



MINUTES

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

Wednesday 12 June 2019

The meeting commenced at 3.30pm

File No. 100/2019

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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 12 JUNE 2019 COMMENCING AT 3.30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews
Clr K J Halstead
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	Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Chief Financial Officer	Mr Richard Mooney
Coordinator Strategic Land Use Planning	Mr Michael Park (in part)
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Ms Michelle Richardson

1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr T D Gair 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 Reverend Richard Mills of Anglican Church, Mittagong.

WELCOME TO STATE MEMBER FOR GOULBURN

The Mayor Clr T D Gair welcomed Wendy Tuckerman, MP Member for Goulburn to the meeting and expressed his appreciation at her attendance.

SUSPENSION OF STANDING ORDERS

100/1

MN 255/19

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

THAT Standing Orders be suspended in order to allow Mr Clive West to make an apology in response to comments made at the Ordinary Council Meeting 22 May 2019 during his address to Council relating to Visitor Items 10.1 and 10.2.

PASSED

Mr Clive West addressed Council in relation to this matter

"I wish to apologise to councillors and council staff for any offence caused by the statement made by me on 22 May 2019.

I was appearing on behalf of the Berrima Residents Association and my statements were made in that capacity.

It is of great regret to me that my statements have led to this and hope that my sincere apology will be accepted".

MN 256/19

MOTION moved by Clr G J Andrews and seconded by Clr G Markwart

THAT Council receive and note the apology of Mr Clive West.

PASSED

RESUMPTION OF STANDING ORDERS

100/1

MN 257/19

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

THAT Standing Orders be resumed.

PASSED

4. APOLOGIES

PERS

MN 258/19

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

THAT the apology of Clr G McLaughlin be noted.

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

PASSED

Clr Scandrett requested his dissenting vote be recorded on the matter.

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 22 MAY 2019

MN 259/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 22 May 2019 MN 228/19 to MN 254/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting subject to the following corrections.

Clr Scandrett requested the following corrections be made:

- Item 4 -Apologies page 2 - of Clr G McLaughlin MN228/19 and Deputy Mayor Clr G Turland MN229/19, in which his dissenting vote should have been recorded under each apology.
- Item 20.1 - Notice of Motion 16/2019 – Civic Prayer, page 31, stating the Amendment moved by him was that Notice of Motion 16/2019 – Civic Prayer - be *noted* (not approved).
- Item 21 - General Business. The General Manager's reply was not recorded regarding the Chief Financial Officer's resignation. Clr Scandrett requested the Minutes be adjusted to reflect what was said in Chambers.
That is: "Mr Mooney will be joining Wingecarribee on Monday in the same role. Mr Mooney is not classified as senior staff under the definition in the Local Government Act. There are three senior staff in the organisation, being the General Manager and two Deputy General Managers. Further information and explanation can be found in the Local Government Act and Local Government website".

PASSED

6. BUSINESS ARISING

101

Clr G Markwart referred to the verbal resignation from the Deputy Mayor in Item 6 – Business Arising, page 3. Clr Markwart requested an update on the current status of the Deputy Mayor.

Deputy Mayor Clr G Turland replied that he remains Deputy Mayor and will resign in good time. When he is ready he will resign in writing.

Clr I M Scandrett enquired if there was a time limit to receiving the written resignation.

Deputy Mayor Clr G Turland replied he would not be directed by anybody to hand the resignation in.

The Mayor Clr TD Gair confirmed he had yet to receive the letter of resignation from Deputy Mayor Clr G Turland.

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 5302

Deputy Mayor G M Turland declared a less than significant interest in Item 13.5 Development Applications Received from 24 April 2019 to 28 May 2019 as his brother has submitted a section 4.55 amendment to his development application.

101/3 10/414.03

Clr I M Scandrett declared a pecuniary interest in Item 13.7 - Compliance update with respect to 144 Mount Broughton Road Werai as it is his wife and his home. He stated that he will be absent from the Chambers for consideration of that item. He further stated that he did request to speak on the matter in Public Forum which was refused despite a neighbour being allowed to speak and this is a denial of natural justice.

101/3 10/414.03

Clr I Scandrett declared a pecuniary interest in Item 13.8 - DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai as it is his wife and his home. He stated that he will be absent from the Chambers for consideration of that item. He further stated that he did request to speak on the matter in Public Forum which was refused despite a neighbour being allowed to speak and this is a denial of natural justice.

8. MAYORAL MINUTES

8.1 Condolences - Mr MacKay (Mac) Cott

Reference: 102
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

The purpose of this report is to formally recognise and pass on Council's prayers and condolences to the family and friends of Mr MacKay 'Mac' Cott OAM.

MN 260/19

MOTION moved by C/r P W Nelson and seconded by C/r K J Halstead

1. **THAT Council offers its prayers and condolences to the family and friends of Mr MacKay 'Mac' Cott OAM.**
2. **THAT Council send a letter of condolence to the family of Mr MacKay Cott OAM.**
3. **THAT in lieu of flowers, as per the family's request Council donate to SilverChain.org.au**

PASSED

8.2 Queen's Birthday Honours Awards 2019

Reference: 102
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

To congratulate the recipients of the 2019 Queen's Birthday Honours Awards from Wingecarribee Shire and to formally acknowledge Councillor Ken Halstead's award for Services to Local Government and Engineering.

The Mayor Clr T D Gair congratulated Clr Ken Halstead on his Order of Australia Medal Award and acknowledged the other recipients on receipt of their award.

MN 261/19

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

1. **THAT** Council acknowledge and congratulate Councillor Ken Halstead on being awarded the Order of Australia Medal for his years of dedication and service to Local Government and Engineering.
2. **THAT** the recipients of the 2019 Queen's Birthday honours list be acknowledged as follows:
 - a) Clr Ken Halstead OAM
 - b) Ms Ita Buttrose AO OBE AC
 - c) Mr MacKay 'Mac Cott' OAM
 - d) Mrs Suzanne Kingsford OAM
 - e) Ms Kerith Fowles OAM
 - f) Ms Shelley Boyce OAM
 - g) Ms Christine Hawkins (Ducker) AM
 - h) Mrs Joanne Pearson OAM
 - i) Mr Peter Tyree AO
3. **THAT** a letter of congratulations be sent to the recipients of the 2019 Queen's Birthday Honours Awards.

PASSED

The Mayor Clr T D Gair referred to the recent disparaging remarks made publicly about councillors at a public meeting and organised jointly by the Southern Highlands Chamber of Commerce and Industry. Clr Gair clarified that those comments were not made by Chamber members and wished to disassociate the Chamber from those comments.

9. PUBLIC FORUM

Deputy Mayor G M Turland left the chambers, the time being 3:53pm.

Deputy Mayor G M Turland returned to the meeting, the time being 03:58pm.

100/13 10/0414.03 5650/4 5650/9 PN 1711430

Item 13.8 - DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai.

Mr Robert Uliana addressed Council in relation to this item.

Item 13.6 - Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—Interim Heritage Order No. 8

Mr Andrew Blaxland addressed Council in relation to this item.

Mr Blaxland was granted a two minute extension.

Mr Blaxland was granted a second extension of two minutes.

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

Nil

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Tender for the Construction of Barrengarry Creek Bridge - Robertson, NSW

Reference:	6330/19.14
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of Bridge – Robertson, NSW.

Clr I M Scandrett left the chambers, the time being 04:08pm.

Clr I M Scandrett returned to the meeting, the time being 04:09pm.

MN 262/19

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

1. **THAT** in relation to the report concerning Tender for the Construction of Bridge – Robertson, NSW - Council adopts the recommendations contained within the Closed Council report – Item 22.1.
2. **THAT** Council accepts the tender from Talis Civil Pty Ltd at a Lump Sum of \$935,878.00 (excl GST) to undertake Construction of the Bridge at Barrengarry Creek on Belmore Falls Road – Robertson, NSW.

PASSED

12.2 Tender for Reservoirs Inlet Valves Modifications Project

Reference:	6330/19.11
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Reservoirs Inlet Valves Modifications project.

MN 263/19

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

1. **THAT** in relation to the report concerning the Tender for Reservoirs Inlet Valves Modifications Council adopts the recommendations contained within the Closed Council report – Item 22.2.
2. **THAT** Council accepts the tender from Meinhardt NSW Pty Ltd at a lump sum of \$109,450.00 to undertake Reservoir Inlet Valve Modifications at the following sites:
 - a) Oxley Drive Reservoir, Bowral
 - b) Soma Avenue Reservoir, Bowral
 - c) West Bowral Reservoir, Bowral
 - d) Yerrinbool Reservoir, Yerrinbool

PASSED

12.3 Tender for Printing & Distribution of Notices - Rates & Water Billing

Reference:	6330/19.18
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Chief Financial Officer
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 present the evaluation of the Request for Tender for the Printing & Distribution of Notices - Rates & Water Billing.

MN 264/19

MOTION moved by Cllr I M Scandrett and seconded by Cllr P W Nelson

1. **THAT** in relation to the report concerning Tender for Printing & Distribution of Notices - Rates & Water Billing - Council adopts the recommendations contained within the Closed Council report – Item 22.3.
2. **THAT** Council accepts the tender from IVE Group Australia Pty Limited (t/a Blue Star DIRECT) for a period of two (2) years in accordance with the schedule of rates submitted to undertake Printing & Distribution of Notices - Rates & Water Billing.
3. **THAT** Council accepts the tender from IVE Group Australia Pty Limited (t/a Blue Star DIRECT) with an option to extend for another two (2) x one (1) year periods with the schedule of rates submitted to undertake Printing & Distribution of Notices - Rates & Water Billing.

PASSED

12.4 Proposed Lease to Southern Highlands Carriage Club - Corner of Ferndale Road & Quarry Road, Bundanoon

Reference:	PN544700
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to place on public exhibition a proposed Lease for the occupation of the Southern Highlands Carriage Club Site at the corner of Ferndale Road and Quarry Road, Bundanoon.

MN 265/19

MOTION moved by Cllr G J Andrews and seconded by Cllr P W Nelson

1. **THAT** Council confirms its intention to consider entering into a lease of part of the Council property known as Lot 1 in Deposited Plan 618233 at the corner of Ferndale Road and Quarry Road, Bundanoon to Southern Highlands Carriage Club for a term of 21 years.
2. **THAT** pursuant to Section 47(1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed lease referred to in Resolution 1 above for a minimum twenty eight (28) day period AND THAT if no objections are received, the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of the Council.
3. **THAT** if there is any written objection/s to the proposed Lease referred to in Resolution 1 above, a further report be presented to a further Ordinary Meeting of Council.

PASSED

12.5 Proposed Land Acquisition - Moss Vale

Reference:	PN 1700551; PN 1729140;PN 1729130
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to negotiate the acquisition of part properties in Moss Vale for the placement of electricity conduits in accordance with the Douglas Road Moss Vale Voluntary Planning Agreement.

MN 266/19

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

1. **THAT** in relation to the report concerning Proposed Compulsory Land Acquisition – Moss Vale, Council adopts the recommendations contained within the Closed Council report – Item 22.4.
2. **THAT** the General Manager be delegated authority to negotiate with the owners of the properties being Lot 21 in Deposited Plan 812725, Lot 23 Deposited Plan 817194 and Lot 24 in Deposited Plan 817194, Douglas Road, Moss Vale, for the acquisition of the land known as part Lot 21 in Deposited Plan 812725, part Lot 23 Deposited Plan 817194 and part Lot 24 in Deposited Plan 817194, Douglas Road, Moss Vale for the purpose of expanding the road reserve for electricity allocation.
3. **THAT** if the acquisition referred to in Resolution 2 cannot be negotiated by agreement Council resolves to:
 - (a) acquire the land by compulsory acquisition under Sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act, 1991;
 - (b) approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land **AND THAT** Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land.
4. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the land referred to in Resolution 2 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents.
5. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the land acquisition referred to in Resolution 2 above not requiring affixing the Common Seal of Council.

PASSED

12.6 Proposed Sale - 10 Frankland Street Mittagong

Reference:	PN 556900
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

PURPOSE

The purpose of this report is to provide Council with an update on negotiations for the proposed sale of Lot 3 DP 109208 Franklin Street, Mittagong.

BACKGROUND

On the 8 May 2019 Council was provided with a report in Closed Committee of Council, detailing an offer to purchase Lot 3 DP109208, 10 Frankland Street Mittagong.

Subsequent to that report, Council directed that the General Manager undertake further negotiations with the potential buyer and bring a further report back to Council.

That matter is now therefore referred back to Council for further consideration.

MN 267/19

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

THAT the report concerning the update to Councillors on the proposed sale of 10 Frankland Street, Mittagong be considered in closed Council.

PASSED

MN 268/19

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

THAT the motion be resubmitted.

MOTION PASSED

MN 269/19

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

THAT the report concerning the update to Councillors on the proposed sale of 10 Frankland Street, Mittagong be considered in closed Council.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy

Reference: 501/2019
Report Author: Group Manager Corporate and Community
Authoriser: Deputy General Manager Corporate, Strategy and Development Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The Group Manager Corporate and Community addressed Council in relation to this Item.
The Chief Financial Officer addressed Council in relation to this item.
The Deputy General Manager Operations Finance and Risk addressed Council in relation to this item.
The General Manager addressed Council in relation to this item.

The General Manager left the meeting, the time being 4:58pm

At its meeting on 24 April 2019 Council resolved to place on public exhibition the draft 2019/20 Operational Plan and Budget (MN 185/19). The purpose of this report is to advise Council of the outcomes of the public exhibition and to recommend adoption of the following:

- 2019/20 Operational Plan and Budget
- 2019/20 Revenue Policy (including Fees and Charges schedule)
- The fourth and final year of the approved Special Rate Variation comprising of a 12.15% increase in General Revenue (including 2.70% rate peg) for the 2019/20 financial year as determined by the Independent Pricing and Regulatory Tribunal.
- Recommended changes to the funding strategy for Council's five-year \$2.5 million commitment towards the Regional Art Gallery.

As required under the *Local Government Act 1993*, Council is also required to resolve the following:

- Making and levying the rates and annual charges for 2019/20, and
- Authorisation of expenditure and voting of money for the 2019/20 Budget.

MN 270/19

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

THAT Council:

1. **Adopt the 2019/20 Operational Plan and Budget including the Revenue Policy, Fees and Charges and Unfunded Infrastructure Priorities List; incorporating changes recommended in this report and Attachment 1.**
2. **In adopting the 2019/20 Budget and Revenue Policy that**
 - a. **the funds to cover the 2019/20 Budget be voted.**
 - b. **the funding for the Environment Levy be reinstated, with the \$500,000 shortfall for the \$2.5 million five-year in principle commitment to the Regional Art Gallery to be sourced as a priority at future reviews of the Budget (Year End Review and Quarterly Reviews).**
 - c. **Council adopt a Budget deficit of \$123,000 due to the increase in the Emergency Services Contribution announced in May 2019.**
 - d. **a 12.15% rate increase be adopted under Section 508(A) of the Local Government Act, 1993, in accordance with the Special Rate Variation approved by IPART for the Investing in Our Future project.**
 - e. **Council make and levy the following ad valorem and minimum rates for the 2019/20 financial year (the period 1 July 2019 to 30 June 2020)**

Category	Sub Category	Ad Valorem	Minimum
Residential	Ordinary	0.0046112	\$1,140.17
Residential	Renwick	0.0050723	\$1,140.17
Business	Ordinary	0.0092224	\$1,140.17
Farmland	-	0.0029973	\$1,666.12
Mining	Ordinary	0.0152170	\$1,140.17

- f. **Council make and levy a special rate of 0.000063250 cents in the dollar subject to a base rate in accordance with Section 499 of the Local Government Act, 1993 of \$26.33 per assessment on all rateable land for all rating categories for the 2019/20 financial year, noting that this special rate is referred to as Wingecarribee Our Future Environment Special Rate.**
- g. **Council make and levy the annual charges for domestic waste management services in accordance with Section 496 of the Local Government Act, 1993 for the 2019/20 financial year as outlined within the Revenue Policy.**
- h. **Council make and levy the annual charges for stormwater management services in accordance with Section 496A (1) of the Local Government Act, 1993 for the 2019/20 financial year as outlined within the Revenue Policy.**
- i. **Council adopt that no increase will be applied for water access and user**

charges for the 2019/20 financial year, with the residential access charge remaining at \$158.00 per annum.

- j. Council adopt a 2.95% increase for sewer access charges for the 2019/20 financial year, with the residential access charge increasing to \$870.00 per annum.*
 - k. Council adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 7.50% per annum.*
- 3. Authorise loan borrowings of \$9.624 million in the 2019/20 financial year to part fund a number of high priority infrastructure projects.*
 - 4. Write to formally thank those who made submissions.*

PASSED

Clr Scandrett requested his dissenting vote be recorded on this matter

13.2 Adoption of Code of Meeting Practice

Reference:	100/5 100/3
Report Author:	Group Manager Corporate and Community
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 draft Code of Meeting Practice was placed on public exhibition from 11 April to 24 May 2019. This report outlines the outcomes of the public exhibition and presents the document for adoption.

The General Manager returned to the meeting the time being 5:07pm

The Group Manager Corporate and Community addressed Council in relation to this matter

MN 271/19

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

THAT the draft Code of Meeting Practice included in Attachment 1 be adopted.

ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL AND THEREFORE THE MAYOR CLR T D GAIR USED HIS CASTING VOTE AND VOTED IN THE AFFIRMATIVE TO THE MOTION AND THE MOTION WAS PASSED

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

1. **THAT** the draft Code of Meeting Practice included in Attachment 1 be adopted with the exception of Clause 3.13.
2. **THAT** an amendment to Clause 3.13 of The Code of Meeting Practice read as follows:

A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- a) Prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council; or
- b) By written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

ON BEING PUT TO THE MEETING VOTING ON THE AMENDMENT WAS TIED AT FOUR VOTES ALL AND THEREFORE THE MAYOR CLR T D GAIR USED HIS CASTING VOTE AND VOTED IN THE NEGATIVE TO THE AMENDMENT AND THE AMENDMENT WAS LOST

Clr L A C Whipper left the chambers, the time being 05:45pm.

Clr L A C Whipper returned to the meeting, the time being 05:45pm.

QUESTIONS FROM THE PUBLIC

100/10

Mr Charlie Johns asked:

1. SUBDIVISION AND SALE OF PUBLIC OWNED LAND AT 10 FRANKLAND STREET MITTAGONG 100/10 PN 556900

In Council minutes of 8th May 2019 22.1 In Closed Council passed a motion to allow the General Manager to enter into negotiations “with a party” that has made an offer for Council owned land at Lot 3, 10 Frankland Street Mittagong, I cannot find a Lot 3 so I guess they are referring to some part Lot 1 DP 109208 10 Frankland Street which does not show any subdivision of the site of 61,000 square metres on any LEP map I could access. From memory the last time Council talked of selling this prime property or part there of it was at a ridiculous square metre rate, a price that did not reflect its true market value.

Why are we now selling this public owned land that is no doubt our Shires most valuable asset & that has major future benefits to the whole community by considering an” offer” when the true value of such a property can only be realized by going out into the open market, especially given the number sales of similar land with less uses available in Mittagong as indicators?

Will Council, in the interest of transparency & best benefits to the ratepayers bring this item back for further discussion in open Council & public consultation?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK.

The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment) is not able to be delegated to the General Manager and therefore is determined by Resolution of Council. The potential sale or otherwise of Council’s property at Frankland/Roscoe Street Mittagong is listed for consideration by the full Council.

2. PERMANENT STAFF FIRE STATIONS FOR WINGECARRIBEE SHIRE.

100/10 1450

Given our population growth, the general issues over the past years with retained firemen at our fire stations at Mittagong, Bowral & Moss Vale, the growing response time, lack of full time training for retained firemen & now changes to the emergency services funding, in the interest of community safety & full protection for our Shire.

Why isn’t Council lobbying the State Government for 24/7 permanent manning for all 3 stations?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK.

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The proposal to require 24/7 manning of the Moss Vale, Bowral and Mittagong Fire Stations is not a matter that has been considered by Council. It would no doubt incur significant extra costs for Fire and Rescue NSW and there is no information or data provided by Mr John's question that supports the proposal.

However, Council officers will seek advice from Fire and Rescue NSW on the criteria for determining the operating model for the Bowral, Mittagong, and Moss Vale Fire Station.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct

Reference: 101/15
Report Author: Group Manager Corporate and Community
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 draft Code of Conduct and draft Procedures for the Administration of the Code of Conduct were placed on public exhibition from 11 April to 24 May 2019. This report outlines the outcomes of the public exhibition and presents the documents for adoption.

The Group Manager Corporate and Community addressed Council in relation to this matter

The General Manager addressed Council in relation to this matter

MN 272/19

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr K J Halstead

THAT the draft Code of Conduct included in Attachment 1 and draft Procedures for the Administration of the Code of Conduct included in Attachment 2 be adopted.

PASSED

13.4 Development Applications Determined from 24 April 2019 to 28 May 2019

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 24 April 2019 to 28 May 2019.

MN 273/19

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

THAT the information relating to the lists of Development Applications Determined for the period 24 April 2019 to 28 May 2019 be received and noted.

PASSED

13.5 Development Applications Received from 24 April 2019 to 28 May 2019

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 24 April 2019 to 28 May 2019.

Deputy Mayor G M Turland declared a less than significant interest in Item 13.5 Development Applications Received from 24 April 2019 to 28 May 2019 as his brother has submitted a S. 4.55 amendment to his development application. He will not be leaving the chamber.

MN 274/19

MOTION moved by Clr K J Halstead and seconded by Clr G Markwart

1. **THAT** the information relating to Development Applications Received from 24 April 2019 to 28 May 2019 be received and noted.
2. **THAT** a weekly circular be prepared for Item 77 – DA19/1620 74-76 Illawarra Highway, Robertson.

PASSED

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—Interim Heritage Order No. 8

Reference:	5650/4, 5650/9, PN 1711430
Report Author:	Strategic Land Use Planner - Heritage Projects
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is for Council to consider a heritage assessment of the site at 28 Old Hume Highway, Welby, being Lot 10, DP 1009585, and known as 'Welby Park Manor', which is subject to a current Interim Heritage Order (IHO No. 8) issued under delegation by Council. Should Council support the assessment and the recommendation of this report, a Planning Proposal would be prepared to effect the heritage listing by an amendment to the Wingecarribee Local Environmental Plan 2010.

The Coordinator Strategic Land Use Planning addressed Council in relation to this matter
The General Manager left the Chamber, the time being 6:04pm
The General Manager returned to the Chamber, the time being 6:15pm

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 275/19

MOTION moved by Deputy Mayor G M Turland and seconded by Clr K J Halstead

THAT the matter be deferred for six months until more information is furnished by the owner of the property:

- a) **outlining the history of the property and providing an assessment of the building alterations; and**
- b) **providing an assessment of the trees and their significance and health.**

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr I M Scandrett, and Deputy Mayor G M Turland

Against the motion: Clr P W Nelson and Clr L A C Whipper

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

1. **THAT** Council supports the proposed heritage listing of “Welby Park Manor including trees and stone fence” comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 and 60 DP 249064.
2. **THAT** Council staff welcomes additional information from the owners of ‘Welby Park Manor’ and/or their consultants and this information is to be taken into consideration in the preparation of any Planning Proposal.
3. **THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add Lot 10 DP 1009585 and Lots 1 and 60 DP 249064 as a new heritage item and to amend the Minimum Lot Size Map in relation to Lot 10 DP 1009585 (28 Old Hume Highway, Welby) from 700m² to 4,000m².
4. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
6. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
7. **THAT** Interim Heritage Order No. 8 is extended until 21 December 2019 to allow for the preparation and processing of the Planning Proposal.

AMENDMENT LOST

VOTING ON THE MOTION

For the motion: Clr G Markwart, Clr P W Nelson and Clr L A C Whipper

Against the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr I M Scandrett and Deputy Mayor G M Turland

13.7 Compliance update with respect to 144 Mount Broughton Road Werai

Reference:	10/0414.03
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Group Manager Planning, Development and Regulatory Services
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 update Councillors on the current status of its standing resolution of 13 February 2019 relating to Minute No. 19/19 item 3 and to seek Council's direction on what action, if any, is required to be undertaken.

Clr I M Scandrett declared a pecuniary interest in Item 13.7 - Compliance update with respect to 144 Mount Broughton Road Werai as it is his wife and his home. Clr I M Scandrett left the chambers, the time being 06:20pm.

Clr K J Halstead left the chambers, the time being 06:21pm.

Clr K J Halstead returned to the meeting, the time being 06:24pm.

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 276/19

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

1. **THAT** Council notes the update in relation to Resolution MN 19/19 Item 3.
2. **THAT** Council resolve to proceed to issue a notice of entry under section 9.17 of the Environmental Planning and Assessment Act 1979 and to enter the premises known as 144 Mount Broughton Road Werai for the purposes of taking measurements and photographic evidence. The purpose of the inspection would be to ascertain compliance with the Part 2 Division 1 Subdivision 15 clause 2.29 and 2.30 of the State Environmental Planning Policy (Exempt and Complying Development Codes).
3. **THAT** in the interests of transparency, the owners be requested in writing to provide to Council the survey report that they have undertaken.

PASSED

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VOTING ON THE MOTION

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

Against the motion: Nil

13.8 DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai

Reference: 10/0414.03
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to advise Councillors of the outcome of the peer review of the section 4.55(1)(a) application 10/0414.03, undertaken by Goulburn Mulwaree Council to fulfil the requirements of Council's standing resolution under minute number 19/19 of 13 February 2019.

Clr I Scandrett declared a pecuniary interest in Item 13.8 - DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai as it is his wife and his home. He stated that he will be absent from the Chambers for consideration of that item.

Clr G Markwart left the chambers, the time being 06:37pm.

Clr G Markwart returned to the meeting, the time being 06:39pm.

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this matter

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 277/19

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

THAT Modification Application 10/0414.03 under section 4.55 of the Environmental Planning and Assessment Act 1979 for proposed residential alterations and additions – (extensions to the existing dwelling, shed and entry gates) at Lot 1 DP804846, No 144 Mt Broughton Road, Werai be REFUSED for the following reasons:

- a) The combination of the additional size, height and the reduced setback of the shed to the northern boundary would result in an increased negative impact on the visual amenity of 102 Broughton Road and would be more visible from Mount Broughton Road.
- b) the size of the shed is in excess of the maximum floor space permitted under DCP Rural Lands for a rural building.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

Nil

16. PETITIONS

16.1 Petition 4/2019 - Environment Levy and Regional Art Gallery

Reference:	100/8 2210/8 1652/2
Report Author:	Administration Officer (Meetings)
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

The purpose of this report is to present Council with a petition relating to the operating costs of the Regional Art Gallery utilising the Environmental Levy funds.

The petition contains over 1100 signatures.

Clr I M Scandrett returned to the meeting, the time being 07:01pm.

MN 278/19

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

THAT Petition 4/2019 relating to the Environmental Levy and the Regional Art Gallery be received and noted by Council.

PASSED

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Traffic Committee Meeting held on 16 May 2019

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 16 May 2019.

MN 279/19

MOTION moved by Cllr K J Halstead and seconded by Cllr L A C Whipper

THAT recommendations Nos TC16/19 to TC30/19 – as detailed in the Minutes of the Traffic Committee Meeting held on 16 May 2019 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

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 29 May 2019

Reference:	1823/3
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report provides the Minutes of the Demographics and Housing Advisory Committee meeting held on Wednesday, 29 May 2019.

MN 280/19

MOTION moved by Cllr G Markwart and seconded by Cllr I M Scandrett

THAT recommendations Nos DEM 5/19 to DEM 9/19 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 29 May 2019 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

19. QUESTIONS WITH NOTICE

19.1 Question with Notice 12/2019 - Land and Environment Court

Reference: 101/2 502 1430/4
Report Author: Administration Officer (Meetings)
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

To: General Manager
From: Clr I M Scandrett
Received: 5 June 2019

Subject: Land and Environment Court

Question:

1. In a situation where the applicant appears in a matter before the court at any stage seeks the leave of the court to rely on any additional or substituted plans lodged with the application then can WSC recover costs from that date?
2. What is the process to recover costs from that date?
3. Are there any matters in this Council term where WSC has sought to do so? Please detail.

Response:

1. Yes, if the amendment is not minor, the Court must order payment of Council's costs that have been thrown away as a result of the amendment.
2. There is no specific, separate process. A Court Order is simply a debt. If not paid within the time that it is due and payable, recovery is pursued through Council's existing debtor's process.
3. All legal expenditure and recovery of expenses is reported to Council as an attachment to the legal report in open Council. The legal report is on the agenda of the second Ordinary Council meeting of each month.

MN 281/19

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

THAT the information in relation to Question with Notice 12/2019 - Land and Environment Court - be noted.

PASSED

19.2 Question with Notice 13/2019 - Project Management Process and Procedures in the Future

Reference: 101/2 500/5.3
Report Author: Administration Officer (Meetings)
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

To: General Manager
From: Clr G Turland
Received: 4 June 2019

Subject: Project Management Process and Procedures in the Future

Question:

Can the General Manager provide a report on what measures and procedures are being implemented to prevent all future projects from delays, overruns and failings in the future.

Response:

The General Manager hold a briefing session for Councillors.

MN 282/19

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

THAT the information in relation to Question with Notice 13/2019 - Project Management Process and Procedures in the Future - be noted.

PASSED

20. NOTICES OF MOTION

20.1 Notice of Motion 18/2019 - Environment Levy Commitment

Reference:	2210/8 100/4
Report Author:	Administration Officer (Meetings)
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

Councillor G Markwart has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 June 2019

The Chief Financial officer addressed Council in relation to this matter

The Deputy General Manager Operations, Finance Risk addressed Council in relation to this matter

MN 283/19

MOTION moved by Clr G Markwart and seconded by Clr L A C Whipper

1. **THAT** Council reaffirms its original and frequently stated commitment that all funds raised with the Environment Levy be allocated strictly for the purposes of activities associated with the protection and enhancement of the environment above and beyond Council's statutory obligations.
2. **THAT** Council hold a briefing session within the next two months detailing the allocation of all administrative and coordination costs allocated to the Environment and Sustainability Department and that these costs be compared to other Business Units and Departments of Council.
3. **THAT** a report of the briefing session be presented to the Environment & Sustainability Committee as soon as practical.

PASSED

20.2 Notice of Motion 19/2019 - Affirmation of Refugee Welcome Zone

Reference:	100/4 1601
Report Author:	Administration Officer (Meetings)
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 Markwart and Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 June 2019

MN 284/19

MOTION moved by Cllr G Markwart and seconded by Cllr L A C Whipper

1. **THAT** Council reaffirm its commitment to being a 'Refugee Welcome Zone', being one of 251 Councils currently listed on the website of the Refugee Council of Australia.
2. **THAT** Council endorse and affirm the work of all Refugee Welcome Zone Councils (RWZs) plus the Refugee Council of Australia (RCOA) and Rural Australians for Refugees (RAR), by adding the Shire logo and Mayoral Signature to the Welcome Scroll which currently displays Logos and Mayoral signatures of 113 RWZ councils, a number growing each year.
3. **THAT** Council congratulate the three visionary local women (Helen McCue, Anne Coombs and Susan Varga) who inspired a National movement, which began by calling a public meeting in the Bowral Memorial Hall in 2001 with over 500 people in attendance.

PASSED

20.3 Notice of Motion 20/2019 - Emergency Services Representation and Funding

Reference:	100/4 6310
Report Author:	Administration Officer (Meetings)
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

Councillor G Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 June 2019:

Clr L A C Whipper left the chambers, the time being 07:25pm.

Clr L A C Whipper returned to the chambers, the time being 07:27pm

1. THAT Council hold individual briefing sessions with each of the Emergency Services: Rural Fire Service (RFS); State Emergency Service (SES) and Fire and Rescue NSW (FNSW).
2. THAT Council request a representative from each service to provide a report on how each of their services are being provided and support received from the NSW Government in providing their services in our Shire.
3. THAT Council request the NSW Government provide the amount of money that is being supplied to our Shire on each of the Emergency Services.

MN 285/19

MOTION moved by Deputy Mayor G M Turland and seconded by Clr K J Halstead

THAT the Notice of Motion 20/2019 - Emergency Services Representation and Funding - be noted.

PASSED

Extension of Time

MN 286/19

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

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 8:00pm.

PASSED

21. GENERAL BUSINESS

1. BERRIMA ROAD DEVIATION PROJECT

7810/28

Clr I M Scandrett requested a response to his question made on 8/5/19 regarding the construction of fencing at Berrima Deviation – namely – what is the cost **to date** for the hire?

Response:

The Deputy General Manager Operations Finance and Risk replied the information is currently being gathered by Staff.

Clr Scandrett further requested a response as to why the provision of copies of invoices and related hire documents had been ignored; and further, when will they be provided.

Response:

The Deputy General Manager Operations Finance and Risk replied the information can be accessed via a GIPA application.

2. 24 CARLISLE STREET, BOWRAL

PN 318000

PN 317800

Deputy Mayor Clr G Turland tabled a letter received from Dr John F Davis dated 13 May 2019 regarding his concerns about a neighbour's trees whose branches overhang Dr Davis' property. The branches have previously damaged items on his property when falling and present safety and property damage risks. Dr Davis has advised Council of his intention to lodge an application for Court Orders under NSW Legislation "Tree Disputes Between Neighbours Act 2006" putting the Council on notice.

Further, Dr Davis refers to a neighbouring property - 26 Carlisle Street in which farm animals exude pungent smells. Dr Davis seeks an inspection of this property.

Response:

This was taken on notice.

3. 12 MERILBAH ROAD, BOWRAL

502/175

15/1164

PN 926900

Deputy Mayor Clr G Turland tabled a letter received by Ms Gayle McGuinness of 10 Merilbah Road, Bowral from the General Manager dated 28 April 2016.

Clr Turland requests a summary of costs to date in legal and staff time that relate to the fence that was approved to be built before the occupation certificate.

Response:

This was taken on notice.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

Mr Peter Smyth addressed Council from the Gallery, raising his objection to Item 12.6- Proposed Sale - 10 Frankland Street, Mittagong going into Closed Council

At this juncture, the time being 7.46 pm, Council moved into Closed Council.

MN 287/19

MOTION moved by Clr P W Nelson and seconded by Clr 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 Tender for Construction of Barrengarry Creek Bridge - Robertson, NSW

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)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 present the evaluation of the Request for Tender for the Construction of the Bridge at Barrengarry Creek on Belmore Falls Road – Robertson, NSW.

22.2 Tender for Reservoirs Inlet Valves Modifications

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)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 present the evaluation of the Request for Tender for the Reservoir Inlet Valves Modifications Project.

22.3 Tender for Printing & Distribution of Notices - Rates & Water Billing

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)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 present the evaluation of the Request for Tender for the Printing & Distribution of Notices - Rates & Water Billing.

22.4 Proposed Land Acquisition – 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)(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 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 seek Council approval to negotiate the acquisition of part of Lots 21 in Deposited Plan 812725, part of Lot 23 Deposited Plan 817194 and part of Lot 24 in Deposited Plan 817194, Douglas Road, Moss for the placement of electricity conduits in accordance with the Douglas Road Moss Vale Voluntary Planning Agreement.

22.5 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 the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to provide Council with an update regarding an offer to Council to purchase Lot 3 DP 109208, Frankland Street Mittagong.

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

PASSED

22.1 Tender for Construction of Barrengarry Creek Bridge - Robertson, NSW

Reference:	RFT6330/19.14
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, 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 present the evaluation of the Request for Tender for the Construction of the Bridge at Barrengarry Creek on Belmore Falls Road – Robertson, NSW.

This matter was dealt with earlier in the meeting, on page 9 MN262/19

22.2 Tender for Reservoirs Inlet Valves Modifications

Reference:	6330/19.11
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, 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 present the evaluation of the Request for Tender for the Reservoir Inlet Valves Modifications Project.

This matter was dealt with earlier in the meeting, on page 10 MN263/19

22.3 Tender for Printing & Distribution of Notices - Rates & Water Billing

Reference:	6330/19.18
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Chief Financial Officer
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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, 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 present the evaluation of the Request for Tender for the Printing & Distribution of Notices - Rates & Water Billing.

This matter was dealt with earlier in the meeting, on page 11 MN264/19

22.4 Proposed Land Acquisition – Moss Vale

Reference:	PN 1729130, PN 1700551; PN 1729140
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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.

PURPOSE

The purpose of this report is to seek Council approval to negotiate the acquisition of part of Lots 21 in Deposited Plan 812725, part of Lot 23 Deposited Plan 817194 and part of Lot 24 in Deposited Plan 817194, Douglas Road, Moss for the placement of electricity conduits in accordance with the Douglas Road Moss Vale Voluntary Planning Agreement.

This matter was dealt with earlier in the meeting, on pages 13-14 MN266/19

22.5 Proposed Sale - 10 Frankland Street Mittagong

Reference:	PN 556900
Report Author:	Property and Projects Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

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.

PURPOSE

The purpose of this report is to provide Council with an update on negotiations with an offer to Council to purchase Lot 3 DP 109208, Frankland Street Mittagong.

MN 288/19

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

THAT Council defer the matter for a further Closed Council Report to be considered by Council at the Council Meeting of 26 June 2019.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

23. RESUMPTION OF OPEN AGENDA

107/10

MN 289/19

MOTION moved by Clr K J Halstead and seconded by Clr G Markwart

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 290/19

MOTION moved by Clr K J Halstead and seconded by Clr G Markwart

THAT the recommendation of the Closed Council held on Wednesday, 12 June 2019 being MN 288/19 be adopted.

PASSED

24. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8:03 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 12 June 2019 numbered M/N 255/19 to M/N 290/19 were signed by me hereunder at the Council Meeting held on Wednesday 26 June 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 26 JUNE 2019

CHAIRMAN

PUBLIC OFFICER