipper

Against the motion: Nil

13.4 Review of the Backyard Burning Policy

Reference: 5450/28.6
Report Author: Environmental Policy Officer
Authoriser: Environment & Health Systems Coordinator
Link to Delivery Program: Conserve the key natural resources of the Shire water catchments, arable land, key wildlife corridors, vegetation and scenic landscapes

PURPOSE

This report seeks approval for the public exhibition of the draft revised Backyard Burning of Vegetation Policy. The policy was last updated in 2002. A review of the policy and associated data has been undertaken and changes are recommended.

Detailed information on the data informing the policy options was presented at a councillor briefing session on 22 February 2017. As required under legislation, feedback on the draft policy from the Environment Protection Authority has been incorporated.

The Manager Environment and Sustainability addressed Council on this matter.

MN 98/17

MOTION moved by Clr G McLaughlin and seconded by Clr G M Turland

THAT Council retains the 2002 Backyard Burning of Vegetation Policy.

IT WAS NOTED THAT CLR G McLAUGHLIN WITHDREW HIS MOTION AND THE AMENDMENT THEN BECAME THE MOTION

MOTION moved by Clr T D Gair and seconded by Clr I M Scandrett

1. **THAT** Council endorse the public exhibition for a period of twenty eight (28) days of the draft revised Backyard Burning of Vegetation Policy (Attachment 1 and also including options 1, 2 and 4 in Table 1 of the report on page 63) **AND THAT** a report be brought back to Council following the exhibition period.
2. **THAT** it be noted that the revised policy will be known as the Urban Backyard Burning of Vegetation Policy.

AMENDMENT moved by Clr P W Nelson and seconded by Clr L A C Whipper

1. **THAT** Council endorse the public exhibition for a period of twenty eight (28) days of the draft revised Backyard Burning of Vegetation Policy (Attachment 1 to the report) **AND THAT** a report be brought back to Council following the exhibition period.
2. **THAT** it be noted that the revised policy will be known as the Urban Backyard Burning of Vegetation Policy.

FORESHADOWED MOTION moved by Clr G M Turland and seconded by Clr G McLaughlin

THAT Council retains the 2002 Backyard Burning of Vegetation Policy.

THE AMENDMENT WAS PUT TO THE VOTE AND PASSED

VOTING ON THE AMENDMENT

For the Amendment: Clr G J Andrews, Mayor K J Halstead, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

Against the Amendment: Clr T D Gair, Clr G McLaughlin, Deputy Mayor I M Scandrett and Clr G M Turland

THE AMENDMENT BECAME THE MOTION AND THE FORESHADOWED MOTION THEN BECAME THE AMENDMENT

AMENDMENT moved by Clr G M Turland and seconded by Clr G McLaughlin

THAT Council retains the 2002 Backyard Burning of Vegetation Policy.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

VOTING ON THE AMENDMENT

For the Amendment: Clr G McLaughlin, Deputy Mayor I M Scandrett and Clr G M Turland

Against the Amendment: Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

THE MOTION WAS PUT TO THE VOTE AND PASSED

VOTING ON THE MOTION

For the Motion: Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Deputy Mayor I M Scandrett, Clr G M Turland and Clr L A C Whipper

Against the Motion: Nil

13.5 Related Party Disclosures Policy

Reference: 103/14
Report Author: Senior Governance Officer
Authoriser: Integrated Planning & Reporting Coordinator
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

This report seeks approval for the public exhibition of the draft Related Party Disclosures Policy (the policy).

From 1 July 2016 councils must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements. This information will be audited as part of the annual external audit to be undertaken by the NSW Audit Office. The policy has been developed to ensure Council meets these disclosure obligations.

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

MN 99/17

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

1. **THAT** the draft Related Party Disclosures Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

PASSED

14. GENERAL MANAGER

14.1 2017 Salvation Army Red Shield Appeal Request for Sponsorship

Reference: 1850/1
Report Author: Organisational Support Officer
Authoriser: General Manager
Link to Delivery Program: Maintain strong public institutions and facilities in the district to match the evolving needs of the community

PURPOSE

The purpose of this report is to seek Council's approval to sponsor the annual Salvation Army Red Shield Appeal Business Breakfast to be held on 12 May, 2017 at Bendooley Estate.

MN 100/17

MOTION moved by Cllr G J Andrews and seconded by Cllr G McLaughlin

THAT Council approves \$1,500 financial support/sponsorship for the Salvation Army Red Shield Appeal 2017 AND THAT it be funded from the Contingency Fund.

PASSED

14.2 Sponsorship Request for the 2017 Bush Bursary/CWA Scholarships

Reference: 1865/1, 1732/3
Report Author: Organisational Support Officer
Authoriser: General Manager
Link to Delivery Program: Facilitate and support leadership within the community by removing barriers to participation

PURPOSE

The purpose of this report is to request Wingecarribee Shire Council's participation in the Bush Bursary/CWA Scholarship program in 2017

The General Manager addressed Council on this matter.

MN 101/17

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

1. **THAT** Council write to the NSW Rural Doctors Network advising that while it gives in-principle support for sponsorship for the Bush Bursary/CWA Scholarship program (the program) it is not in a position to provide financial assistance on this occasion.
2. **THAT** should a future request be made to Council for financial support for the program the request may be supported if the student is placed within the Wingecarribee Shire.

PASSED

14.3 Bowral Classic 2017 Request for Support

Reference: 6609, 7420/2
Report Author: Organisational Support Officer
Authoriser: General Manager
Link to Delivery Program: Develop and implement a comprehensive Tourism Strategy for the Southern Highlands, based on the unique Southern Highlands brand of climate, horticulture, recreation, landscape and heritage

PURPOSE

The purpose of this report is to seek Council's financial support for the 2017 Bowral Classic.

MN 102/17

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr G Markwart

1. **THAT** Council support the Bowral Classic by providing:
 - (a) Appropriate road maintenance on the race route.
 - (b) Waste collection to an equivalent sum of \$1,000.
 - (c) Traffic management of \$3,000.
2. **THAT** it be funded from the Contingency Fund.

AMENDMENT moved by Clr T D Gair and seconded by Clr G J Andrews

1. **THAT** Council support the Bowral Classic by providing:
 - (a) Appropriate road maintenance on the race route.
 - (b) Waste collection to an equivalent sum of \$1,000.
2. **THAT** it be funded from the Contingency Fund.
3. **THAT** it be noted that this is a one-off only support for this event.

The General Manager left the meeting at 5.24pm.

THE AMENDMENT WAS PUT TO THE VOTE AND PASSED

VOTING ON THE AMENDMENT

For the Amendment: Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr G M Turland and Clr L A C Whipper

Against the Amendment: Deputy Mayor I M Scandrett

THE AMENDMENT BECAME THE MOTION

THE MOTION WAS PUT TO THE VOTE AND PASSED

VOTING ON THE MOTION

For the Motion: Cllr G J Andrews, Cllr T D Gair, Mayor K J Halstead, Cllr G Markwart, Cllr G McLaughlin, Cllr P W Nelson, Deputy Mayor I M Scandrett, Cllr G M Turland and Cllr L A C Whipper

Against the Motion: Nil

COUNCIL MATTERS

MN 103/17

MOTION moved by *Clr T D Gair* and seconded by *Clr P W Nelson*

THAT Council move from Committee of the Whole back into Council, the time being 5.35pm with the Mayor **Clr K J Halstead** remaining in the Chair to conduct the remainder of Council Business.

PASSED



QUESTIONS FROM THE PUBLIC

100/10

There were no Questions from the Public for this Meeting.

14. GENERAL MANAGER (CONT)

14.4 Legal Affairs

Reference: 107/22
Report Author: General Counsel
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: 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 22 February 2017.

The General Manager returned to the meeting at 5.35pm.

MN 104/17

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

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.

No objections were received.

155. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

16. PETITIONS

There were no Petitions at this Meeting.

177. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference:	107/1
Report Author:	Committee Coordinator
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 following Committee Meetings, copies of which will be tabled for information:

1. Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 13 September 2016.
2. Bong Bong Common Management Committee held on Tuesday, 8 November 2016.
3. Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 8 November 2016.
4. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 19 December 2016.
5. Exeter Park Management Committee held on Monday, 23 January 2017.

MN 105/17

MOTION moved by Cllr T D Gair and seconded by Cllr G J Andrews

THAT the information contained in the following Committee Reports be noted:

1. ***Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 13 September 2016.***
2. ***Bong Bong Common Management Committee held on Tuesday, 8 November 2016.***
3. ***Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 8 November 2016.***
4. ***Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 19 December 2016.***
5. ***Exeter Park Management Committee held on Monday, 23 January 2017.***

PASSED

18.2 Minutes of the Traffic Committee Meeting held on Thursday 2 March 2017

Reference: 107/6
Report Author: Administration Officer
Authoriser: Manager Assets
Link to Delivery Program: 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

This report provides the Minutes of the Traffic Committee Meeting held on Thursday 2 March 2017.

MN 106/17

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

1. **THAT** recommendations Nos TC 1/17 to TC 37/17 as detailed in the minutes of the Traffic Committee Meeting held on Thursday 2 March 2017 be adopted, with the exception of recommendation No TC 12/17 and save for any items which have budgetary implications.
2. **THAT** action on any item with budgetary implications be delayed, pending consideration by the Finance Committee.
3. **THAT** Council determined that recommendation No TC 12/17 in relation to Item 6.12 – Parking Restrictions on Merrigang Street, Bowral - be referred to the Roads and Maritime Services for its funding, as a matter of urgency.

PASSED

18.3 Minutes of the Wingecarribee Community Safety Committee held on Monday, 6 February 2017

Reference: 107/35
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Encourage and implement activities that strengthen community spirit

PURPOSE

This report provides the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 6 February 2017, a copy of which will be tabled for information.

MN 107/17

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

THAT the Minutes of the Wingecarribee Community Safety Committee held on Monday, 6 February 2017 be noted.

PASSED

19. QUESTIONS WITH NOTICE

There were no Questions with Notice at this Meeting.

20. NOTICES OF MOTION

20.1 Notice of Motion 07/2017 - Funding for Mobile Library

Reference: 100/4, 1704, 1708
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Peter Nelson has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 March 2017:

THAT Council consider allocating \$15,000 in the 2017/18 budget towards the mobile library van so that one additional staff member can be employed to increase the hours of service for both Robertson and Bundanoon.

MN 108/17

MOTION moved by Clr P W Nelson and seconded by Clr T D Gair

1. **THAT** Council notes the allocation of \$16,169 in the unfunded Projects and Services list towards the mobile library van so that one additional staff member can be employed to increase the hours of service for both Robertson and Bundanoon.
2. **THAT** Council makes representations to the Local Members of Parliament, the Hon Pru Goward, MP, Member for Goulburn, and Mr Jai Rowell, MP, Member for Wollondilly requesting that consideration be given in the State Budget for all Mobile Library Vans in NSW to be allocated additional funding to enhance the service to all outlying areas of those Councils that provide the service.
3. **THAT** the request for funding in 1 above be considered in the first quarterly financial review in the 2017/18 financial year.

PASSED

20.2 Notice of Motion 08/2017 - Bowral & District Hospital

Reference: 100/4, 1805/4
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Gordon Markwart has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 March 2017:

1. THAT Council source via the Government Information (Public Access) [GIPA] legislation, a copy of the most recent Clinical Services Plan relating to Bowral & District Hospital (BDH), and the Clinical Services Plan of the Southern Highlands Private Hospital.
2. THAT should a refusal be received, then council request an internal review by agency, then if refused a Review by the Information Commissioner, then if refused an Administrative Review by Civil and Administrative Tribunal be requested.
3. THAT Council provide an update of progress on obtaining these documents weekly at Councillor briefing sessions until the documents are obtained or the NSW Government provides the reason for refusal.

MN 109/17

MOTION moved by Clr G Markwart and seconded by Clr G M Turland

1. **THAT** Council source via the Government Information (Public Access) [GIPA] legislation, a copy of the most recent Clinical Services Plan relating to Bowral & District Hospital (BDH), and the Clinical Services Plan of the Southern Highlands Private Hospital.
2. **THAT** should a refusal be received, then council request an internal review by agency, then if refused a Review by the Information Commissioner, then if refused an Administrative Review by Civil and Administrative Tribunal be requested.
3. **THAT** Council provide an update of progress on obtaining these documents weekly at Councillor briefing sessions until the documents are obtained or the NSW Government provides the reason for refusal.
4. **THAT** in the first instance both Local Members of Parliament the Hon Pru Goward, MP, Member for Goulburn and Mr Jai Rowell, MP, Member for Wollondilly be notified of Council's intent.

PASSED

20.3 Notice of Motion 09/2017 - Loss of Rural Views and Vistas

Reference: 100/4, 107/18
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Larry Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 March 2017:

1. THAT Council revisit the community's concerns about the loss of rural views and vistas.
2. THAT Council again make representations to the Department of Planning and if required the Minister for Planning about the restrictions imposed upon it to protect heritage and natural views by the planting of leylandii.
3. THAT Council revisit its desire to have planning control over these extensive plantings.

MN 110/17

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

1. **THAT** Council revisit the community's concerns about the loss of rural views and vistas.
2. **THAT** Council again make representations to the Department of Planning and if required the Minister for Planning about the restrictions imposed upon it to protect heritage and natural views by the planting of leylandii.
3. **THAT** Council revisit its desire to have planning control over these extensive plantings.

PASSED

21. GENERAL BUSINESS

1. HORDERNS ROAD SUBDIVISION 15/0007

Clr G M Turland asked if Council can undertake an inspection of the Horderns Road Subdivision, as it would seem that there has been an extreme amount of damage to other properties and roads, drains and dams that have been affected by this subdivision. He asked if Councillors can have a site visit, as soon as possible, as this damage has been occurring for months not just the last week.

The General Manager advised that this question will be taken on notice regarding an inspection and/or an information session.

2. FLOODING ON BOWRAL STREET AND OLD SOUTH ROAD RD1519, RD1587, 8117

Clr G M Turland asked if a report can come to Council on the flooding in Bowral Street and Old South Road, Bowral over the last week due to the new subdivision works at the Fairfax property. Clr Turland advised that houses have been flooded which have never flooded before the subdivision was approved. He asked if Councillors can also undertake a site visit.

[It was noted that Clr Turland tabled some photographs on this issue].

The General Manager advised that this question will be taken on notice regarding an inspection and/or an information session.

3. WAIVING OF FEES FOR THE RRC 7503/25, 2106

Clr G M Turland advised that he had received an email from the treasurer of FOWAS regarding two containers on site at the Animal Shelter, one of which is full of old rubbish. Clr Turland asked if Council would consider waiving the fees for FOWAS to empty the container so that this container can be used for the storage of animal food.

[It was noted that Clr Turland tabled an email on this matter].

The General Manager advised that this question will be taken on notice.

4. PARKING AROUND THE BRADMAN MUSEUM 1688/2, 7450, RD1519

Clr P W Nelson asked if staff can consult with the management of the Bradman Museum regarding motor vehicles parking all day around the Museum and, in particular, on Bowral Street. He asked if Council could consider 3 hour parking restrictions around the Museum.

The General Manager advised that this question will be taken on notice.

5. REGIONAL LIBRARY MEETING

1700

Clr P W Nelson sought permission from the Mayor and General Manager to attend the Regional Library Meeting of staff to be held in Goulburn on Friday 31 March 2017. He advised that it will be at no cost to Council as he will travel with Library staff.

The General Manager advised that there was no problem with Clr Nelson's request.

6. ILLEGAL DAM, MACKEYS LANE AND SHIERLAW ROAD, ROBERTSON

RD3619, RD3633, 8100/18

Clr L A C Whipper asked for an update on his Councillor Requests relating to flooding impacts on residents in Mackeys Lane as a result of what is described as an illegal dam. Clr Whipper advised this has caused a lot of issues, in particular loss of furniture and flooring in a house. He advised that the other issue involves some road works and the impact this has had on Shierlaw Road, Robertson. He advised that these requests are outstanding, one in the order of 12 months. He asked if these requests can be followed up.

The General Manager advised that this question will be taken on notice and will be followed up by staff.

7. BLOCKED CULVERT AT KANGALOON

8132

Clr T D Gair advised that he had been contacted by a resident of Kangaloon in relation to a blocked culvert due to recent flooding rain causing scouring of the resident's newly planted paddock. He asked if staff can investigate this matter and make contact with the resident.

The General Manager advised that this question will be taken on notice.

8. WATER MAIN IN GREASONS ROAD, BUNDANOON

RD1826, 7733

Clr T D Gair advised that he had received a request from a resident of Bundanoon regarding the possibility of extending the water main in Greasons Road, Bundanoon when the subdivision on that road takes place. Clr Gair noted that the extension would continue for a further 500 metres approximately to service 15 small holdings and asked who would pay for this extension and can the landowners negotiate with Council? He asked if staff can investigate this matter and make contact with the resident.

The General Manager advised that this question will be taken on notice.

9. CONTROL OF CATS

5500/3.2, 5500/4

Clr T D Gair noted recent concerns from a resident regarding feral cats. Clr Gair asked if Councillors can have a briefing session in relation to the control of cats throughout the Shire. He asked what rules can be introduced to control roaming and wandering cats, noting that there are no controls in NSW.

Clr L A C Whipper advised there are constraints with the Companion Animals Act. He advised that he had spoken with the resident and he had been invited to attend an Environment & Sustainability Committee Meeting to put the case forward, so that the Committee can form a recommendation to then advocate through the proper processes for a review of the Companion Animals Act. Clr Whipper advised that unfortunately the resident is not able to attend the next Committee meeting but that he may be able to have discussions in a another format.

The General Manager advised that this question will be taken on notice.

10. TIMER IN THE COUNCIL CHAMBER 7100

Clr I M Scandrett asked when will the debate timer in the Chamber be operational.

The General Manager advised the Group Manager Corporate & Community is the debate monitor now.

11. LIFT IN THE CIVIC CENTRE 7100

Clr I M Scandrett asked if the operating issues with the lift to the Council Chamber have been resolved and, if not, can Councillors have a report on this matter as it does affect accessibility.

The General Manager advised that this question will be taken on notice.

12. LIFT AT THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE 7170/17

Clr I M Scandrett asked if staff can advise how the grant funding for the lift at the saleyards has progressed and what grants opportunities were assessed.

The General Manager advised that this question will be taken on notice.

13. BUDGET FOR CLEARING DRAINS, CULVERTS AND GUTTERS 2120, 7814/3.5

Clr I M Scandrett asked the following:

- (i) Can staff advise whether the current budget for clearing drains, culverts and gutters is sufficient to deliver these services year round?
- (ii) If not, what is the current budget and what is the shortfall?
- (iii) What resources are held in terms of plant and staff, and what is needed to meet Council's services plan?

[It was noted that this question was handed up at the Meeting but was not read out].

14. UPDATE ON THE BRIDGE CROSSING

7430/20, RD8025 1010

Clr G McLaughlin asked for an update on the crossing at the eastern side of the railway bridge for the community of Moss Vale. He noted that the previous response was that the funds had been received and it is in progress.

The General Manager advised that a response will be provided in the Weekly Circular.

15. RETFORD ROAD SUBDIVISION

15/0495

The Mayor Clr K J Halstead asked if a detailed report can be brought to Council on the project management processes with regard to the Retford Park subdivision over the last 6 months. Clr Halstead asked if the following issues can be addressed:

- (a) the compliance or non-compliance with the conditions of development consent;
- (b) the issue of the use of the detention pond as a storage dam for water for dust suppression.

The Mayor advised that he has some photographs of the flooding problems.

The General Manager advised that this question will be taken on notice.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.00pm, Council moved into Closed Council.

MN 111/17

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

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 Proposed Sale - 10 Frankland Street Mittagong

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 obtain the approval of Council to enter into a Contract for Sale of Land, being Council property at 10 Frankland Street Mittagong.

22.2 Fire Safety Report - 'Allans Motel' 21 Arthur Street, Moss Vale

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)(e) as it contains information that would, if disclosed, prejudice the maintenance of law 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 the report is for Council to table the Inspection Report and recommendations of Fire and Rescue New South Wales dated 9 February 2017, File Ref No BFS17/185 (see attached) and to resolve to take appropriate compliance action in relation to the fire safety deficiencies as required by the Environmental Planning and Assessment Regulation 2000.

In accordance with the provisions of Section 121ZD(2) of the Environmental Planning & Assessment Act 1979, Council must table any report and recommendations received from FRNSW at a meeting of the Council.

22.3 Legal Report - Closed Council

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

To report the ongoing management of legal proceedings since last reported to Council on 22 February 2017.

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

PASSED

The Mayor K J Halstead left the chambers, the time being 7.01pm and returned to the meeting at 7.04pm.

22.1 Proposed Sale - 10 Frankland Street Mittagong

Reference: PN556900
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
Link to Delivery Program: 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)(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.

PURPOSE

The purpose of this report is to obtain the approval of Council to enter into a Contract for Sale of Land, being Council property at 10 Frankland Street Mittagong.

The Deputy General Manager Operations, Finance & Risk addressed Council on this matter.

MN 112/17

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

THAT the proposed sale of Council property 10 Frankland Street, Mittagong be deferred pending further investigation by Council staff **AND THAT** the matter come back to the next Ordinary Meeting of Council to be held on Wednesday, 12 April 2017.

PASSED

Clr L A C Whipper left the chambers, the time being 7:37pm and returned to the meeting, the time being 7:39pm.

22.2 Fire Safety Report - 'Allans Motel' 21 Arthur Street, Moss Vale

Reference: PN 83200, 5200/6, LUA13/0855
Report Author: Senior Accredited Certifier
Authoriser: Team Leader Accredited Certifiers
Link to Delivery Program: Encourage responsible compact development and usable community space within the current urban growth boundary of each town and village

It was noted that this Item was considered earlier in the Meeting (*refer MN 96/17 on page 20*).

22.3 Legal Report - Closed Council

Reference: 107/22
Report Author: General Counsel
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: 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

To report the ongoing management of legal proceedings since last reported to Council on 22 February 2017.

The General Manager advised that this is the General Counsel's last meeting as she has resigned to return to private practice.

The General Counsel addressed Council on this matter.

MN 113/17

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

1. **THAT** the information contained in the Legal Affairs report be noted.
2. **THAT** a special vote of thanks be passed to the General Counsel who is leaving Council to return to private practice.

PASSED

RESUMPTION OF OPEN COUNCIL

107/10

MN 114/17

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 115/17

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

THAT the recommendations of the Closed Council held on Wednesday, 22 March 2017 being MN 113/17 to MN 114/17 be adopted.

PASSED

23. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 116/17

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 22 March 2017 being MN 89/17 to MN 104/17 be adopted.

PASSED

24. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.55 PM.

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 22 March 2017 numbered M/N 86/17 to M/N 116/17 were signed by me hereunder at the Council Meeting held on Wednesday 12 April 2017.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 12 APRIL 2017

CHAIRMAN

PUBLIC OFFICER