



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 13 February 2019

The meeting commenced at 3:30PM

File No. 100/2019

1. OPENING OF THE MEETING	
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MINUTES OF THE ORDINARY MEETING OF COUNCIL

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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 13 FEBRUARY 2019 COMMENCING AT 3:30PM

Present: Clr T D Gair (Mayor in the Chair)
Clr G J Andrews
Clr K J Halstead
Clr G McLaughlin
Clr G Markwart
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 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

Clr Clr G Markwart 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 Pastor Paul Crossman, Highlands Christian Church, Mittagong.

4. APOLOGY

PERS

MN 1/19

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

THAT the apology of Clr P W Nelson be noted.

THAT the apology of Clr P W Nelson be accepted and leave of absence granted.

PASSED

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 12 DECEMBER 2018

MN 2/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 12 December 2018 MN533/18 to MN567/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

MN 3/19

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

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON TUESDAY 11 DECEMBER 2018

THAT the minutes of the Extraordinary Meeting of Council held on Tuesday 11 December 2018 MN528/18 to MN532/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

Clr I M Scandrett referred to Item 7.1 in the Minutes of the Extraordinary Meeting of Council of 11 December 2018. He asked that his concern be noted about the interpretation and ambiguity surrounding Part 1 of the Amendment in terms of the process surrounding the review. He stated the process had normally been that Councillors are consulted first followed by the Review Committee. However, he noted that in this case, the Committee came before the Councillors. Clr I M Scandrett wished it recorded that those minutes were incorrect.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

101/3.1 6330/18.19

Clr G J Andrews declared a significant non pecuniary interest in Item 12.8 – Tender for the Construction of Wingecarribee Adult Day Care Centre – alterations and additions. Clr G J Andrews will be absent from the Chambers for consideration of that item.

101/3.1 19/1015

Deputy Mayor Clr G M Turland declared a less than significant non-pecuniary interest in Item 13.2 - Development Applications Received from 6 December 2018 to 6 February 2019. Deputy Mayor's Clr G M Turland's brother has lodged a Development Application (Item 65). Deputy Mayor Clr G M Turland will remain in Chambers for consideration of that item.

101/3 101/15 7457

Clr I M Scandrett declared a pecuniary interest in Item 13.3 - Code of Conduct Matter as he is the person of interest for alleged breach of confidentiality regarding Station Street, Bowral. Clr I M Scandrett will be absent from the Chambers for consideration of that item.

101/3 LUA10/0414.03

Clr I M Scandrett declared a significant pecuniary interest in Item 13.4 – DA10/0414.03 s.4.55 modification – Residential alteration and additions (extensions to existing residence, shed and entry gates) as he is the owner of the property. Clr I M Scandrett will be absent from the Chambers for consideration of that item.

8. MAYORAL MINUTES

Nil.

9. PUBLIC FORUM

100/13 LUA10/0414.03

1. Item 13.4 - 10/0414.03 S.4.55 modification – residential alteration and additions (extensions to existing residence, shed and entry gates) 144 Mt Broughton Rd, Werai

Clr I M Scandrett left the chambers, the time being 03:36PM.

Mr Robert Uliana addressed Council on this matter.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019



COMMITTEE OF THE WHOLE

107/10

There was no Committee of the whole at this meeting

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 Development Application 18/0056 - Continued Use of Land for the Purpose of a Caravan Park, Lot 11 DP617482, 43-53 Willow Drive, Moss Vale

Reference:	18/0056
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Moss Vale Village Caravan Park
Owner:	AC Cooper
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider development application 18/0056, which seeks consent for continued use of Lot 11 DP617482, 43-53 Willow Drive, Moss Vale for the purpose of a caravan park. The report is prepared for the Council's determination of the development application, and recommends APPROVAL, subject to recommended conditions of consent (**Attachment 1**).

Clr I M Scandrett returned to the meeting, the time being 03:42PM.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 4/19

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

THAT development application 18/0056 for continued use of Lot 11 DP617482, 43-53 Willow Drive, Moss Vale for the purpose of a caravan park be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

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

Against the motion: Nil

PASSED

10.2 19/0167 - Residential Alterations and Additions to Dwelling - 34 Duke Street Mittagong

Reference:	455700 19/0167
Report Author:	Senior Accredited Certifier
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	John Webb & Associates
Owner:	Ann Burnaby
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 consider Development Application 19/0167 which seeks approval for alterations and additions to an existing dwelling at 34 Duke Street Mittagong. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

Mr Tom McMurray addressed Council on this matter.

Mr Tom McMurray sought and was granted an extension of two minutes.

Mr John Webb addressed Council on this matter.

Ms Ann Burnaby addressed Council on this matter.

Ms Ann Burnaby sought and was granted an extension of two minutes.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019



MN 5/19

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

THAT Development Application 19/0167 which seeks approval for residential alterations and additions at Lot 69 DP15496, No 34 Duke Street, Mittagong be ***APPROVED*** subject to conditions of consent as described in Attachment 1 to the report.

VOTING ON THE MOTION

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

Against the motion: Nil

PASSED

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Acquisition of Property - 4 Wattle Lane, Bowral

Reference:	PN1721150
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 retrospectively delegate authority to the former Mayor and General Manager to sign and execute, under the Common Seal of Council the contract documents in relation to the acquisition of 4 Wattle Lane Bowral.

The Chief Financial Officer addressed Council on this matter.

MN 6/19

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

THAT Council retrospectively confirm authority to the former Mayor and General Manager to sign and execute, under the Common Seal of Council the contract documents in relation to the acquisition of 4 Wattle Lane, Bowral.

PASSED

12.2 Investment Report - November 2018

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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 30 November 2018.

MN 7/19

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

THAT the information on Council's Investments as at 30 November 2018 be received and noted.

PASSED

12.3 Investment Report - December 2018

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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 December 2018.

MN 8/19

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

1. **THAT** the information on Council's Investments as at 31 December 2018 be received and noted.
2. **THAT** Council staff report back to Council regarding its Investment Policy and the level of funds placed with authorised deposit taking institutions, taking into consideration the findings of the Royal Commission into Banking Institutions.

PASSED

12.4 Final Approval of various Road Closures

Reference:	RD 4711 RD 4353 RD 3197 RD 3111 RD 2231
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 obtain formal approval of Council in relation to the applications to close the following unformed roads within the Shire:

- Part of unformed segment of Nicholson Street, Berrima, adjacent to 3443 Old Hume Highway, Berrima.
- Part Wilde Street, Wildes Meadow.
- Part Siemens Street, Mittagong adjacent to 16 Siemens Street, Mittagong.
- Part Argyle Street, Mittagong adjacent to 6 Argyle Street, Mittagong.
- Part Wilson Drive, Colo Vale being the site of the new Colo Vale Rural Fire Service.

MN 9/19

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

1. **THAT** pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the partial road closures of:
 - Nicholson Street, Berrima;
 - Wilde Street, Wildes Meadow;
 - Siemens Street, Mittagong;
 - Argyle Street, Mittagong; and
 - Wilson Drive, Colo Vale

AND THAT it be noted that all costs in relation to the closures and future sales of the closed portions of road are to be paid for by the respective applicants.
2. **THAT** following the closure and sale of the roads listed in Resolution 1 above, the applicants be required to consolidate the newly created lots (being the former segments of closed road) with the applicant's respective property at their own cost and expense within 12 months of the transfer of the new lots to the applicants.
3. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council any agreements, plans or real property dealings in respect of the road closures and any future sales of the roads referred to in Resolution 1 above.
4. **THAT** with respect to Wilson Drive, Colo Vale, the newly created lot shall be classified as Operational Land, pursuant to the *Local Government Act 1993*.

PASSED

12.5 Proposed Road Closure - Unformed road off Barrallier Road, Goodmans Ford

Reference:	PN 1661200 RD 4801
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 for Council to consider a potential closure of a segment of the partially formed segment of the road off Barrallier Road, Goodmans Ford adjoining 473 Barrallier Road, Goodmans Ford.

MN 10/19

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

1. **THAT** Council invite a formal Application for Road Closure from the applicant (being the owner of 473 Barrallier Road, Goodmans Ford) for the segment of the partially formed road off Barrallier Road, Goodmans Ford adjoining **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** Council give a minimum 28 days public notice of its intention to close a segment of the Council public road adjoining 473 Barrallier Road, Goodmans Ford.
3. **THAT** following public notice of the proposed closure, a further report be submitted to Council to formally determine the application for closure of the segment of Council public road adjoining 473 Barrallier Road, Goodmans Ford.

PASSED

12.6 Post Exhibition Report - Proposed Lease of Part Road Reserve, Old South Road, Bowral

Reference:	6500/22; RD1587; RD3652
Report Author:	Property and Project 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 present Council with the submissions received following a period of public notice. The public notice was given in respect of an extension of proposed leased area. The additional leased area is part of the unformed road reserve at Old South Road, Bowral.

MN 11/19

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

1. **THAT** Council approve the proposed short-term lease of part unformed road reserve, known as corner Kangaloon and Old South Road, Bowral to Southern Highlands Botanic Gardens Limited for a maximum period of five (5) years **AND THAT** rental is \$1.00 per annum, in consideration of the not-for-profit status of the proposed lessee, Southern Highlands Botanic Gardens Limited.
2. **THAT** the persons who made a submission in respect of the proposed revised leased area be notified in writing of Resolution 1 above.
3. **THAT** during the term of the Lease, Council applies to the NSW Department of Industry – Crown Lands for the closure of that part of the road reserve on Old South Road, with the intention that upon closure the land will vest in Council and be consolidated with the title for the Botanic Gardens site.

PASSED

12.7 Proposed Licence Agreement to Southern Highlands Association of Women - 73 Station Street, Bowral

Reference:	PN1700777
Report Author:	Property and Project 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 grant a Licence Agreement to Southern Highlands Association for Women for the shared occupation of the Council property located at 73 Station Street, Bowral.

MN 12/19

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

1. **THAT** an offer of a Licence Agreement for the occupation of part 73 Station Street, Bowral be made to Southern Highlands Association of Women **AND** **THAT** the term of the initial agreement be for five (5) years.
2. **THAT** the General Manager be delegated authority to execute the Licence Agreement referred to in resolution 1 above.

PASSED

12.8 Tender for the construction of Wingecarribee Adult Day Care Centre - Alterations & Additions (Open)

Reference:	6330.18.19
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Wingecarribee Adult Day Care Centre – Alterations & Additions.

Clr G J Andrews declared a significant non pecuniary interest in this item – Tender for the Construction of Wingecarribee Adult Day Care Centre – alterations and additions.

Clr G J Andrews left the chambers, the time being 04:16PM.

MN 13/19

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

1. **THAT** in relation to the report concerning Wingecarribee Adult Day Care Centre – Alterations & Additions - Council adopts the recommendations contained within the Closed Council report – Item 22.1:
 - a. **THAT** Council accepts the tender from Dobsonei Pty Ltd at a Lump Sum of \$635,956 Excluding GST to undertake the construction of the Wingecarribee Adult Day Care Centre – Alterations & Additions.
 - b. **THAT** Council approve the loan of \$270,000 for the Wingecarribee Adult Day Care Centre based on the following terms and conditions:
 - i. That Council provide WADCC with an interest free loan of \$270,000, to be sourced from the Capital Projects Reserve.
 - ii. The terms of the loan be on the basis of a repayment schedule of \$13,500 bi-annually over a period of 10 years, with repayments commencing 30 days after the physical completion of the project.
 - iii. That WADCC provide Council on an annual basis with an independent record of all fundraising revenue relating to the refurbishment project. Additional funds raised beyond the annual repayment of \$27,000 will be paid to Council to further reduce the balance of the loan ahead of the repayment schedule referred to in point two.

PASSED

Clr G J Andrews returned to the meeting, the time being 04:23PM

12.9 Post Tender Negotiations for the Construction of the Synthetic Hockey Field No.2, Welby

Reference:	6330/18.13
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby.

MN 14/19

MOTION moved by Cllr I M Scandrett and seconded by Cllr K J Halstead

1. **THAT** in relation to the report concerning Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby - Council adopts the recommendations contained within the Closed Council report – Item 22.2:
 - a. Council accepts the tender from Stefanutti Construction Pty Ltd at a Lump Sum of \$601,135.00 (excl. GST) to undertake the civil works only for the Construction of Synthetic Hockey Field No.2, Welby.
 - b. **THAT** Council accepts the tender from Polytan Asia Pacific Pty Ltd at a Lump Sum of \$401,329.76 (excluding GST) to undertake the shock pad and synthetic turf only for the Construction of Synthetic Hockey Field No.2, Welby.
 - c. **THAT** Council note that physical works will not commence on the construction of the Synthetic Hockey Field No.2, Welby until matters pertaining to the Crown Land Management Act and Aboriginal Land Claim are resolved.

PASSED

12.10 Sewer System Telemetry Upgrade

Reference:	6330/18.26
Report Author:	Electrical Engineer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 Sewer System Telemetry Upgrade.

MN 15/19

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

1. **THAT** in relation to the report concerning Tender for Sewer System Telemetry Upgrade - Council adopts the recommendations contained within the Closed Council report – Item 22.3:
 - a. **THAT** Council accepts the tender from SAFEgroup Automation Pty Ltd at a Lump Sum of \$1,128,226.00 (excluding GST) to undertake Sewer System Telemetry Upgrade.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 6 December 2018 to 6 February 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 6 December 2018 to 6 February 2019.

MN 16/19

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

THAT the information relating to Development Applications Determined for the period 6 December 2018 to 6 February 2019 be received and noted.

PASSED

13.2 Development Applications Received from 6 December 2018 to 6 February 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 on the Development Applications received in the period from 6 December 2018 to 6 February 2019.

Deputy Mayor Clr G M Turland declared a less than significant non-pecuniary interest in this Item - Development Applications Received from 6 December 2018 to 6 February 2019. Deputy Mayor's Clr G M Turland's brother has lodged a Development Application (Item 65). Deputy Mayor Clr G M Turland will remain in Chambers for consideration of that item.

MN 17/19

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

1. **THAT** the information relating to Development Applications Received from 6 December 2018 to 6 February 2019 be received and noted.
2. **THAT** further information be provided to Council via Weekly Circular, for the following property:
 - Item 124 – 11 Victoria Street, Bowral DA 17/0281.01

PASSED

13.3 Code of Conduct Matter

Reference:	101/15 7457
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

This report deals with a final investigation report into an alleged breach of the Wingecarribee Shire Council Code of Conduct by a Councillor.

Clr I M Scandrett declared a pecuniary interest in this item - Code of Conduct Matter as he is the person of interest for alleged breach of confidentiality regarding Station Street, Bowral.

Clr I M Scandrett left the chambers, the time being 04:25PM.

MN 18/19

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

THAT the report concerning the final investigation report into an alleged breach of the Wingecarribee Shire Council Code of Conduct by a Councillor be considered in Closed Council – Item 22.4.

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440.

PASSED

13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846

Reference: 10/0414.03
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services
Applicant: Kathy Barnsley Architect Pty Ltd
Owner: Ian Morris Scandrett
Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider a Section 4.55 Modification Application to modify development consent 10/0414 which seeks approval for Residential Alterations and Additions – (extensions to existing residence, shed and entry gates) at Lot 1 DP 804846, being 144 Mt Broughton Road, Werai. Additionally, Councillors have previously resolved that any applications that have been lodged by a Councillor will be submitted to full Council for determination. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

Clr I M Scandrett declared a significant pecuniary interest in this item – DA10/0414.03 s.4.55 modification – Residential alteration and additions (extensions to existing residence, shed and entry gates) as he is the owner of the property.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 19/19

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

1. **THAT** Modification Application 10/0414.03 under section 4.55 (1A) 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 Street, Werai be DEFERRED for a peer review and following the peer review the matter be reported back to Council for consideration.
2. **THAT** the future trees to be planted on the northern side of the shed wall, adjoining the northern boundary, shall be established trees of 75 litre pot size.
3. **THAT** a report be brought back to Council to determine whether earthworks already undertaken are compliant with relevant planning instruments and subject to the findings in that report Council consider what action, if any, to take.

PASSED

13.5 DA17/0751 - 7 lot subdivision - 586 - 592 Moss Vale Road, Burradoo

Reference:	17/0751
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Wongabri Burradoo P/L c/- Bureaucracy Busters
Owner:	Wongabri Burradoo P/L
Link to Community Strategic Plan:	Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns

PURPOSE

The purpose of this report is to consider Development Application 17/0751 which seeks approval for a 7 lot subdivision at Lot 2 DP 258454 and Lot 3 DP 609703, being 586 – 592 Moss Vale Road Burradoo. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

Clr I M Scandrett returned to the meeting, the time being 04:48PM.

Clr G Markwart left the chambers, the time being 04:48PM.

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

Clr G Markwart returned to the meeting, the time being 04:50PM.

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.

MN 20/19

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

- 1. THAT Development Application 17/0751 which seeks approval for a 7 lot subdivision at Lot 2 DP 258454 and Lot 3 DP 609703, being 586 – 592 Moss Vale Road Burradoo be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.**

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 G McLaughlin, Deputy Mayor G M Turland and Clr L A C Whipper

Against the motion: Clr I M Scandrett

13.6 Development Contributions Exemption for Affordable Housing Development

Reference:	19/0544.02
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Argyle Housing
Owner:	Argyle Housing
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

To seek Council endorsement to waive development contributions for a secondary dwelling development by not-for-profit housing provider, Argyle Community Housing, at 67 Church Road, Moss Vale.

MN 21/19

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

THAT Council waive \$21,075.61 in relation to the developer contribution fees payable by Argyle Community Housing for the proposed secondary dwelling at 67 Church Road, Moss Vale.

PASSED

13.7 Request for financial assistance for Buskers Battle in Moss Vale

Reference:	2155/1
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Provide and support a range of community events, festivals and celebrations

PURPOSE

The purpose of this report is to seek Council's position on a request from the Moss Vale and Rural Chamber of Commerce for financial assistance to cover the cost of promoting the Buskers Battle in Moss Vale.

MN 22/19

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

THAT Council donate \$1000 from Council's Contingency Fund to the Moss Vale and Rural Chamber of Commerce for the Buskers Battle in Moss Vale.

PASSED

13.8 Southern Highlands Gallery at Retford Park Working Committee

Reference: 1652
Report Author: Deputy General Manager Corporate, Strategy and Development Services
Authoriser: Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

The purpose of this report is to invite Councillors to nominate a Councillor representative to the Southern Highlands Gallery at Retford Park Working Committee.

MN 23/19

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

THAT Council nominate Councillor L A C Whipper to represent Council on the Southern Highlands Gallery at Retford Park Working Committee AND THAT the Mayor of the day be an ex officio to the Working Committee.

PASSED

13.9 2018 Tulip Time Festival Outcomes

Reference:	1671/8
Report Author:	Manager Tourism & Events
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Promote Southern Highlands' unique brand identity

PURPOSE

The purpose of this report is to provide Council with information regarding the outcomes of the 2018 Tulip Time Festival, the dates of the 2019 Tulip Time Festival, and seek endorsement for the 2019 charity partner – 'Variety – the children's charity'.

MN 24/19

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

1. **THAT** 2018 Tulip Time Festival Outcome Report is noted as information only.
2. **THAT** Council note that the 2018 Tulip Time Festival resulted in a profit of \$110,473.19 **AND THAT** this is transferred to Council's Tulip Time Festival reserve.
3. **THAT** Council note the 2019 Tulip Time Festival will be held from Tuesday 24 September to Monday 7 October which includes the October Public Holiday Monday.
4. **THAT** Council note the 2019 Tulip Time theme is 'Mary Poppins' in recognition of Bowral as the 'home' of Mary Poppins; celebrating 85 years since the publication of the first Mary Poppins book, and the recently released Mary Poppins film.
5. **THAT** Council endorse 'Variety – the children's charity' as the 2019 Tulip Time charity partner.
6. **THAT** council staff be congratulated on their continued support and enthusiasm.

PASSED

13.10 Draft Gifts and Benefits Policy

Reference:	800/25
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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

This report seeks adoption of the draft Gifts and Benefits Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

MN 25/19

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

THAT Council adopts the draft Gifts and Benefits Policy provided at Attachment 1.

PASSED

13.11 Draft Public Interest Disclosures Policy

Reference:	800/26, 1460/8
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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

This report seeks adoption of the draft Public Interest Disclosures Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

MN 26/19

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

THAT Council adopts the draft Public Interest Disclosures Policy provided at Attachment 1.

PASSED

13.12 Draft Fraud and Corruption Control Policy

Reference:	700/11
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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

This report seeks adoption of the draft Fraud and Corruption Control Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

MN 27/19

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

THAT Council adopts the draft Fraud and Corruption Control Policy provided at Attachment 1.

PASSED

QUESTIONS FROM THE PUBLIC

100/10

In accordance with the Code of Meeting Practice the Group Manager Corporate and Community read the Questions from the Public and Replies.

Mr Adam Jacobson asked:

100/10 6500/3

WSC PLAYGROUND STRATEGY

“A community consultation survey regarding playgrounds was performed 12 months ago, in February 2018, in order to prepare a playgrounds strategy.

- (a) When can the community expect the release of the WSC Playgrounds Strategy?
- (b) What is the expected process and timeline for implementation of the strategy?”

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Through January and February 2018 Council invited residents to have their say on our Shire’s playgrounds. This survey was to receive feedback from residents who use the Shire’s playgrounds as well as thoughts on how to better meet the needs of the community through play spaces.

The survey was the first step in obtaining information to assist Council in drafting a Playground Strategy. The survey indicated a very high level of interest and support for provision of playgrounds within the Shire. Council received 378 responses to the survey which was the third highest response to any Council survey previously undertaken.

The Draft Playground Strategy is currently in development. Toward the later stages of 2019 the Draft Playground Strategy will be reviewed by specialist interest groups, Councillors and key internal stakeholders, then placed on public exhibition for comment. When all comments have been received and reviewed, the document will be considered for adoption by Council.

Following adoption of the Playground Strategy, the implementation plan will be undertaken as councils resources allow.

Mr Samuel Smith asked:

MERYLA ROAD UPKEEP AND BRIDGES

100/10 7850 RD 3381

- (a) Meryla Road historically had road maintenance two or three times a year all the way to and past 1035 Meryla Road. Is it possible for this to continue and could someone from Council come to inspect the condition of this road?
- (b) Could Council make the service roads available to farmers while 5 tonne limit to bridges is still in place?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

- a) Council's road maintenance budget currently allows for the grading of roads approximately twice every three years with a few exceptions considering wear and tear as a function of usage.
In general, unsealed roads are inspected once a year (or else when a customer request comes in) and based on the condition rating, appropriately programed for maintenance grading.
Meryla Road has been inspected and warrants attention especially at the National Park end. It has deteriorated significantly in the last couple storm events.
Council officers will assess and see if works can be included in the NDRRA request submission for the November Event. The event has of yet not been declared in our region.
- b) The Bundanoon Creek Bridge and Gunrock Creek Bridge on Meryla Road are two of four bridges to be tendered for construction at the end of this month.
The need for side-tracks will be subject to innovation submissions during the tender stage (alternatives to side tracks may be submitted).

Mr Theo Onisforou asked:

100/10 5406/2 5320/64

ADVERTISING SIGNAGE FOR BOWRAL RAILWAY BRIDGE

- (a) "Does Council have a "policy" for outdoor advertising signs installed on private or public lands within the municipality; and does that policy differentiate between signs visible from public roads and signs not visible from public roads?"
- (b) Is Council aware of the existence of any outdoor advertising signs facing or exposed to public roads that have been erected without approval within the municipality, on either private or public lands?
- (c) Are the outdoor advertising signs that have already been placed in and around the Bowral Railway bridge erected or installed with Council approval and if not has Council commenced enforcement procedures concerning these signs?"

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES

- a) Each of Council's Development Control Plans includes provisions relating to signage and outdoor advertising which make it quite clear what type of signage is allowable and under what conditions. It is further noted that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and State Environmental Planning Policy No 64—Advertising and Signage also contain provisions used to assess signs and advertising structures.
- b) Council's Rangers and compliance staff regularly remove temporary signage illegally erected. Council has also in the past undertaken proceedings and issued orders for illegal signage eg variable message signs and advertising on parked trailers. Where Council is made aware of such signage by members of the public, appropriate investigations are commenced.

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- c) The banner signs that were placed on fencing on the corner of Station Street and Wingecarribee Street railway bridge were removed by Council staff several weeks ago as they did not meet the exempt criteria for signs or did not have the necessary approvals.
-

14. GENERAL MANAGER

14.1 Save Our Recycling Campaign Call to Action

Reference:	7520
Report Author:	Organisational Support Officer
Authoriser:	General Manager
Link to Community	
Strategic Plan:	Maximise the recovery of resources from the waste stream

PURPOSE

The purpose of this report is to present to Council a recommendation to endorse the Local Government NSW's campaign, Save Our Recycling.

MN 28/19

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

1. **THAT** Council endorse Local Government NSW's campaign, Save Our Recycling, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. **THAT** Council make representation to the local State Member Hon Pru Goward, Member for Goulburn and the new Member for Wollondilly when elected in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. **THAT** Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. **THAT** Council take a lead role in activating the Local Government NSW Save Our Recycling campaign locally.
5. **THAT** Council endorse the distribution and display of the Local Government NSW Save Our Recycling information on Council premises, as well as involvement in any actions arising from the initiative.
6. **THAT** Council formally advise Local Government NSW that Council has endorsed the Save Our Recycling advocacy initiative.

PASSED

15. DELEGATE REPORTS

Nil

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Wingecarribee Community Assistance Scheme Advisory Committee held on Monday, 19 November 2018

Reference:	1870/2018
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Work collaboratively to address social disadvantage

PURPOSE

This report provides the Minutes of the Wingecarribee Community Assistance Scheme Advisory Committee Meeting held on Monday, 19 November 2018. This meeting reviewed the Community Assistance Scheme Guidelines for 2019/20.

The following changes to the Guidelines are being recommended

- Revised opening and closing dates to reflect the new financial year
- Inclusion of Environment and Sustainability Grant Objectives as a separate heading
- Deletion of 'substantial' from 2.20 under ineligible, so that it now reads 'Permanent fixtures or maintenance or upgrades on Council property, facilities or buildings' rather than 'Substantial permanent fixtures or maintenance or upgrades on Council property, facilities or buildings.' This will remove debate as to what constitutes substantial.

MN 29/19

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

1. ***THAT the Minutes of the Wingecarribee Community Assistance Scheme meeting held on Monday, 19 November 2018 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.***
2. ***THAT the draft Guidelines for the Wingecarribee Community Assistance Scheme 2019/20 be endorsed to include the following changes:***
 - (a) ***Revised opening and closing dates to reflect the new financial year;***
 - (b) ***Inclusion of Environment and Sustainability Grant Objectives as a separate heading;***
 - (c) ***Deletion of 'substantial' from 2.20 under ineligible, so that it now reads 'Permanent fixtures or maintenance or upgrades on Council property, facilities or buildings.'***

PASSED

19. QUESTIONS WITH NOTICE

19.1 Questions with Notice 01/2019 - Environmentally Sensitive, Energy Efficient, Residential Housing Design Campaign

Reference: 101/2, 5200/4
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
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: Cllr G Markwart
Received: 11 December 2018

Subject: Environmentally Sensitive, Energy Efficient Housing Design Campaign

Question:

Can Council please brief Councillors on the possibility of running a campaign for new home buyers and renovators, plus select developers, real estate agents and builders to promote environmentally sensitive, energy efficient residential housing design?

PREAMBLE:

This could be based upon the Federal Government's publication "Our Home" which is a well written publication describing design aspects of environmentally sensitive and energy efficient homes. This document has been around for many years and evolved into a very worthwhile document. It's available chapter by chapter on line for no charge and in hard copy for less than \$40.

It is applicable for new and existing homes.

It is envisaged as an incentive the campaign could include some form of contest or new home buyer questionnaire, and the "winners" would receive a number hard copy of this booklet as a reward. Other incentives are envisaged.

Developers, real estate agents and builders should also be involved to gain their support. It could add value to differentiate some of their offerings.

It would be an opportunity for council to be seen as proactive in this area, could involve parallel promotion by CANWin and similar community organisations.

The publication can be viewed at <http://www.yourhome.gov.au/>

Response:

All residential dwellings in NSW must obtain a BASIX Certificate prior to lodging an application. Introduced by the NSW Government in the early 2000s, BASIX, the Building Sustainability Index, ensures homes are designed to use less potable water and be

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responsible for fewer greenhouse gas emissions by setting energy and water reduction targets.

Council's Development Control Plans also provide applicants guidance on environmentally sustainable development. An objective in the DCP, amongst many provisions, is to promote ecologically sustainable development by requiring the construction of energy smart dwellings.

Council staff will consider options for a public awareness campaign and bring back to Councillors at a future Briefing Session.

MN 30/19

MOTION moved by Cllr G Markwart and seconded by Cllr G McLaughlin

THAT the information in relation to Question with Notice 01/2019 - Environmentally Sensitive, Energy Efficient Housing Design Campaign - be noted.

PASSED

19.2 Questions with Notice - 02/2019 - Property Life

Reference: 101/2, 5450/18
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
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: Cllr Garry Turland
Received: 12 December 2018

Subject: In August 2018, I had a Question with Notice regarding the Property Life Magazine being delivered throughout the Shire. Council stated there was 40 complaints, however when this was the subject of a GIPA, only 16 complaints were noted.

Question:

How did Council derive the original number of forty complaints received?

Response:

The number of 40 complaints represents each separate physical written complaint received by Council. In total there were 16 complainants who made complaints with several of the complainants making multiple complaints during the course of the distribution of the publication over a period of a number of months resulting in the 40 recorded complaints.

MN 31/19

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr G McLaughlin

THAT the information in relation to Question with Notice 02/2019 – Property Life - be noted.

PASSED

Cllr I M Scandrett requested his dissenting vote be recorded against the motion.

19.3 Questions with Notice - 03/2019 - Stop Work Notice - Links Road

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
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 Garry Turland
Received: 12 December 2018

Subject: A stop work notice was issued on a property in Links Road in 2018, however under investigation, Council was required to pay a large amount of money for compensation to the applicant for wrongly issuing the stop work notice.

Question:

Can the General Manager confirm that Council's Vegetation Officer issued the stop work notice and was Council required to pay a large amount of money for compensation to the applicant for wrongly issuing the stop work notice?

Response:

A search of Council records confirms that two compliance investigations were undertaken on a property in Links Road Burradoo in 2017 which had been brought to Council's attention by a complainant. The first matter related to the illegal removal of vegetation without the required permits and the second matter related to earthworks on a property that no attached approval at the time had been granted. The works involved bulk earthworks and excavation. The response to this Question with Notice relates to the second matter only.

Council's Compliance Officer and Vegetation Officer inspected the property in early August 2017. As a result of the earthwork activities, the Compliance Officer not Council's Vegetation Officer issued instructions to the contractors on site to cease work in order for an investigation to be completed. The removal of vegetation also occurred in the location of the earthworks which had no approval at the time from Council's Vegetation Officer. Staff carried out the necessary assessment of what was being undertaken against planning legislation and concluded the works did not require development consent based on the depth of works. This advice was conveyed to the contractor within 24 hours thereby allowing the works to continue. The Works were for the purpose of a dwelling house which did require a complying development certificate which was applied for in October 2017 and granted by a private certifier under Complying Development on 31 January 2018.

No compensation was paid to any party in relation to the instruction to cease work. It is appropriate for Council to request work cease to enable an investigation into whether works are being carried out in breach of planning legislation.

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MN 32/19

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 03/2019 – Stop Work Notice – Links Road - be noted.

PASSED

19.4 Questions with Notice 04/2019 - Remembrance Drive

Reference: 101/2, 7150/1
Report Author: Administration Officer (Meetings)
Authoriser: Coordinator Corporate Strategy and Governance
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 L A C Whipper
Received: 5 February 2019

Subject: Remembrance Drive

Question:

I have been informed that the RMS will be closing and discontinuing maintenance of memorials along the Remembrance Drive. Can Councillors please have an update on this matter and provided with the justification for this action.

There have been significant concerns raised about this decision and the total lack of communication or consultation with Council and the community on this matter.

Response:

In the first instance a Weekly Circular will be provided to the Councillors and if need be a Councillor Briefing Information can be arranged if requested by Councillors.

MN 33/19

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

THAT an information session be held with Councillors and interested stakeholders to determine a position in relation to the closure of Remembrance Drive memorial plantings and relocation of the memorial plaques to Mittagong.

PASSED

20. NOTICES OF MOTION

20.1 Notice of Motion 01/2019 - Code of Conduct

Reference:	100/4, 101/15, 800/2
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

Councillor G Markwart has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 13 February 2019:

--

MOTION moved by Cllr G Markwart and seconded by Cllr G McLaughlin

1. THAT Council note that the Independent Commission Against Corruption (ICAC) has published best-practice guidelines to guide councillors, proponents of development and lobbyists in relation to land use planning and development assessment.
2. THAT Council note the ICAC statement Councillor lobbying:
“Councillor lobbying is common in Local Government and the ICAC has a view that appropriate lobbying of councillors is normal and is seen as part of the democratic process. Developers and their consultants have meetings with senior Council staff, and have approached the Mayor and Councillors for discussions about areas of the Shire”.
3. THAT Council adopt the following additional clauses in the Code of Conduct to increase transparency:
“That in respect of Planning Proposals and Development Applications (including foreshadowed and formally lodged), the Mayor and Councillors must:
 - (a) Keep a written record of meetings and other communications with developers, proponents and lobbyists.
 - (b) Request applicants, who have approached you for a meeting, to formally write to Council to request a meeting with all Councillors and relevant council officers and to submit their arguments/proposals in writing prior to the meeting.
 - (c) Conduct meetings with applicants in official locations, such as Council premises, and have a senior council officer present at all times.
 - (d) Provide copies of information presented by an applicant during a meeting to Council officers for consideration and assessment (if required), distribution to other Councillors and filing in Council’s records management system.
 - (e) Make a declaration at a Council meeting, during consideration of any relevant planning matter, about the lobbying activities of applicants which were not part of Council’s formal engagement/consultation processes.
4. THAT Council create a public register of meetings with applicants for Planning Proposals and Development Applications (foreshadowed and formally lodged) to provide transparency for the people of Wingecarribee Shire. The register would include meetings between applicants and the Mayor and Councillors, and the applicants be advised that the meeting details will be included in such register.”
5. THAT Council review the matter in twelve months.

LOST

COMMENT FROM STAFF

In December 2018 the Office of Local Government (OLG) prescribed the 2018 Model Code of Conduct for Local Councils in NSW (Model Code) and the associated procedures. All councils must adopt the Model Code and Procedures by 14 June 2019. The OLG has also advised that councils may include supplementary provisions in their adopted codes of conduct and may also impose more onerous requirements than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed in the Model Code of Conduct.

Staff will be working with Councillors over the coming months to consider the requirements of the Model Code of Conduct and any supplementary requirements prior to adoption of the Wingecarribee Shire Code of Conduct by 14 June 2019.

21. GENERAL BUSINESS

5406/2

The Chair Mayor T D Gair did not call up items from Councillors for General Business in the meeting.

Two General Business items were handed up by Clr K J Halstead and Clr L A C Whipper to staff at the completion of the meeting. Given General Business was not considered the matters will be dealt with by staff and reported back to the respective councillors.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.31 pm, Council moved into Closed Council.

Clr K J Halstead left the chambers, the time being 06:32PM.

Deputy Mayor G M Turland left the chambers, the time being 06:32PM.

Clr K J Halstead returned to the meeting, the time being 06:33PM.

Clr I M Scandrett addressed Council on this matter.

Clr I M Scandrett left the chambers, the time being 06:34PM.

MN 34/19

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

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

22.1 Tender for the construction of Wingecarribee Adult Day Care Centre - Alterations & Additions

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 Wingecarribee Adult Day Care Centre – Alterations & Additions.

22.2 Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby

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 Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby.

22.3 Sewer System Telemetry Upgrade

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 Sewer System Telemetry Upgrade.

22.4 Code of Conduct Matter

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)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440 and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

This report deals with a final investigation report into an alleged breach of *the Wingecarribee Shire Council Code of Conduct* by a Councillor.

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 the construction of Wingecarribee Adult Day Care Centre - Alterations & Additions

Reference:	6330.18.19
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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 Wingecarribee Adult Day Care Centre – Alterations & Additions.

This matter was dealt with earlier in the meeting on page 18, M/N 13/19.

22.2 Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby

Reference:	6330/18.4
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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 Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby.

This matter was dealt with earlier in the meeting on page 19, M/N 14/19.

22.3 Sewer System Telemetry Upgrade

Reference:	6330/18.26
Report Author:	Manager Water & Sewer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 Sewer System Telemetry Upgrade.

This matter was dealt with earlier in the meeting on page 20, M/N 15/19.

22.4 Code of Conduct Matter

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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440.

PURPOSE

This report deals with a final investigation report into an alleged breach of *the Wingecarribee Shire Council Code of Conduct* by a Councillor.

Clr L A C Whipper left the chambers, the time being 07:18PM.

Clr L A C Whipper returned to the meeting, the time being 07:20PM.

MN 35/19

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

1. **THAT** in accordance with clause 8.56 of the Wingecarribee Shire Council Procedures for the Administration of the Code of Conduct, Council impose the following sanctions on Councillor Ian Scandrett for breaching the Wingecarribee Shire Council Code of Conduct:
 - a) Cllr I M Scandrett make a verbal presentation of a written apology at the Council meeting of 27 February 2019 **AND THAT** this formal apology be read into the Minutes.
 - b) findings of the inappropriate conduct be made public,
 - c) Cllr I M Scandrett be formally censured for the breach under section 440G of the Act, **AND THAT** the matter be referred to the Division for further action under the misconduct provisions of the Act.

2. **THAT** based on the findings of the Independent Reviewer Council is satisfied that Cllr I M Scandrett has engaged in misconduct on more than one occasion under s. 440G and s.664 of the Local Government Act:

“Formal censure of councillor for misconduct

440G Formal censure of councillor for misconduct

- (1) A council may by resolution at a meeting formally censure a councillor for misconduct.
- (2) Repealed
- (3) A council may pass a formal censure resolution only if it is satisfied that the councillor has engaged in misconduct on one or more occasions.
- (4) The council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.
- (5) A motion for a formal censure resolution may, without limitation, be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Disclosure and misuse of information

664 Disclosure and misuse of information

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the [Ombudsman Act 1974](#) or the [Government Information \(Public Access\) Act 2009](#) , or

(e) with other lawful excuse.

(1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

(1B) Subsection (1A) does not apply to:

- (a) the report of a committee of a council after it has been presented to the council, or*
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or*
 - (c) disclosure made in circumstances prescribed by the regulations, or*
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.*
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.*
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:*
- (a) the determination of an application for an approval, or*
 - (b) the giving of an order."*

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 36/19

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

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 37/19

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

THAT the recommendations of the Closed Council held on Wednesday, 13 February 2019, being MN 35/19 be adopted.

PASSED



24. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:20 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 13 February 2019 numbered M/N 1/19 to M/N 37/19 were signed by me hereunder at the Council Meeting held on Wednesday 27 February 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 27 FEBRUARY 2019

CHAIRMAN

PUBLIC OFFICER