



MINUTES

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

Wednesday 13 March 2019

The meeting commenced at 3:50PM

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 13 MARCH 2019 COMMENCING AT 3:50PM

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

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 (in part)
Group Manager Corporate and Community	Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Chief Financial Officer	Mr Richard Mooney
Chief Information Officer	Mr John Crawford
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 I M Scandrett 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 McPherson of Mittagong Presbyterian Church.

The Group Manager Tourism and Economic Development made a presentation and showed a video of Pie Time as the Nationwide Destination Marketing Winner. The presentation was joined by the Member for Hume, The Honourable Angus Taylor MP. The Mayor presented Mr Taylor and Councillor Ken Halstead with a memento from the 2018 Pie Time Campaign.

4. APOLOGY

PERS

MN 76/19

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

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 I M Scandrett requested his dissenting vote be recorded.

MN 77/19

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

THAT the apology of Clr L A C Whipper be noted.

THAT the apology of Clr L A C Whipper be accepted and leave of absence granted.

PASSED

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 27 FEBRUARY 2019

MN 78/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 27 February 2019 MN 38/19 to MN 67/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON THURSDAY 28 FEBRUARY 2019

MN 79/19

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

THAT the minutes of the Extraordinary Meeting of Council held on Thursday 28 February 2019 MN 68/19 to MN 75/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

Cllr I M Scandrett would like his dissenting vote be recorded.

6. BUSINESS ARISING

100 100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 27 FEBRUARY 2019

Nil.

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON THURSDAY 28 FEBRUARY 2019

Cllr K J Halstead expressed concern as to how the extraordinary meeting was called, referring to s.366 of Local Government Act - Calling of Extraordinary Meeting on Request of Councillors and s.226 - Role of the Mayor.

The Mayor Cllr Gair referred to Wingecarribee Shire Council Code of Meeting Practice, p.7 sections 2.2.1 and 2.2.3. The Mayor had the right to call an extraordinary meeting including for a specific purpose without the need for two councillors' signatures. The Mayor Cllr T D Gair explained he had requested all Councillors provide available dates for the meeting. The Mayor Cllr T D Gair reiterated the resolution of Council was valid.

Deputy Mayor Cllr G M Turland stated he understood THAT without two councillor signatures the meeting would be invalid as the meeting could only be called by the Mayor for matters of emergency such as fire, earthquake and flood.

Cllr P W Nelson raised a point of order to Cllr G M Turland's statement and quoted the Code of Meeting Practice section 2.2.3 stating "Notice of meeting may be given verbally or in writing and the period of notice will be at the Mayor's discretion".

Cllr I M Scandrett referred to the Code of Meeting Practice dated 8 July 2015. Cllr I M Scandrett asked why the Code of Meeting Practice had not been updated within twelve months of election of a new Council, in accordance with the Model Code of Conduct.

The Group Manager Corporate and Community addressed Council and stated that Council is not required to re-adopt the Code of Meeting Practice within twelve months of the election. Council can adopt the Code of Meeting Practice at their discretion. At the beginning of the Council term it was decided the Code of Meeting Practice would not be

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 March 2019



revised and adopted, pending the release of the Model Code of Meeting Practice by the Office of Local Government.

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 PN 1750290

Clr I M Scandrett declared a (less than significant) non pecuniary interest in Item 12.3 – Proposed Land Acquisition – Bowral as “regrettably Clr Turland accused him in the meeting briefing in front of councillors and many staff of having “leaked” the details of this matter to the owner Mr J Springett, alleging this was because Mr Springett ran on his ticket in 2012”. Clr I M Scandrett stated as Deputy Mayor Clr G M Turland has made the alleged accusation public he has no choice other than to declare this.

101/3 PN 964400 PN 964700 PN 1756000 PN 1750380

Deputy Mayor Clr G M Turland declared a pecuniary interest in Item 12.4 - Post Exhibition Report - Grant of Easement over Community land at 142 Mittagong Road, Bowral as he is a director of the company requesting the easement for a drain that was installed by Council fifty years ago. Deputy Mayor Clr G M Turland will leave Chambers when the Item is heard.

8. MAYORAL MINUTES

There were no Mayoral Minutes at this meeting.

The Deputy General Manager Operations, Finance and Risk joined the meeting at 4.00pm.

9. PUBLIC FORUM

100/13 PN 698900

1. **ITEM 12.5 – PROPOSED LEASE OF COUNCIL PROPERTY, PART MEMORIAL HALL, 114 MAIN STREET, MITTAGONG**

Mr Ian Mackey, representing Berrima District Historical and Family History Society, addressed Council in relation to this Item.

100/13 PN 698900

2. **ITEM 12.5 - PROPOSED LEASE OF COUNCIL PROPERTY, PART MEMORIAL HALL, 114 MAIN STREET, MITTAGONG**

Mr Steve Cheers, representing Theatre Companies and Patrons of the Shire, addressed Council in relation to this Item.

100/13 PN 1702240

3. **ITEM 20.1 – NOTICE OF MOTION 4/2019 – ALLEGED BREACHES AT 144 MT BROUGHTON ROAD, WERAJ**

Ms Julie Scandrett addressed Council in relation to this Item.

Ms Scandrett was granted an extension of two minutes.

COMMITTEE OF THE WHOLE

107/10

MN 80/19

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

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

PASSED

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 S4.55 (1A) Application 18/0423.01 to Modify Development Consent 18/0423 - Subdivision of Land and Carrying out of Works to Create Two Lots, Lot 1 DP128039, 22 Caalong Street, Robertson

Reference:	18/0423.01
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Therese Moran
Owner:	T E Moran
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 application 18/0423.01, which seeks modification of DA 18/0423, granted 16 August 2018 for subdivision of Lot 1 DP128039, 22 Caalong Street, Robertson to create two lots and which has been called up by councillors to be determined by full council. The report is prepared for the Council's consideration and determination of the application, and recommends APPROVAL, subject to the attached draft conditions of modified consent (Attachment 1).

Mr Allen Mauger addressed Council on this item

Mr Mauger was granted an extension of two minutes.

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

Mr Lee Tasker, on behalf of the applicant, addressed Council on this item.

The General Manager addressed Council on this item

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 81/19

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

1. **THAT** the section 4.55 (1A) application 18/0423.01, for modification of DA 18/0423 for subdivision of Lot 1 DP128039, 22 Caalong Street, Robertson to create two lots, be **APPROVED** subject to conditions as described in Attachment 1 to the report.
2. **THAT** with agreement from the applicant access to Lots 1 and 2 be from North Street.

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, Deputy Mayor G M Turland

Against the motion: Nil

10.2 Planning Proposal - 15 Gibraltar Road, Bowral

Reference:	PN578200, 5901/52
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
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 inform Council of the outcome of the public exhibition of a Planning Proposal to amend Schedule 1 (Additional Permitted Uses) of WLEP 2010 to enable consideration of a development application for a two lot subdivision of land at 15 Gibraltar Road Bowral (Lot 107 DP15496).

The Coordinator Strategic Land Use Planning addressed Council on this Item.

Mr Peter Cunningham addressed Council on this Item.

The General Manager addressed Council on this Item.

Ms Melissa Meredith, the applicant, addressed Council on this item

Ms Meredith was granted an extension of two minutes.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 82/19

MOTION moved by Cllr P W Nelson and seconded by Cllr K J Halstead

1. **THAT** in accordance with Section 3.35 of the Environmental Planning and Assessment Act 1979 Council not proceed with the planning proposal to permit subdivision of Lot 107, DP 15496 (15 Gibraltar Road, Bowral).
2. **THAT** should a further application of subdivision be received in the future for 15 Gibraltar Road, Bowral, then all objectors to this current proposal before Council be advised accordingly.
3. **THAT** all compliance issues relating to correct approvals of buildings at 15 Gibraltar Road, Bowral be referred to the General Manager for immediate action by Council's Coordinator Regulatory Services.

MOTION PASSED

VOTING ON THE MOTION

For the motion: Cllr G J Andrews, Cllr K J Halstead, Cllr G Markwart, Cllr P W Nelson, Cllr I M Scandrett

Against the motion: Mayor Cllr T D Gair and Deputy Mayor G M Turland

The General Manager left the meeting at 5.04pm.

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Tender Report - Laboratory Sample Analysis for Water and Sewer

Reference:	6330/18.11
Report Author:	Operations Technical Officer - Quality and Projects
Authoriser:	Manager Water & Sewer
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 Laboratory Sample Analysis program for Water and Sewer operations.

The Deputy General Manager Operations, Finance and Risk addressed Council on this Item.

MN 83/19

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

1. **THAT** in relation to the report concerning the tender for Laboratory Sample Analysis for Water and Sewer, Council adopts the recommendation contained within Closed Council report - Item 22.1.

THAT Council accepts the tender from Australian Laboratory Services Pty Ltd to undertake Laboratory Analysis for Water and Sewer at a Schedule of Rates of \$829.36 for each suite of samples.

PASSED

12.2 Proposed Land Acquisition - Moss Vale

Reference:	PN 1705957 PN 1075956
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 for the General Manager to be delegated the authority to negotiate the proposed acquisition of property in Moss Vale for the purposes of road widening.

The Deputy General Manager Corporate Strategy and Development Services joined the meeting at 5.20pm.

The General Manager returned to the meeting at 5.21pm

The Deputy General Manager Operations, Finance and Risk addressed Council on this Item.

MN 84/19

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

1. **THAT** in relation to the report concerning Proposed Land Acquisition – Moss Vale – Council adopts the recommendation contained within Closed Council report – Item 22.2.
2. **THAT** the General Manager be delegated authority to negotiate with the owners of Lot 2 Deposited Plan 873240 (Part 18-19 McCourt Road Moss Vale) and Lot 3 Deposited Plan 873240 (Suttor Road Moss Vale) for the acquisition of part of the Land for the purpose of road widening **AND THAT** compensation be negotiated within a 10% range of the formal valuation obtained by Council in respect of the proposed acquisitions.
2. **THAT** if the acquisition referred to in Resolution 1 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 that 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.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the Land referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents and any other documents required.
4. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the Land referred to in Resolution 1 above that does not require the Common Seal of Council.

PASSED

12.3 Proposed Land Acquisition - Bowral

Reference:	PN 1750290
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 for the General Manager to be delegated the authority to negotiate the proposed acquisition of property in Bowral for the purposes of parking.

Clr I M Scandrett declared a (less than significant) non pecuniary, interest in Item 12.3 – Proposed Land Acquisition – Bowral.

Clr I M Scandrett left the chambers, the time being 05:36pm.

Clr I M Scandrett returned to the meeting, the time being 05:37pm

The General Manager addressed Council on this Item.

A member of the public addressed Council from the public gallery raising her objection to the matter going into Closed Council.

MOTION moved by Clr I M Scandrett

THAT in relation to the report concerning Proposed Land Acquisition – Bowral – Council adopts the recommendation contained within the Closed Council report – Item 22.3.

MOTION LAPSED THROUGH WANT OF A SECONDER

MN 85/19

MOTION moved by Clr P W Nelson and seconded by Deputy Mayor G M Turland

THAT the report concerning Proposed Compulsory Land Acquisition – Bowral – be considered in Closed Council Item No. 22.3.

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.

PASSED

Clr I M Scandrett requested his dissenting vote be recorded for this matter.

COUNCIL MATTERS

MN 86/19

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

THAT Council move from Committee of the Whole back into Council, the time being 5.30pm with the Mayor **Cllr T D Gair** resuming the Chair to conduct the remainder of Council Business.

PASSED

QUESTIONS FROM THE PUBLIC

100/10
100/10 107/18

Ms Jan Hainke asked:

1. Planting of Leylandiis

Last week I attended both days of the Hume Coal IPC hearing, listening to nearly 80 submissions from the community. Many speakers spoke of the natural beauty of this Shire, the environmental qualities and its attractions for visitors to this district. However, I cringed every time I heard this comment. I believe tourism is most important to our economy. Will visitors still come when the views and vistas have disappeared? Perhaps, they will not miss what they have never seen.

Last April WSC passed a motion: MN139/18 regarding “Plantings of Leylandiis”.

- a) Would you please advise the outcome of this resolution.
- b) Which properties were identified; how many fencing notices were served if Council needed to lodge applications to a higher authority.

REPLY FROM GENERAL COUNSEL

Council officers cannot advise of the “outcome” of this resolution as the complex process for implementing it is ongoing.

Council cannot provide the specific and detailed information that is sought in part b of the question because doing so may reveal the personal information of individuals. Further, the information sought is of the nature that would only be considered in Closed Council as it may contain or relate to *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege* (section 10A 2(g) of the *Local Government Act 1993*.)

12. OPERATIONS FINANCE AND RISK (CONTINUED)

12.4 Post Exhibition Report - Grant of Easement over Community land at 142 Mittagong Road, Bowral

Reference:	PN 964400 PN 1756000, PN 964700, PN 1750380
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 advise Council of the submissions received during the period of public notice of the intention to grant an Easement for Stormwater (2 metres wide) over Council Community land at 142 Mittagong Road, Bowral (Bowral Pool). The period of public notification was from 19 December 2018 to 31 January, 2019.

Deputy Mayor Clr G M Turland declared a pecuniary interest in Item 12.4 - Post Exhibition Report - Grant of Easement over Community land at 142 Mittagong Road, Bowral as he is a director of the company requesting the easement for a drain that was installed by Council fifty years ago. Deputy Mayor Clr G M Turland left the chambers, the time being 05:37pm

The Chief Financial Officer addressed Council on this matter.

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

MN 87/19

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

1. **THAT** Council refer the issue of the grant of Easement over Council Community Land to the Minister for Local Government for consent as required pursuant to Section 47(5) of the Local Government Act 1993 as written objections to the proposed Easement have been submitted during the public notice period.
2. **THAT** if the Minister grants consent of the Easement, the General Manager and Mayor be delegated authority to execute the easement referred to in Resolution 1 above and to affix the Common Seal of Council to any document required to be sealed in respect of the Easement for Stormwater.
3. **THAT** if the Minister does not grant consent to the Easement a further report be forwarded to a future Ordinary Meeting of Council for consideration.
4. **THAT** Council write to those residents who lodged a written objection advising them that the easement will now be referred to the Minister for Local Government.

PASSED

12.5 Post Exhibition Report - Proposed Lease of Council property, Part Memorial Hall, 114 Main Street, Mittagong

Reference:	PN698900 7225/3
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 advise Council of the submissions received during the period of public notice of intention to issue a 21 year Lease to Berrima District Historical & Family History Society for occupation of part of 114 Main Street, Mittagong being the Mittagong Memorial Hall. The period of public notification was from 12 December 2018 to 31 January 2019.

Deputy Mayor G M Turland returned to the meeting, the time being 05:42pm.

The Chief Financial Officer addressed Council on this Item

MN 88/19

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

1. **THAT** Council enter in to a twenty one (21) year Lease with Berrima District Historical and Family History Society Inc.
2. **THAT** the General Manager and Mayor be delegated authority to execute the twenty one year (21) Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents.
3. **THAT** the persons who made a submission in respect of the proposed lease be notified in writing of Resolution 1 above.
4. **THAT** the General Manager continue to seek any suitable alternative accommodation for the Berrima District Historical and Family History Society Inc.

PASSED

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

1. **THAT** Council approve a twelve month term for the lease with Berrima District Historical and Family History Society Inc.
2. **THAT** within the term, Council work with Berrima District Historical and Family History Society Inc to seek an alternative solution within the 12 month term.
3. **THAT** at a convenient time Council inspect the premises with both user groups.
4. **THAT** the persons who made a submission in respect of the proposed lease be notified in writing of Resolution 1 above.

THE AMENDMENT WAS PUT TO THE VOTE AND THE AMENDMENT WAS LOST

12.6 Post Exhibition Report - Lease to Southern Highlands Bridge Club Inc. - Part David Woods Playing Fields, East Bowral

Reference:	PN1807820 6545/7
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 advise Council of the submissions received following a period of public notice of intention to issue a 21 year Lease to Southern Highlands Bridge Club Incorporated for part David Woods Playing Fields, East Bowral. The period of public notification was from 12 December 2018 to 31 January 2019.

MN 89/19

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

1. **THAT** Council refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5) of the Local Government Act 1993 as written objections to the proposed lease have been submitted during the public notice period.
2. **THAT** if the Minister grants consent to the Lease, the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of Council to the Lease and any supporting documents.
3. **THAT** if the Minister does not grant consent to the lease a further report be forwarded to a future Ordinary Meeting of Council for consideration.
4. **THAT** Council write to those residents who lodged a written objection advising them that the Lease will now be referred to the Minister for Local Government.

PASSED

12.7 Post Exhibition Report - Proposed lease to Highlands Golf Club Limited, Old Hume Highway, Mittagong

Reference:	PN 1766240 6612/3.1
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 advise Council of the submissions received during the period of public notice of intention to issue a 21 year Lease to Highlands Golf Club Limited, Old Hume Highway, Mittagong. The period of public notification was from 19 December 2018 to 31 January 2019.

The Chief Financial Officer addressed Council on this matter

The General Manager left the meeting at 6.18pm

MN 90/19

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

1. **THAT** Council refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5) of the Local Government Act 1993 as written objections to the proposed lease have been submitted during the public notice period.
2. **THAT** if the Minister grants consent to the Lease, the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of Council to the Lease and any supporting documents.
3. **THAT** if the Minister does not grant consent to the lease a further report be forwarded to a future Ordinary Meeting of Council for consideration.
4. **THAT** Council write to those residents who lodged a written objection advising them that the Lease will now be referred to the Minister for Local Government.

PASSED

12.8 Notice to Minister for Lands and Forestry - Native Title Manager

Reference:	5300/1
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 for the appointment of a Native Title Manager to satisfy the requirements of the *Crown Land Management Act 2016*.

MN 91/19

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

1. **THAT** Council appoint the Acting Coordinator of Property Services as Native Title Manager.
2. **THAT** Council give notice to the Minister for Lands and Forestry of contact details of Council's Acting Coordinator Property Services as Council's Native Title Manager as required under Section 8.8 of the *Crown Land Management Act 2016*.

PASSED

12.9 Bong Bong Common Masterplan

Reference:	6530/1
Report Author:	Asset Planner - Parks and Buildings
Authoriser:	Asset Coordinator Parks and Buildings
Link to Community	
Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

To seek approval for the Bong Bong Common Draft Masterplan to be placed on public exhibition with the community invited to provide feedback and comments.

MN 92/19

MOTION moved by Deputy Mayor G M Turland and seconded by Clr P W Nelson

1. **THAT** the Bong Bong Common Draft Masterplan be placed on public exhibition for a period of twenty eight (28) days.
2. **THAT** the final Bong Bong Common Masterplan incorporating community submissions be reported to Council for adoption following the public exhibition.

PASSED

12.10 CDS Refund Sharing Agreement

Reference:	7520/14
Report Author:	Manager Business Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Maximise the recovery of resources from the waste stream

PURPOSE

We are seeking a resolution be passed endorsing the Refund Sharing Agreement (RSA) for the Container (CDS) permitting the General Manager and Mayor to execute the Agreement enabling the RSA to be registered with the Environmental Protection Authority, allowing the Agreement to be formally set in place.

MN 93/19

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

THAT in relation to the report concerning CDS Refund Sharing Agreement, Council adopts the Recommendation contained in Closed Council Report – Item 22.4.

1. **THAT** Council accept the terms under the proposed “Refund Sharing Agreement” between Wingecarribee Shire Council and SUEZ Recycling & Recovery Pty Ltd, as a way of gaining revenue for the community from the Container Deposit Scheme (CDS) established by the Environmental Protection Authority (EPA).
2. **THAT** Council affix the Common Seal of Council to all documents required to be sealed in relation to the Refund Sharing Agreement **AND THAT** authority be delegated to the Mayor and General Manager to execute that document.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 7 February 2019 to 6 March 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 7 February 2019 to 6 March 2019

***Note: Due to a technical error in Council's Corporate Approvals Management System, a number of Subdivision Applications were omitted from the previous report and are therefore included in this report.*

Clr K J Halstead left the chambers, the time being 06:23pm.

MN 94/19

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

THAT the information relating to Development Applications Determined for the period 7 February 2019 to 6 March 2019 be received and noted.

PASSED

13.2 Development Applications Received from 7 February 2019 to 6 March 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 Development Applications received in the period from 7 February 2019 to 6 March 2019

***Note: Due to a technical error in Council's Corporate Approvals Management System, a number of Subdivision Applications were omitted from the previous report and are therefore included in this report.*

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

MN 95/19

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 7 February 2019 to 6 March 2019 be received and noted.
2. **THAT** in relation to Item No. 78, DP 19/1296, 300 Kirkland Road, East Kangaloon NSW 2576, Council give delegated authority to the General Manager to determine the application.

PASSED

13.3 DA18/0381 - Alterations and Additions to Mittagong RSL, Lot 1 and Lot 2 DP1086496, 148-150 Old Hume Highway Mittagong

Reference: 18/0381
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

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

PURPOSE

The purpose of this report is to consider Development Application 18/0381 which seeks approval for the Commercial Alterations and Additions to Mittagong RSL Club at Lot 1 and Lot 2, DP1086496, 148-150 Old Hume Highway, Mittagong. This report is prepared for determination and recommends APPROVAL, subject to the attached conditions of consent (Attachment 1).

MN 96/19

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

1. **THAT Council assume the concurrence of the Secretary Department of Planning and Environment and invoke the provisions of clause 4.6 of Wingecarribee Local Environmental Plan 2010 and resolve that in the circumstances of the case the submissions under clause 4.6 of the Wingecarribee Local Environmental Plan 2010 seeking variation of the statutory height standard contained in Clause 4.3 is well founded, having regard to all relevant considerations under clause 4.6 of Local Environmental Plan 2010**
2. **THAT development application 18/0381 for the Commercial Alterations and Additions to Mittagong RSL Club at Lot 1 and 2 DP 1086496, 148-150 Old Hume Highway, Mittagong be APPROVED subject to attached conditions of consent as described in Attachment 1 to the report.**
3. **THAT the Mittagong RSL be requested to provide a masterplan for the future development of the site**

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, Deputy Mayor G M Turland

Against the motion: Nil

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

Nil

16. PETITIONS

16.1 Petition 01/2019 - DA 17/1457 - Ellsmore Road, Exeter

Reference:	100/8 17/1457
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

PURPOSE

The purpose of this report is to present to Council a petition received from the residents of Ellsmore Road, Exeter, relating to development application 17/1457. The petitioners have expressed concern "on the grounds of safety with the planned road exiting onto Ellsmore Road at a bend, the re-routing Reedy Creek and carving up a piece of rural land to access a land locked strip".

A copy of the Petition was tabled.

Clr Nelson noted there were 40-50 signatures on the petition

MN 97/19

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

THAT *Petition 01/2019 relating to Ellsmore Road, Exeter be received and noted by Council.*

PASSED

16.2 Petition 02/2019 - Mansfield Road and Reserve, Bowral - Dangerous Road Design

Reference:	100/8 6535/2 RD 4514
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

PURPOSE

The purpose of this report is to present to Council a petition received from the residents of Mansfield Road and Reserve, Bowral seeking rectification of a dangerous road arrangement which has led to private property damage and financial loss to residents; it has caused repeated damage to road surfaces; and presents an immediate danger to increased pedestrian and cyclist activity.

A copy of the petition was tabled.

Clr Nelson noted there were 40-50 signatures on the petition.

MN 98/19

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

THAT *Petition 02/2019 relating to Mansfield Reserve/Mansfield Road - Dangerous Road Design be received and noted by Council.*

PASSED

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Finance Committee Meeting held on Wednesday, 20 February 2019

Reference:	107/21
Report Author:	Coordinator Corporate Strategy and Governance
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

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 20 February 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 4 Confirmation of Minutes

FC1/19

THAT the minutes of the Finance Committee Meeting held on Wednesday 21 November 2018 MN FC30/18 to MN FC33/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 7 Agenda Reports

FC 2/19

1. THAT Council approve the budget variations reported at the December Quarterly Review as listed in Attachment 1 to the report.
2. THAT the projected surplus of \$29,715 be transferred to the Capital Projects Reserve, with the intention it will be utilised for the 2019/20 Budget.

Item 7.2 Quarterly Operational Plan 2018/19 progress report, October to December 2018

FC 3/19

1. THAT the Quarterly Progress Report on Operational Plan 2018/19, October to December 2018, be noted.

Item 7.3 Illawarra Academy of Sport – Access to Moss Vale War Memorial Aquatic Centre Gym Facilities

FC 4/19

1. THAT Council establish a restricted concession category as part of the 2019/20 Fees and Charges which would allow access to current and future IAS athletes from the Wingecarribee Local Government Area.
2. THAT Council grant this concession for the period 1 January 2019 – 30 June 2019, with the concession amount to be funded through the Contingency Fund in the 2018/19 financial year and from the Swimming Pool budget in subsequent years.

Item 7.4 Request for Financial assistance – Moss Vale Golf Club

FC 5/19

THAT Council authorise the deferral of rates for a period of two years 1 July 2018 to 30 June 2020 for the Moss Vale Golf Club, the deferred rates not being subjected to interest. The outstanding balance of land rates as at 30 June 2020 will then be the subject of a payment arrangement which will ensure all rates and charges (including future accounts) are recovered within a five (5) year period.

Item 7.5 Moss Vale War Memorial Aquatic Centre – Lighting Upgrade

FC 6/19

1. THAT Council approve the allocation of \$5,000 from the Revolving Energy Fund (REFund) to the 2018/19 budget for the supply and installation of LED lighting at the Moss Vale War Memorial Aquatic Centre.
2. THAT the average value of the energy savings achieved from the installation of efficient LED lighting be calculated and transferred back into the REFund on an annual basis until the full project cost is recouped.

Item 7.6 Councillor Update – Berrima Road Deviation Project

FC 7/19

THAT the report concerning Councillor Update – Berrima Road Deviation Project, be considered in Closed Council.

Item 8 Closed Committee

FC 8/19

1. THAT the Finance Committee moves into Closed Committee 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:

8.1 Councillor Update - Berrima Road Deviation Project

THAT the minutes of the Closed Committee part of the meeting (being the Finance Committee's resolution) be made public.

Item 8.1 Councillor Update - Berrima Road Deviation Project

FC 10/19

THAT due to time constraints the mayor adjourn the 20 February 2019 Finance Committee meeting, with the meeting to reconvene on Wednesday 27 February 2019.

The reconvened meeting will continue in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale, commencing at 8.30am.

Item 10 Closed Committee

FC 11/19

1. THAT the Finance Committee moves into Closed Committee 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:
2. THAT the minutes of the Closed Committee part of the meeting (being the Finance Committee's resolution) be made public.

Item 8.1 Councillor Update - Berrima Road Deviation Project

FC 12/19

1. THAT a report be furnished to Council detailing the status of this project.
2. THAT Council meet with the Federal Member for Hume to discuss the current funding arrangement with a view to seeking an extension of time for the project.
3. THAT Council continue to negotiate with adjoining land owners with a view of acquisition.

Item 11 Resumption of Open Agenda

FC 13/19

THAT the Finance Committee moves from Closed Committee into Open Committee.

Item 12 Adoption of Closed Committee

FC 14/19

THAT the recommendations of the Closed Committee held on Wednesday 20 February 2019 and Wednesday 27 February 2019, being MN FC9/19 to MN FC13/19 be adopted.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 March 2019



MN 99/19

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

THAT recommendations Nos FC 1/19 to FC 14/19 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 20 February 2019 be adopted.

PASSED

Clr Scandrett requested his dissenting vote be recorded as his dissenting vote was not recorded in the Summary of Recommendations of the Finance Committee Minutes of 20 February 2019.

The General Manager returned to the meeting at 6.32pm

19. QUESTIONS WITH NOTICE

19.1 Question with Notice 5/2019 - WIN TV Interview with Mayor Clr D Gair on Station Street upgrade

Reference: 101/2 7457 5125
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 I M Scandrett

Received: 28 February 2019

Subject: WIN TV Interview with Mayor Clr D Gair on Station Street upgrade

I was appalled at your attack on all state election candidates in relation to the media interview you gave on WIN TV News on Friday 22 February 2019. Your frustrations with the Station Street upgrade and how it has stalled due to “obstacles”.

You then attacked all candidates saying “the candidates are as useless as an ashtray on a motor bike”.

Various correspondence from candidates expressing their dissatisfaction has been received (see letter from Jo Ann Davidson as sent to Councillors).

Question:

- a) Will you make a public retraction of the comment “the candidates are as useless as an ashtray on a motor bike” and issue to all candidates?

If not, why not?

The Mayor Clr T D Gair addressed Council in relation to this item.

MN 100/19

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

THAT the information in relation to Question with Notice 5 /2019 - WIN TV Interview With Mayor Clr D Gair On Station Street Upgrade - be noted.

PASSED

19.2 Question with Notice 6/2019 - Grant Funding

Reference: 101/2 2152
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 P W Nelson

Received: 6 March 2019

Subject: Grant funding

Question:

Could the General Manager confirm that the following grant funding projects have been successfully received and could she confirm any other recent grant funding success that have been recently received.

1. Growing Stronger Communities Fund Round 1	\$
a. The Carribee Centre Upgrade and Extension	207,592
b. Construction of a Second Synthetic Hockey and All Weather Sporting Field – Stage 1	374,622
c. Wingello Hall Accessibility Upgrade	114,732
2. Growing Stronger Communities Fund Round 2	\$
a. Stephens Park Bowral – Playing Field Drainage Project	113,572
b. Bundanoon Skatepark	416,304
c. Berrima Marketplace Playground	239,990
d. Bowral Rugby Club House Re-development – Stage 2	991,330
3. Growing Local Economies Fund	\$
a. Upgrade of the Southern Region Livestock Exchange	5,200,000
b. Grant applications for the Moss Vale Bypass submitted in tandem through the Grouping Local Economies Fund (for \$10M) and through the Federal Regional Development Fund (\$10M).	
4. Saving Our Species Fund	
\$450,000 over three years was obtained from State Governments Saving Our Species program to address Koala conservation.	450,000

5. Safe and Secure Water	\$
a. Moss Vale STP upgrade	6.6M
b. Bowral STP upgrade	7.1M
(These amounts are the maximum for which we can apply under the grant criteria)	

Response:

The following grants have been approved:

1. Growing Stronger Communities Fund Round 1	\$
a. The Carribee Centre Upgrade and Extension	207,592
b. Construction of a Second Synthetic Hockey and All Weather Sporting Field – Stage 1	374,622
c. Wingello Hall Accessibility Upgrade	114,732
2. Growing Stronger Communities fund Round 2	\$
a. Stephens Park Bowral – Playing Field Drainage Project	113,572
b. Bundanoon Skatepark	416,304
c. Berrima Marketplace Playground	239,990
d. Bowral Rugby Club House Re-development – Stage 2	991,330
3. Growing Local Economies Fund	\$
a. Upgrade of the Southern Region Livestock Exchange	5,200,000
b. \$450,000 over three years was obtained from State Governments Saving Our Species program to address Koala conservation.	450,000
4. Heritage Near Me Green Grant	\$
Mittagong Library Energy Efficiency Upgrade	30,436

The following grants have been applied for:

1. Safe and Secure Water	\$
c. Moss Vale STP upgrade	6.6M
d. Bowral STP upgrade	7.1M

(These amounts are the maximum for which we can apply under the grant criteria) Outcome not yet known.

2. Regional Development Communities Fund	\$
Have submitted an application for \$16.25million for the Moss Vale Bypass. This grant application was by invitation as a result of a nomination from Pru Goward. Outcome not yet known.	16.25M

3. Growing Local Economies Fund	\$
Application for \$5.8million for the Berrima Road Deviation and Rail Overbridge Project. Outcome not yet known.	5.8M

MN 101/19

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

THAT the information in relation to Question with Notice 6/2019 – Grant Funding - be noted.

PASSED

19.3 Question with Notice - 7/2019 - Berrima Road Project

Reference: 101/2 RD 0372 0090
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 G M Turland

Received: 6 March 2019

Subject: Berrima Road Project

Question:

1. Can the General Manager provide to Council all quantity surveyors' reports for this project.
 2. Can the General Manager provide to Council all correspondence from Senior Staff that relates to this project.
 3. Can the General Manager provide to Council a report and costing on this project with a breakdown of the quantity surveyor's report from the beginning of the project to current and the total cost spent.
-

The General Manager addressed Council in relation to this Item.

MN 102/19

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

1. **THAT** the information in relation to Question with Notice 7/2019 Berrima Road Project be noted.
2. **THAT** the report be brought back to Council to the meeting of 10 April 2019.

PASSED

19.4 Question with Notice 9/2019 – Staff Matter

Reference: 101/2 800
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 G Turland

Received: 6 March 2019

Subject: Council Restructure to the Assets and Project Delivery Branch

Question:

1. Can the General Manager provide an update to Council on the restructure of the department.
2. Does Council have to approve any restructure before it is implemented.
3. Can the General Manager advise why the restructure has taken place and when.
4. Can the General Manager provide to Council an update on the organisation structure including total staff numbers.

--

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

THAT Question with Notice 9/2019 – Staff Matter be considered in Open Council

MOTION LOST

MN 103/19

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

THAT Question with Notice 9/2019 – Staff Matter be considered in Closed Council – Item 22.6.

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors).

AMENDMENT PASSED

AMENDMENT BECAME THE MOTION

UPON BEING PUT TO THE VOTE THE MOTION WAS PASSED

20. NOTICES OF MOTION

20.1 Notice of Motion 4/2019 - Alleged Breaches at 144 Mt Broughton Rd, Werai

Reference:	100/4 PN 1702240
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

PURPOSE

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

- 1. THAT a report detailing the following alleged breaches on the property at 144 Mount Broughton Rd, Werai of cut and fill and unauthorised earthworks for the shed 4.55 Modification 10/0414.03 without consent be undertaken:**
 - work in a water course Environment Protection E3 zones without consent from all Government departments DPI ,LLS, Water NSW and the LEP;
 - large stone walls around the house and other areas around the property that can be seen from the road;
 - excavation of a rock quarry on site; and
 - altering land levels around the property without consent.
 - has there been any imported fill from outside this property or excavation without consent
 - Installing of a wind turbine if it requires a Development Application
 - Loss of the rural vista affecting the neighbours
- 2. What action or investigation has been undertaken on the letter sent to Council from Mark Nelson dated 19 July 2017 concerning this property.**
- 3. THAT a report be brought back to Council on the above alleged breaches and any other item that may be brought forward during the investigation process.**

MN 104/19

MOTION moved by Deputy Mayor G M Turland and seconded by Clr P W Nelson

- 1. THAT the information in relation to Notice of Motion 4/2019 – Alleged Breaches at 144 Mt Broughton Road, Werai be noted.**

PASSED

20.2 Notice of Motion 5/2019 - Audio Recording of Ordinary Council Meetings and Extraordinary Meetings

Reference:	100/4	100/1
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	

PURPOSE

Councillors Clr P W Nelson and Clr G J Andrews have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 13 March 2019:

1. THAT Councillors only be permitted to receive a tape recorded copy (disc copy) of Ordinary Council Meetings or Extraordinary Council Meetings when they are absent from either meetings.
2. THAT Councillors be permitted to hear any selected item of either the Ordinary or Extraordinary Council meetings in the Council Chambers at a mutually convenient time of the said Councillor and staff member.

MN 105/19

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

THAT the information in relation to Notice of Motion 5/2019 – Audio Recording of Ordinary Council Meetings and Extraordinary Meetings be noted.

PASSED

21. GENERAL BUSINESS

There was no General Business at this Meeting.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.48 pm, Council moved into Closed Council.

MN 106/19

MOTION moved by Clr P W Nelson and seconded by Clr K J Halstead

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 Laboratory Sample Analysis for Water and Sewer

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 Laboratory Sample Analysis program for Water and Sewer operations.

22.2 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 acquire land for road purposes. The acquisition of land is required for the proposed Moss Vale Bypass Project. The subject land is known as Part Lot 2 DP 873240 (18-19 McCourt Road, Moss Vale) and Part Lot 3 DP 873240 (Suttor Road, Moss Vale) - collectively referred to as 'the Land'.

22.3 Proposed Land Acquisition - Bowral

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 for the General Manager to be delegated the authority to negotiate the proposed acquisition of property in Bowral for the purposes of parking.

22.4 CDS Refund Sharing Agreement

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

We are seeking that a resolution be passed endorsing the Refund Sharing Agreement (RSA) for the Container Deposit Scheme (CDS) permitting the Mayor and General Manager to affix the Common Seal of Council to the Agreement enabling the RSA to be registered with the Environmental Protection Authority (EPA), allowing the Agreement to be formally set in place.

22.5 Question with Notice 9/2019 - Staff Matters

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)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

To: General Manager
From: Clr G Turland
Received: 6 March 2019

Subject: Council Restructure to the Assets and Project Delivery Branch

Question:

1. Can the General Manager provide an update to Council on the restructure of the department.
2. Does Council have to approve any restructure before it is implemented.
3. Can the General Manager advise why the restructure has taken place and when.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 March 2019



-
4. Can the General Manager provide to Council an update on the organisation structure including total staff numbers.

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 Laboratory Sample Analysis for Water and Sewer

Reference: 6330/18.11
Report Author: Operations Technical Officer - Quality and Projects
Authoriser: Manager Water & Sewer
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.

This Item was dealt with earlier in the meeting. Please refer to M/N 83/19 page 14.

22.2 Proposed Land Acquisition - Moss Vale

Reference:	PN1705957; PN1705956
Report Author:	Property and Project Officer
Authoriser:	Property and Projects 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.

This item was dealt with earlier in the meeting. Please refer to MN 84/19 on page 16.

22.3 Proposed Land Acquisition - Bowral

Reference:	PN 1750290
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 for the General Manager to be delegated the authority to negotiate the proposed acquisition of property in Bowral for the purposes of parking.

Clr I M Scandrett left the chambers, the time being 06:53pm.

Clr I M Scandrett returned to the meeting, the time being 06:54pm.

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

MN 107/19

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

1. **THAT** the General Manager be delegated authority to negotiate with the owner of Lot 2 DP1081770, 63-69 Kirkham Road Bowral for the acquisition of part of the Land for the purpose of car parking AND THAT compensation be negotiated within a 10% range of the formal valuation obtained by Council in respect of the proposed acquisitions.
2. **THAT** if the acquisition referred to in Resolution 1 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.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the Land referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and General Manager to execute those documents and any other documents required.
4. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the Land referred to in Resolution 1 above that does not require the Common Seal of Council.

PASSED

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

22.4 CDS Refund Sharing Agreement

Reference:	7520/14
Report Author:	Manager Business Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Maximise the recovery of resources from the waste stream

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.

This matter was dealt with earlier in the meeting. Please refer to MN 92/19 on page 27.

22.5 Question with Notice 9/2019 - Staff Matters

Reference:	101/2 800
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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors).

To: General Manager
From: Clr G Turland
Received: 6 March 2019

Subject: Council Restructure to the Assets and Project Delivery Branch

Question:

1. Can the General Manager provide an update to Council on the restructure of the department.
2. Does Council have to approve any restructure before it is implemented.
3. Can the General Manager advise why the restructure has taken place and when.
4. Can the General Manager provide to Council an update on the organisation structure including total staff numbers.

Response:

The General Manager addressed Council on this matter.

MN 108/19

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

THAT the information in relation to Question with Notice 9/2019 – Staff Matter - be noted.

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 109/19

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 110/19

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

THAT the recommendations of the Closed Council held on Wednesday, 13 March 2019 being MN 107/19 to MN 108/19 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 111/19

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 13 March 2019 being MN 81/19 to MN 85/19 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 740 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 March 2019 numbered MN 76/19 to MN 111/19 were signed by me hereunder at the Council Meeting held on Wednesday 27 March 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 27 MARCH 2019

CHAIRMAN

PUBLIC OFFICER