



# MINUTES

of the  
Ordinary Meeting of Council

held in

Council Chambers  
Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 27 September 2017**

The meeting commenced at 3.30 pm

*File No. 100/2017*

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<b>3. PRAYER</b>	
<b>4. APOLOGIES</b>	
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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 SEPTEMBER 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 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
Legal Counsel	Ms Johanna Gleeson
Administration Officer	Ms Liz Johnson

## **1. OPENING OF THE MEETING**

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

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## **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."*

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### 3. PRAYER

The meeting was led in prayer by Pastor Donna Jensen, Connect Church, Moss Vale.

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### 4. APOLOGY

It was noted that an apology was received from Clr G McLaughlin.

PERS

**MN 421/17**

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

**THAT** the apology of Clr G McLaughlin be accepted and leave of absence granted.

**PASSED**

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### 5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY  
13 SEPTEMBER 2017

**MN 422/17**

**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 September 2017 MN 397/17 to MN 420/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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## 6. BUSINESS ARISING

1. ITEM 20.1 – NOTICE OF MOTION 27/2017 – WATER QUALITY IMPACT ON THE WINGECARRIBEE RIVER 100/4, 5457/6

Clr G M Turland referred to this item on pages 30 and 31 of the Minutes and asked if the documents that he had in his possession were known to the three signatories of the Notice of Motion.

[The two documents that Clr Turland referred to are the 2016 Audit of the Sydney Drinking Water Catchment – June 2017 Volumes 1 and 2 – copies of which were available for Councillors in the Councillors Room].

The Clrs Whipper, Scandrett and Markwart advised that they were not aware of these documents.

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## 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, 17/0888

Deputy Mayor I M Scandrett declared a less than significant non-pecuniary interest in Item 10.1 - 17/0888 Neighbourhood Shop (Including Sale of Local Liquor) - 85 Kirkham Road, Bowral - as his family are members of the Berrima Co-op Rural Society Ltd. He stated that it has no direct impact upon him and that he will remain in the chamber when this matter is discussed and take part in the debate and voting thereon.

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101/3.1, 17/1098

Mr Mark Pepping, Deputy General Manager Corporate, Strategy and Development Services, declared a less than significant non-pecuniary interest in Item 14.1 - Support Request for a Refund of Development Fees by Challenge Southern Highlands Inc - as he is a member of the Board for Challenge Southern Highlands Inc. He stated that he is not entitled to any financial gain and was not involved with preparing the report, but that he will be absent from the Chambers for consideration of that item.

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## 8. MAYORAL MINUTES

### 8.1 Motions for Local Government NSW Annual Conference 2017

Reference: 102/5, 204/2017

Report Author: Mayor

Link to Community

Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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#### PURPOSE

The purpose of this Mayoral Minute is to nominate motions for inclusion in the Local Government NSW Annual Conference Agenda Paper and these items forwarded to Local Government NSW by the closing date of Monday, 9 October 2017.

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**MN 423/17**

**MOTION** moved by Mayor K J Halstead and seconded by Cllr T D Gair

**THAT** the following motions be submitted to Local Government NSW for consideration in the 2017 Annual Conference Agenda Paper:

1. **THAT** Local Government NSW request the Minister for Planning to amend Clause 2.8 within the 'Standard Template' and Local Environmental Plans to facilitate a legitimate 'one-off' Temporary Use over a 12 month period for a development that would otherwise be described as a 'Prohibited Use'.
2. **THAT** the Local Government NSW makes representation to the NSW State Government Minister for Local Government seeking funding for the preparation of a "Road Maintenance Good Practice Policy" for use by all NSW Local Government authorities **AND THAT** this proposed policy is prepared in consultation with the Institute of Public Works Engineering Australasia (IPWEA).
3. **THAT** the Local Government NSW makes representation to the NSW State Government Minister for Planning in relation to the conditions enforced on Family Day Care facilities in Bushfire Prone Land to provide a high level evacuation plan.
4. **THAT** Local Government NSW request the Minister for the Environment, Local Government and Heritage to urgently review and amend the relevant section of the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (waste) Regulation 2014, to provide for exemption from the requirement for Local Government to be required to pay the s.88 waste levy in circumstances where they have unwittingly received contaminated waste, or where they have undertaken a clean-up of unlawfully dumped contaminated waste such as asbestos.
5. **THAT** Local Government NSW request the Minister for the Environment, Local Government and Heritage to urgently review and amend the Protection of the Environment Operations (Waste) Regulation 2014 and the associated Excavated Public Road Material Exemption & Order 2014, to provide greater flexibility for the storage and reuse of excavated public road material (EPRM), to allow Local Government to manage EPRM, the by-product of road maintenance and construction works, in a responsible but efficient and effective manner that is sustainable for our community.

**PASSED**

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## 8.2 Southern Highlands Renal Appeal Inc.

Reference:	102/5, 5506/1
Report Author:	Mayor
Link to Community Strategic Plan:	Increase the availability and affordability of locally provided health services

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### **PURPOSE**

The purpose of this Mayoral Minute is to commend and support the efforts of the Southern Highlands Renal Appeal Inc.

They have raised sufficient funds to establish a satellite renal dialysis unit at the Bowral and District Hospital.

This Mayoral Minute seeks Council's approval to support their current efforts to persuade the Health Department to honour the commitments given when the Appeal was launched 15 years ago and install a Renal Unit as part of the redevelopment of the hospital.

### **MN 424/17**

**MOTION** moved by Mayor K J Halstead and seconded by Deputy Mayor I M Scandrett

1. **THAT Council commends the Southern Highlands Renal Appeal Inc. for raising the funds required for the installation of a satellite renal dialysis unit.**
2. **THAT Council wholeheartedly supports the efforts of the Appeal group at the impending meeting with the Minister for Health to present evidence which demonstrates that such a unit is essential for patient wellbeing and is financially viable.**
3. **THAT Council expresses its support in the form of letters to local Members, Mr Jai Rowell and the Hon Pru Goward and the Hon Brad Hazzard, MP, NSW Minister for Health.**

**PASSED**

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## **9. PUBLIC FORUM**

There was no Public Forum at this Meeting.

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COMMITTEE OF THE WHOLE

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107/10

**MN 425/17**

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

**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 L A C Whipper to take the Chair.

**PASSED**

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## 10. VISITOR MATTERS

### OPERATIONS

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

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## CORPORATE & STRATEGY

### 10.1 17/0888 Neighbourhood Shop (Including Sale of Local Liquor) - 85 Kirkham Road, Bowral

Reference:	17/0888
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	Berrima Co-op Rural Society Ltd
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

#### PURPOSE

The purpose of this report is to consider DA17/0888 which seeks consent to establish and operate a neighbourhood shop with the inclusion of the sale of liquor from Bowral Co-op, being 85 Kirkham Road, Bowral. The application is presented to Council for Determination as a public interest matter. The report recommends **REFUSAL** subject to conditions/reasons nominated in **Attachment 1**.

**Interest:** Clr I M Scandrett declared a less than significant non-pecuniary interest in this matter as his family are members of the Berrima Co-op Rural Society Ltd. He remained in the chamber, took part in the debate and voted on the matter.

Mr Allan Bramble addressed Council on this matter on behalf of the Berrima Co-op Rural Society Ltd.

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

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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**MN 426/17**

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

1. **THAT** Development Application 17/0888 for a neighbourhood shop (including sale of Local Liquor) at 85 Kirkham Road, Bowral be APPROVED subject to conditions of development consent.
2. **THAT** the General Manager be authorised to impose conditions of development consent in relation to the proposal.
3. **THAT** a restriction be placed on the title of the property so that only liquor produced in the Wingecarribee Local Government Area can be sold from the property under this consent.

**PASSED**

**VOTING ON THE MOTION**

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

**Against the Motion:** Cllr G J Andrews

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## **11. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

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## 12. OPERATIONS FINANCE AND RISK

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### 12.1 Investment Report - August 2017

Reference:	2104
Report Author:	Deputy Chief Financial Officer
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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#### **PURPOSE**

The purpose of this report is to present Council's Investment Portfolio held at 31 August 2017.

The Chief Financial Officer addressed Council on this matter.

#### ***MN 427/17***

**MOTION** moved by Clr P W Nelson and seconded by Clr G J Andrews

**THAT** the information on Council's Investments as at 31 August 2017 be received and noted.

**PASSED**

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## 12.2 Proposed Road Closure - Part Wilson Drive Colo Vale

Reference:	RD2231, 1493/1
Report Author:	Property and Projects Officer
Authoriser:	Coordinator Property Services
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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### **PURPOSE**

The purpose of this report is to seek Council approval to close part of the road known as Wilson Drive Colo Vale. The segment of road to be closed is at the corner of Church Avenue and Wilson Drive, being the site of the new Colo Vale Rural Fire Service brigade station.

#### **MN 428/17**

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

1. **THAT** Council endorse the application for partial road closure of unformed section of Wilson Drive Colo Vale at the intersection of Church Avenue.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the Council public road at the intersection of Church Avenue and Wilson Drive Colo Vale.
3. **THAT** following public notice of the proposed closure, Council make an application to the Department of Industry – Lands & Forestry for the closure of part of Wilson Drive at the intersection of Church Avenue Colo Vale **AND THAT** if the Minister ultimately approves the closure of the road, upon closure the newly created lot will be classified as Operational Land pursuant to the Local Government Act, 1993.
4. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any agreement, plan or real property dealing in respect of the closure of the segment of road at the intersection of Church Avenue and Wilson Drive Colo Vale.

**PASSED**

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## 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Council Nominations for the Southern Joint Regional Planning Panel

Reference:	5605, 5300
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

#### PURPOSE

The purpose of this report is to seek nominations for the Southern Joint Regional Planning Panel (JRPP) as the memberships of the previous Councillor nominations expire on 18 September 2017 and to seek Council's direction on setting rates of remuneration for any selected member in accordance with the Joint Regional Planning Panel's Operational Procedures 2016. The appointment of any new or existing member will serve on the panel for a period not exceeding three (3) years.

#### **MN 429/17**

**MOTION** moved by Cllr G M Turland and seconded by Cllr G J Andrews

**THAT** consideration of the report in relation to Council Nominations for the Southern Joint Regional Planning Panel be deferred until a full complement of Councillors is present.

#### **PASSED**

**AMENDMENT** moved by Deputy Mayor I M Scandrett and seconded by

1. **THAT** Council nominate Councillor \_\_\_\_\_ as a member of the Joint Regional Planning Panel Southern Region for a period not exceeding 3 years from the date of notification of the appointment to the Panel Secretariat.
2. **THAT** Council nominate Councillor \_\_\_\_\_ as an alternate member of the Joint Regional Planning Panel Southern Region for a period not exceeding 3 years from the date of notification of the appointment to the Panel Secretariat.
3. **THAT** Council remunerate members at a rate of \$600 including GST and travel expenses per meeting for the 2017/2018 financial year and subsequent financial years.

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 September 2017



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4. THAT Council formally write to the New South Wales Department of Planning and Environment Secretary and request that changes be made to Schedule 4A of the Environmental Planning and Assessment Act 1979 to enable Council appointed members and community members, be appointed for a period not exceeding 4 years, with appointments made immediately preceding the NSW Local Government Elections.

### **THE AMENDMENT LAPSED THROUGH THE WANT OF A SECONDER**

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## 13.2 Request to Create a Restrictive Covenant on Council's Carpark at Kirkham Road Moss Vale

Reference:	7472/3
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

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### PURPOSE

The purpose of this Report is to enable Council to consider and determine the creation of a restriction on the title to the Council property, being car park at 4 Kirkham Street Moss Vale. The restriction on title will benefit the adjacent Moss Vale Police Station where an electricity substation has been installed and in respect of which Endeavour Energy requires a 3 metre safety clearance.

### *MN 430/17*

**MOTION** moved by Clr T D Gair and seconded by Clr G J Andrews

**THAT** the report in relation to the Request to Create a Restrictive Covenant on Council's Carpark at Kirkham Road, Moss Vale be deferred **AND THAT** the Project Manager for the Moss Vale Police Station be invited to attend an Information Session to discuss the matter.

**PASSED**

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## 14. GENERAL MANAGER

### 14.1 Support Request for a Refund of Development Fees by Challenge Southern Highlands Inc

Reference: 17/1098, 1732/3  
Report Author: Organisational Support Officer  
Authoriser: Deputy General Manager Operations, Finance and Risk  
Link to Community  
Strategic Plan: Work collaboratively to address social disadvantage

#### **PURPOSE**

The purpose of this report is to seek Council's support for Challenge Southern Highlands Inc request for a refund of Development Application and Construction Certificate Fees.

Interest: Mr Mark Pepping, Deputy General Manager Corporate, Strategy and Development Services, declared a less than significant non-pecuniary interest in this matter as he is a member of the Board of Challenge Southern Highlands Inc. He left the chamber, took no part in the debate and refrained from voting on the matter.

#### **MN 431/17**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G M Turland

**THAT Council support the request by Challenge Southern Highlands Inc for a donation of Development Application and Construction Certificate Fees in the amount of \$6,017.08 AND THAT it be funded from the Contingency Fund.**

#### **PASSED**

Mr Mark Pepping returned to the Meeting at this juncture.

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## 14.2 Delegations of Authority - General Manager

<b>Reference:</b>	<b>800/10</b>
<b>Report Author:</b>	<b>General Manager</b>
<b>Authoriser:</b>	<b>General Manager</b>
<b>Link to Community</b>	
<b>Strategic Plan:</b>	<b>An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities</b>

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### PURPOSE

The purpose of this report is to review Council's delegations to the General Manager. Under s.380 of the *Local Government Act 1993* each Council must review its delegations during the first 12 months of each term of office.

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**MN 432/17**

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

**THAT** the report on Delegations of Authority – General Manager be deferred until the full complement of Councillors is present.

**THE MOTION LAPSED THROUGH THE WANT OF A SECONDER**

**MOTION** moved by *Mayor K J Halstead* and seconded by *Deputy Mayor I M Scandrett*

**THAT** pursuant to s.377 of the *Local Government Act 1993*, Council delegates the authority to the General Manager to undertake the functions of Council, via the powers, authorities and duties contained in applicable legislation and specifically those set out in Schedule 1, subject to the limitations set out in Schedule 2 of the Instrument of Delegation detailed in Attachment 1, with the exception of Item 3 in Attachment 1 to the report.

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

**THAT** pursuant to s.377 of the *Local Government Act 1993*, Council delegates the authority to the General Manager to undertake the functions of Council, via the powers, authorities and duties contained in applicable legislation and specifically those set out in Schedule 1, subject to the limitations set out in Schedule 2 of the Instrument of Delegation detailed in Attachment 1 to the report.

**ON BEING PUT TO THE MEETING IN COMMITTEE OF THE WHOLE VOTING ON THE THE AMENDMENT WAS TIED AT FOUR (4) VOTES ALL AND THEREFORE THE MATTER WAS DEFERRED TO THE FULL COUNCIL MEETING WITH THE MAYOR IN THE CHAIR**

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## 14.3 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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### **PURPOSE**

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 August 2017.

Interest: Cllr G M Turland declared a less than significant non-pecuniary interest in this matter as Mr O'Shanassy owes the Council money. Cllr Turland advised that he is going to apply to the Court to recover moneys that Mr O'Shanassy owes him, not Council. He remained in the chamber, took part in the debate and voted on the matter.

**MN 433/17**

**MOTION** moved by Cllr T D Gair and seconded by Mayor K J Halstead

1. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.1.
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 from the public.

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## 15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

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## 16. PETITIONS

There were no Petitions at this Meeting.

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## 17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

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## 18. COMMITTEE REPORTS

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### 18.1 Management and Advisory Committee Reports

<b>Reference:</b>	<b>107/1</b>
<b>Report Author:</b>	<b>Committee Coordinator</b>
<b>Authoriser:</b>	<b>Manager Assets</b>
<b>Link to Community Strategic Plan:</b>	<b>Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members</b>

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#### PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

1. Hampden Park Management Committee Annual General Meeting held on Tuesday, 18 July 2017.
2. Mittagong Memorial Hall Management Committee Annual General Meeting held on Thursday, 3 August 2017.
3. Mittagong Memorial Hall Management Committee held on Thursday, 3 August 2017.
4. Loseby Park Community Hall Management Committee Annual General Meeting held on Friday, 4 August 2017.
5. Yerrinbool Hall Management Committee Annual General Meeting held on Monday, 14 August 2017.
6. Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 5 September 2017.
7. Mittagong Memorial Hall Management Committee held on Thursday, 7 September 2017.

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**MN 434/17**

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

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

1. ***Hampden Park Management Committee Annual General Meeting held on Tuesday, 18 July 2017.***
2. ***Mittagong Memorial Hall Management Committee Annual General Meeting held on Thursday, 3 August 2017.***
3. ***Mittagong Memorial Hall Management Committee held on Thursday, 3 August 2017.***
4. ***Loseby Park Community Hall Management Committee Annual General Meeting held on Friday, 4 August 2017.***
5. ***Yerrinbool Hall Management Committee Annual General Meeting held on Monday, 14 August 2017.***
6. ***Aboriginal Community and Cultural Centre Management Committee held on Tuesday, 5 September 2017.***
7. ***Mittagong Memorial Hall Management Committee held on Thursday, 7 September 2017.***

**PASSED**

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## 18.2 Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 6 September 2017

Reference: 1823/3  
Report Author: PA for Mayor  
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

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### **PURPOSE**

This report provides the Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 6 September 2017.

### **MN 435/17**

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

**THAT** recommendations Nos DEM 08/17 to DEM 12/17 – as detailed in the Minutes of the Demographic and Housing Advisory Committee Meeting held on Wednesday, 6 September 2017 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**

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**18.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 September 2017**

**Reference:** 107/25  
**Report Author:** Natural Resource Project Coordinator  
**Authoriser:** Manager Environment and Sustainability  
**Link to Community Strategic Plan:** Sustainably manage natural resources for broader community benefit

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**PURPOSE**

This report provides the Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 September 2017.

**MN 436/17**

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

**THAT** recommendations Nos ES 12/17 to ES 17/17 – as detailed in the Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 September 2017 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**

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## **19. QUESTIONS WITH NOTICE**

There were no Questions with Notice at this Meeting.

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## 20. NOTICES OF MOTION

### 20.1 Notice of Motion 28/2017 - Water Allowance for Home Owners Undergoing Home Haemodialysis

Reference:	100/4, 2120
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

#### PURPOSE

Councillors Gordon Markwart and Duncan Gair have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 27 September 2017:

1. THAT Council ask all home owners undergoing Home Haemodialysis to advise of their estimated annual water consumption attributable to their dialysis equipment.
2. THAT based on this information, Council adopt an increase to a maximum of 183 kl/year (from 52 kl to 235 kl) in the water allowance offered to property owners who are currently undergoing Home Haemodialysis, effective from the commencement of the August 2017 billing period.
3. THAT the increase in allowance be funded through the next quarterly review of the Water Fund Budget.
4. THAT staff include this increased allowance as part of the broader review of Council rebates and allowances policy/(ies) to be submitted to a future Ordinary Meeting of Council.

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**MN 437/17**

**MOTION** moved by Clr G Markwart and seconded by Clr T D Gair

1. **THAT** Council ask all home owners undergoing Home Haemodialysis to advise of their estimated annual water consumption attributable to their dialysis equipment.
2. **THAT** based on this information, Council adopt an increase to a maximum of 183 kl/year (from 52 kl to 235 kl) in the water allowance offered to property owners who are currently undergoing Home Haemodialysis, effective from the commencement of the August 2017 billing period.
3. **THAT** the increase in allowance be funded through the next quarterly review of the Water Fund Budget.
4. **THAT** staff include this increased allowance as part of the broader review of Council rebates and allowances policy/(ies) to be submitted to a future Ordinary Meeting of Council.

**PASSED**

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COUNCIL MATTERS

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**MN 438/17**

**MOTION** moved by Clr T D Gair and seconded by Clr G Markwart

**THAT** Council move from Committee of the Whole back into Council, the time being 4.47 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

**PASSED**

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## 14. GENERAL MANAGER (CONT)

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### 14.2 Delegations of Authority - General Manager

Reference:	800/10
Report Author:	General Manager
Authoriser:	General Manager
Link to Community	
Strategic Plan:	<b>An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities</b>

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#### PURPOSE

The purpose of this report is to review Council's delegations to the General Manager. Under s.380 of the *Local Government Act 1993* each Council must review its delegations during the first 12 months of each term of office.

It was noted that this matter was resubmitted for consideration by full Council.

**MN 432/17**

**MOTION** moved by Cllr G M Turland and seconded by

**THAT** the report on Delegations of Authority – General Manager be deferred until the full complement of Councillors is present.

**THE MOTION LAPSED THROUGH THE WANT OF A SECONDER**

**MN 439/17**

**MOTION** moved by Mayor K J Halstead and seconded by Deputy Mayor I M Scandrett

**THAT** pursuant to s.377 of the Local Government Act 1993, Council delegates the authority to the General Manager to undertake the functions of Council, via the powers, authorities and duties contained in applicable legislation and specifically those set out in Schedule 1, subject to the limitations set out in Schedule 2 of the Instrument of Delegation detailed in Attachment 1, with the exception of Item 3 in Attachment 1 to the report.

**PASSED**

**AMENDMENT** moved by Cllr T D Gair and seconded by Cllr P W Nelson

**THAT** pursuant to s.377 of the Local Government Act 1993, Council delegates the authority to the General Manager to undertake the functions of Council, via the powers, authorities and duties contained in applicable legislation and specifically those set out in Schedule 1, subject to the limitations set out in Schedule 2 of the Instrument of Delegation detailed in Attachment 1 to the report.

**ON BEING PUT TO THE MEETING IN OPEN COUNCIL VOTING ON THE AMENDMENT WAS TIED AT FOUR (4) VOTES ALL AND THE MAYOR USED HIS CASTING VOTE AGAINST THE AMENDMENT**

**ON BEING PUT TO THE MEETING IN OPEN COUNCIL VOTING ON THE MOTION WAS TIED AT FOUR (4) VOTES ALL AND THE MAYOR USED HIS CASTING VOTE IN FAVOUR OF THE MOTION**

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## 21. GENERAL BUSINESS

1. BRAEMAR AVENUE CULVERT FUNDING RD1703, 8118

Clr I M Scandrett asked if the General Manager could confirm that the 50% contribution by Council for the Braemar Avenue culvert, Braemar, is funded entirely by Section 94 contributions and how, where and when those contributions were levied.

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

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2. COUNCIL MEETINGS 100/1

Clr I M Scandrett asked if a report can be brought to Council in relation to Council Meetings being held on a monthly basis. He asked if the report can include financial savings.

The General Manager advised that this should be dealt with as a Notice of Motion.

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3. WOMBELYAN CAVES ROAD RD0258, RD0258 005

Clr I M Scandrett advised that Wombeyan Caves Road was used as a major deviation for traffic coming from Goulburn during the recent Penrose/Hanging Rock fires and asked for a report on how Council should proceed with promoting the proposal to state fund renovations to Wombeyan Caves Road.

The General Manager advised that this should be dealt with as a Notice of Motion. The General Manager advised that Wombeyan Caves Road was dealt with extensively last year and Council understood the limitations, as it is not Council funding that will ever improve it.

Clr P W Nelson called a point of order in what Clr Scandrett had just stated, and that the road was used unofficially and not as an official by-pass and noted that the Bush Fire people were unaware it was being used.

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4. 2016 AUDIT OF THE SYDNEY DRINKING WATER CATCHMENT – JUNE 2017  
VOLUMES 1 AND 2 2102, 5464/1

Clr G M Turland asked if Councillors can have a briefing on the two documents put out by the State Government last week. Clr Turland noted that these two documents were available in the Councillors' Room.

The General Manager advised that a four page document had been sent out to Councillors by email yesterday.

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5. COUNCIL MYINSPECT PROGRAM INITIATIVE 2017

5302/1

Clr G M Turland referred to an email he had received from Land Team in relation to invoices that had been sent to Campbell and Anderson, Surveyors. He advised the invoices issued in 2017 relate to inspection fees, and noted that Campbell and Anderson have not been in business since 2008. He asked if this matter can be clarified.

Clr Turland tabled the documents.

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

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6. ILLEGAL SIGNS AROUND THE SHIRE

7415

Clr G M Turland asked about illegal signs around the Shire and asked when action will be taken against parties with illegal signs, as per Council's policy.

The General Manager advised that when Council has the resources something may be able to be done about it.

Clr Turland noted that there are two illegal anti-coal signs in Berrima where Hume Coal has their sign, and asked if they could be removed please.

The General Manager advised that the request has been noted.

Clr L A C Whipper advised that a meeting had been held at Berrima with the Regional Director of the Office of Environment and Heritage, and he has taken the issue on board and is in the process of making a determination. Clr Whipper suggested that any pursuit should be done through the Office of Environment and Heritage, and that he can provide the details of the Regional Director.

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7. PLANNING, DEVELOPMENT AND REGULATORY SERVICES

800/ 101/4.3

Clr L A C Whipper advised that he had received a few enquiries recently that required him to ask questions of Council's Planning, Development and Regulatory Services branch, and he has been told that there are some resource pressures on the department at the moment. He asked if an Information Session can be held for Councillors in relation to the resource shortages and what plans are in place to fill those vacancies.

The General Manager advised that this had been done recently, but another session will be arranged.

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8. PROPERTY AT WILSON DRIVE, HILL TOP

PN1631900

Clr T D Gair asked if all Councillors had received a letter from ratepayers in Wilson Drive, Hill Top in relation to access to their property. He asked if Council staff can contact these ratepayers, and if Council is responsible for the entrance of the property, can repair work be undertaken to their property.

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The General Manager asked if Clr Gair can hand up the letter so that a response can be provided.

Clr Gair handed up the letter from the ratepayers and photographs.

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STATION STREET UPGRADE

RD1615, 7457

The Mayor Clr K J Halstead advised that whilst this is not a question, he was making the statement that he unreservedly apologised for his summing up at the Station Street Upgrade Meeting last Wednesday. The Mayor advised that some people were upset about his comments and he apologised for the way he came across.

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**QUESTIONS FROM THE PUBLIC**

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100/10

There were no Questions from the Public at this Meeting.

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## 22. CLOSED COUNCIL

### MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 5.06 pm, Council moved into Closed Council.

#### **MN 440/17**

**MOTION** moved by Cllr T D Gair and seconded by Cllr G Markwart

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 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)(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)(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**

***Updating the report on the status of legal proceedings reported to Council at the meeting on 23 August 2017.***

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

**PASSED**

Deputy Mayor I M Scandrett left the chambers, the time being 5.07 pm.



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## 22.1 Legal Report - Closed Council

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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### 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)(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.*

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### PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 August 2017.

The Group Manager Planning, Development and Regulatory Services addressed Council on this matter.

Deputy Mayor I M Scandrett returned to the meeting, the time being 5.09 pm.

### **MN 441/17**

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

1. **THAT** the information in the Legal Affairs report be noted.
2. **THAT** a report be included in the Legal Affairs report in relation to the recovery of the costs owed by Mr O'Shanassy to Council.

**PASSED**

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## 23. RESUMPTION OF OPEN COUNCIL

107/10

**MN 442/17**

**MOTION** moved by Clr T D Gair and seconded by Clr G J Andrews

**THAT** Council moves from Closed Council into Open Council.

**PASSED**

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No members of the public were present in the Chamber.

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## ADOPTION OF CLOSED COUNCIL

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107/9

**MN 443/17**

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

**THAT** the recommendation of the Closed Council held on Wednesday, 27 September 2017 being MN 441/17 be adopted.

**PASSED**

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## 24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

**MN 444/17**

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

**THAT** the recommendations of the Committee of the Whole held on Wednesday, 27 September 2017 being MN /17 to MN /17 be adopted.

**PASSED**

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## **25. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.20 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 September 2017 numbered M/N 421/17 to M/N 444/17 were signed by me hereunder at the Council Meeting held on Wednesday 11 October 2017.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 11 OCTOBER 2017**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER