

17 October 2019

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 23 October 2019** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast  
**General Manager**

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

# RUNNING SHEET

## ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale

on Wednesday, 23 October 2019 at 3.30pm.

Time	Item
3.30pm	<b>Opening of the Meeting</b> – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded <b>AND that the Council Chamber now has 24 hour Video Surveillance.</b>
	<b>Acknowledgement of Country – Cllr McLaughlin</b>
3.32pm	<b>Opening Prayer – Reverend Graham Thomas Robertson, Anglican Church</b>
3.35pm	<ul style="list-style-type: none"><li>• <b>Apologies</b></li><li>• <b>Adoption of Previous Minutes</b></li><li>• <b>Declarations of Interest</b></li><li>• <b>Mayoral Minute</b></li><li>• <b>Public Forum</b></li><li>• <b>Visitor Item</b> Item 9.1 DA 19/0951-53 Kirkham Street Moss Vale</li><li>• <b>Council Reports</b></li></ul>
5.30pm	<b>Questions with Notice</b> Item 17.1 Question with Notice 19/2019 - Signage and Outdoor Advertising <b>Notices of Motion -Nil</b>
7.40pm	<b>Closed Council</b>
8.00pm	<b>Meeting Closed</b>

Ann Prendergast  
**General Manager**



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## **Business**

- 1. OPENING OF THE MEETING**
  - 2. ACKNOWLEDGEMENT OF COUNTRY**
  - 3. PRAYER**
  - 4. APOLOGIES**
  - 5. ADOPTION OF MINUTES OF PREVIOUS MEETING**  
Ordinary Meeting of Council held on 9 October 2019
  - 6. DECLARATIONS OF INTEREST ..... 1**
  - 7. MAYORAL MINUTES**
  - 8. PUBLIC FORUM**

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  - 9. VISITOR MATTERS**  
**OPERATIONS, FINANCE AND RISK**  
Nil  
**CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**  
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and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale ..... 2
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  - 15. PETITIONS**  
Nil

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## 18. NOTICES OF MOTION

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## 19. CLOSED COUNCIL

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### 19.1 Legal Report - Closed Council

*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), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

## 20. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

## 21. MEETING CLOSURE

## Our Mission, Our Vision, Our Values

### OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

### OUR VISION

**Leadership:** *'An innovative and effective organisation with strong leadership'*

**People:** *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

**Places:** *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

**Environment:** *'A community that values and protects the natural environment enhancing its health and diversity'*

**Economy:** *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

### OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

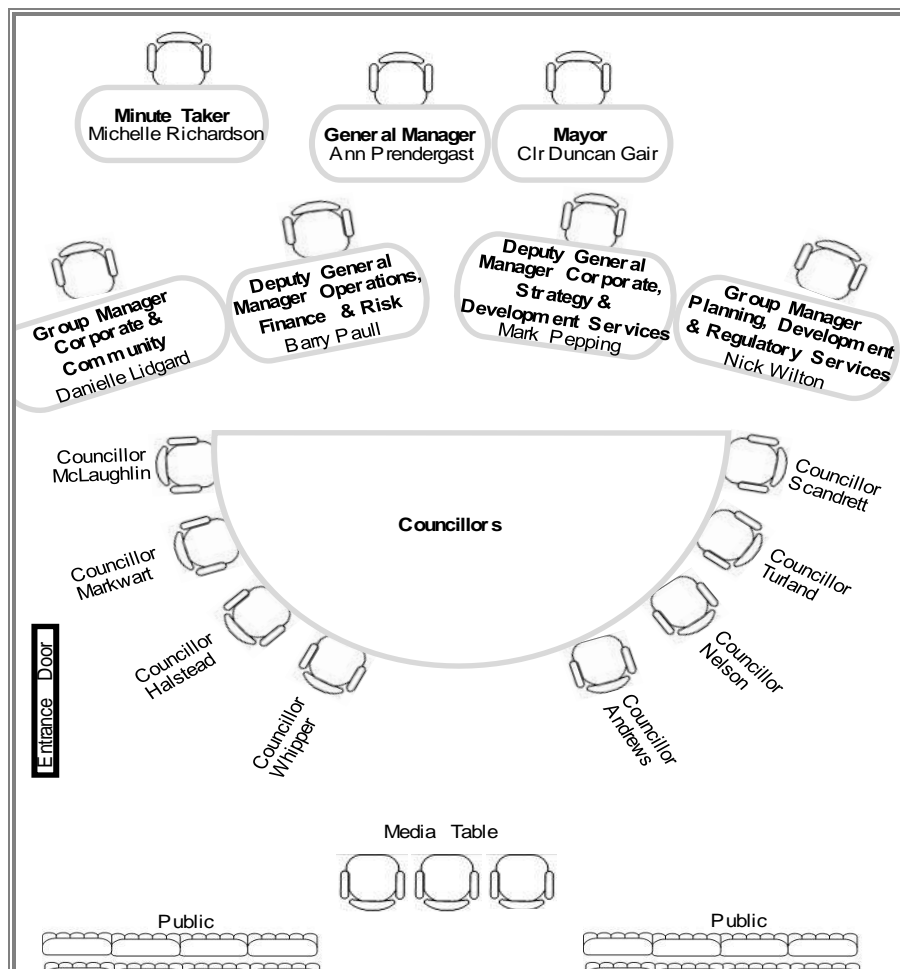
## Council Chambers

### Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

As required under its Code of Meeting Practice, Wingecarribee Shire Council records and webcasts the proceedings of the Council meetings and Finance Committee meetings for public viewing, with the exception of any part of the meeting that is held in closed session. Members of the public attending and speaking at these meetings will be recorded and publicly broadcast. Council does not accept liability for any defamatory, discriminatory or offensive comments that are made during the course of the meeting.

Sound recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording or live streaming is also not permitted. No member of the public is to live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the meeting without prior permission of the Council.

The Council Chamber now has 24 Hour Video Surveillance.





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## **ACKNOWLEDGEMENT OF COUNTRY**

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

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## **APOLOGIES**

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Leave of absence for this meeting was previously granted to Councillor G Markwart.

Request for Leave of Absence – Councillors T D Gair and G M Turland

Councillors T D Gair and G M Turland intend to be absent from all Council commitments on Wednesday, 23 October 2019, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

Under Section 234 of the *Local Government Act 1993* and Clause 235A of the *Local Government Regulations 2005* leave of absence can be granted to a Councillor with Council approval.

Council's consideration of the request for leave of absence is sought.

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## **DECLARATIONS OF INTEREST**

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101/3, 101/3.1

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

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## 9 VISITOR MATTERS

### CORPORATE STRATEGY AND DEVELOPMENT SERVICES

#### 9.1 DA 19/0974 - Multi Dwelling Housing - 9 Dwellings, Lot 10 DP 38607 and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale

Reference:	19/0974
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Kathy Barnsley Architect Pty Ltd
Owner:	Joer Pty Ltd
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 19/0974 which seeks approval at Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale, for Multi Dwelling Housing development – 9 Dwellings involving:

1. Demolition of existing dwelling at 53 Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties at 51-53 Kirkham Street Moss Vale.
2. Construction of nine (9) single storey villa style dwellings over Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale.

The application was referred to Council and considered by Council at its Ordinary Meeting held on 11 September 2019 as it involves a significant policy departure in relation to provision of landscaping.

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### RECOMMENDATION

**THAT** Development Application 19/0974 for Multi Dwelling Housing at Lot 10 DP 38607 and Lot 53 DP 1120498 51-53 Kirkham Street Moss Vale involving:

1. Demolition of existing dwelling at Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties at 51-53 Kirkham Street Moss Vale.
2. Construction of nine (9) single storey villa style dwellings over Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale;

be REFUSED due to the reasons included in (Attachment 1).



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**REPORT**

***Subject Site and Locality***

The site is known as 51 and 53 Kirkham Street Moss Vale. The site is located approximately 400 metres south east of the Moss Vale business centre and directly opposite the Moss Vale TAFE site, within a precinct that is predominantly medium density developments of varying scale, character and age.

The site has an area of approximately 3,726m<sup>2</sup>. It has a frontage to Kirkham Street of approximately 38.5 metres. Along its northern boundary it has a depth of approximately 60 metres and along its southern boundary a depth of approximately 136 metres. The site is relatively flat, falling slightly from the street at RL675 towards the rear at RL671. Whites Creek Reserve abuts the rear boundary of the site.

Situated upon the site is one older style single storey cottage on 53 Kirkham Street, setback approximately 3 metres from the street, while No 51 is now vacant, the original cottage having been demolished. There are some detached garage/garden sheds structures to the rear of the properties. There are a number of existing trees located on the site.

Surrounding development is a mix of single residential dwellings and established medium density developments.



**Site Plan.**



Council at the Ordinary Meeting on the 11 September 2019 resolved:

***THAT Development Application 19/0974 for Multi Dwelling Housing at Lot 10 DP 38607 and Lot 53 DP 1120498 51-53 Kirkham Street Moss Vale involving the:***

- 1. Demolition of existing dwelling at 53 Kirkham Street and a number of detached garage/garden shed structures to the rear of the properties; and***
- 2. Construction of nine (9) single storey villa style dwellings;***

***Be DEFERRED to request the applicant to submit amended plans addressing the shortfall of on-site landscaping to comply with the Moss Vale Town Development Control Plan prescriptive control of 50% of site area.***

The applicant has advised Council that they have reviewed their design and confirmed that due to the shape of the site are unable to achieve compliance with the one control where they are at a shortfall. On this basis they request Council to determine the application in its current form.

The applicant was requested to redesign the development to achieve a total landscaped area of 50% in accordance with the requirements of the Moss Vale Development Control Plan.

The applicant did not wish to redesign the application therefore the application is submitted to Council recommending refusal due to the proposal being a significant policy departure.

Council has been consistent in dealing with applications for multi dwelling developments and requiring compliance with the 50% landscape requirement.

Council staff recently assessed an application at 33-37 Kirkham Street Moss Vale for the erection of 23 dwellings. Their original application provided a landscaped area of 45.8%. The applicant was requested to amend the application and submitted a redesign that achieved a landscape area of 49.6% and was subsequently approved in April this year.

Council considered an application at its Ordinary Meeting on 23 March 2019 for a multi dwelling development at 19-21 Sheffield Road Bowral that provided for a landscaped area of 42.4%. Council resolved to defer the application for the applicant to submit amended plans addressing the shortfall of on-site landscaping to comply with Development Control Plan prescriptive control of 50% of site area. The amended development was approved by Council at its Ordinary Meeting on 14 August 2019 where the applicant provided 50% landscaped area for the development.

Council Development Assessment Staff have been consistent in requiring multi dwelling developments to provide 50% landscaped area in accordance with the requirements of the Development Control Plans.

### ***Proposed Development***

The proposed development involves the demolition of the existing dwelling house and outbuildings as well as the removal of several existing trees and the construction of nine (9) single storey villa style dwellings. There are four (4) attached pairs and one (1) single detached villa.

There is a single central driveway off Kirkham Street with each villa having an attached garage directly off the driveway.

Villas 1, 6, 7 and 9 contain 3 bedrooms and living areas. These dwellings have a floor area of approximately 170m<sup>2</sup> each with attached double garages.

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Villas 2, 3, 4, 5, and 8 contain 2 bedrooms and living areas. These dwellings have a floor area in the range of approximately 130m<sup>2</sup> to 150m<sup>2</sup>. These villas have single attached garages. There are 3 visitor parking spaces.

The floor space ratio for the development is 0.37:1. Each dwelling has its own private outdoor open space that is directly off the main living area, complemented with alfresco areas that have the flexibility of indoor/outdoor living.

The development is proposing to provide only 43% (260.84m<sup>2</sup> shortfall) landscaping on the site in lieu of the required 50% under the Development Control plan. To achieve 50 % landscaped area would involve amendments to the plan and possible 2 storey dwelling mix to reduce the footprint and thereby increase the landscaped area.

Council considered a recent development application at Sheffield Road Bowral where the applicant was providing 42.4% landscaping. Council resolved to defer the application for amendment to provide 50% landscaped area.

The applicant has provided the following comments in regard to the variation of the landscaping controls which he believes do not give rise to any detrimental impacts upon either the natural or built environment or upon adjoining residential properties.

*"The numeric control requirement of 50%, which is a relatively new control, is unfortunately not considered to be a control that is fair or reasonable, nor is it a figure necessary to achieve desirable outcomes.*

*At 50 % of the site area, it is fundamentally enforcing development to be two storey development because it is not possible to provide reasonable sized dwellings and provide the required driveways and car parking areas within 50% of the site area. In this proposal, all nine dwellings are single level and therefore provide living and bedroom space at ground level. Compliance with the 50% requirement could be achieved by shrinking the ground level footprints of each dwelling and making all dwellings a standard two storey design with extended external wall heights and an overall increased height and building bulk. This is not considered to be a desirable outcome for either the future occupants, the majority of whom are more desirous of single level living, nor would it advantage adjoining developments because issues of privacy and overshadowing increase with two storey developments.*

*The total floor space on site of just 0.37:1, is well within the allowable maximum, so the minor shortfall in landscaped area is not a problem of too much density. The development seeks only 75% of the allowable FSR.*

*The final figure of any of the three major site components – building, access, landscape – will always be a consequence of how these components can be fitted onto this site. In this case, the distribution is 37% building, 20% driveway and 43% landscaping.*

*The 20% access (driveway and parking) component comes about as a result of the long narrow site that requires an extended driveway length. This is not considered to be excessive. The driveway design is efficient and is no more than what is necessary to service the proposed dwellings. There are no 'options' for an alternative driveway design.*

*For instance, the immediately adjoining site to the south is a medium density development approximately 30 years old. It has the same basic form as a number of developments in the locality with a simple driveway system servicing the dwellings and providing in-site parking spaces. It has a driveway coverage in excess of 25%.*

*A more recent development, Moreau Village at the end of Kirkham Street has approximately 18% driveway coverage, but is of much different shape to the subject lot.*



*This form is a single driveway down one side of the lot servicing dwellings to one side with suitable and adequate private landscaped courtyards. Additional landscaping is provided at the street frontage or at the rear.*

*Additionally, the landscaped area is a figure that is significantly more onerous than the landscape area requirement for detached dwellings and dual occupancy and this is a situation that should be addressed.*

*If the land was to be subdivided and developed as single dwelling houses or dual occupancies, the applicable landscaped open space would only be 35% site area, not 50%. Lower density housing with less landscaping is an incongruous and illogical planning outcome.*

*This application seeks to achieve Council's planning objective of providing additional medium density housing, yet could be penalised for this with an unrealistic requirement for landscaping. When controls lead to outcomes that do not favour the objective of the zone, such as this control, then the numeric of that planning control should be reviewed.*

*The issue of landscaping in this case should be judged on the following: the generous and suitable private open space areas that are provided for each dwelling that are compliant with the minimum requirements; the generous front setback that provides an appropriate landscaped streetscape; the significant and co-ordinated new landscaping treatment for the site as set out in the detailed landscaping plan. These demonstrable positive outcomes achieved by the site landscaping are far more important than a rigid adherence to the 50% numerical requirement, the veracity of which has never been justified and therefore should seriously be questioned.*

*Reasonable variations to this control have been granted by Council on previous occasions. These examples of recent approvals are in addition to the multitude of earlier approvals of medium density development throughout the shire, including in this Precinct. For instance developments at Nos 11, 15 and 12 Mack Street, none of which achieve 50% landscaping area, have resulted in development that would appear to have managed to provide both attractive streetscapes and attractive residential amenity for residents, further raising the question of why this particular planning control has been introduced".*

**Note:**

The statement from the applicant that *"the numeric control requirement of 50%, which is a relatively new control"*, is misleading. The 50% minimum landscape requirement for Residential Flat Buildings was included within Council's premises DCP 18 Residential Flat building Code which was effective until 2006 and a 40% landscape requirement for cluster housing was included under Council's premises DCP 20 Cluster housing which was effective until 2006. The current Moss Vale DCP has been effective since 16 June 2010 and required a 50% minimum landscape requirement for Residential Flat Buildings but was silent on Multi Dwelling housing. The 50% minimum landscape requirement for Multi Dwelling housing was introduced in 2014.

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**STATUTORY PROVISIONS**

***State Environmental Planning Policies***

**State Environmental Planning Policy No 55 – Remediation of Land**

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. After undertaking a



desktop search using Council's Property and Rating database, Council is satisfied the land is not a site of possible contamination and therefore no further assessment is required.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The development is located on land to which SEPP (Sydney Drinking Water Catchment) applies and is Module 5 development. The application was referred to Water NSW for its concurrence. Water NSW has issued its concurrence by letter dated 06 February 2019. Water NSW advised that the development is able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

***Local Environmental Plans***

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

The site is zoned R3 – Medium Density Residential and in this zone Multi Dwelling Housing is permissible with development consent. The objectives of the R3 – Medium Density Residential zone are as follows:

- To provide the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is consistent with the objectives of the zone and will meet housing needs of the community in a medium density residential development.

***Development Control Plans***

Moss Vale Development Control Plan

The application has been considered with regard to the DCP's applicable provisions, including:

- Part A – provisions applicable to all land
  - Section 2 – General Objectives
    - A2.2 – Objectives of this plan
    - A2.2.5 Residential Diversity
  - Section 3 – Biodiversity
    - A3.2 Flora and Fauna Assessment Report
  - Section 4 – Water Management
    - A4.3 – Development in Sydney's drinking water catchments.
    - A4.4 – Water cycle management study
    - A4.5 – Stormwater management plan
    - A4.6 – Erosion and sediment control plans
    - A4.7 – Water sensitive urban design
  - Section 6 – Vegetation management and Landscaping
    - A6.1 – Preservation of trees and other vegetation.

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- A6.2 – Private Landscaped open space
  - A6.3 – Controls
  - Section 8 – Safer by Design
    - A8.3 – Crime prevention through environmental design
    - A8.4 – Specific design requirements
  - Section 9 – Construction standards and procedures
    - A9.3 – Buildings near or over Council Mains and Easements
    - A9.8 – Stormwater disposal
    - A9.12 – Waste Management and Disposal
- Part C – Provisions Applicable to Residential-zoned land.
  - Section 1 – Introduction
    - C1.2 – Objectives
    - C1.5 – Height of buildings
    - C1.6 – Building materials
  - Section 3 – Medium Density Housing
    - C3.2 – Site amalgamation and minimum frontage requirements
    - C3.3 – Site planning
    - C3.4 – Density and Site Coverage
    - C3.5 – Building Height
    - C3.6 – dwelling Orientation
    - C3.7 – Building design
    - C3.8 – Dwelling Mix
    - C3.9 – Privacy
    - C3.10 – Materials and Colours
    - C3.11 – Landscaped Open Spaces
    - C3.12 – Car Parking, Garaging, Driveways and Common Paved Areas.
    - C3.13 – Pedestrian Access
    - C3.14 – Waste Collection
    - C3.15 – Adaptable Housing

#### **Section 4.15 Evaluation**

##### *(1) Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

##### *(a) the provisions of:*

##### *(i) any environmental planning instrument, and*

The application has been considered with regard to the relevant provisions of applicable environmental planning instruments (SEPPs and the LEP), as discussed above.

##### *(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority*



*that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

Not applicable.

*(iii) any development control plan, and*

The application has been considered with regard to the relevant provisions of the applicable Moss Vale Development Control Plan and is non-compliant with C3.11.1 of Moss Vale Development Control Plan, Part (a) (landscaped area);

- (a) Fifty per cent (50%) of any site developed for multi dwelling housing including residential flat buildings, shall comprise Open Space and be landscaped to the satisfaction of Council.

The proposed development is providing a total of 43% (a shortfall of 260.84m<sup>2</sup>) landscaped area.

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable.

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

Not applicable.

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Not applicable.

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Context and setting

In terms of scale, nature and likely intensity of use, the dominant component of the development is the multi dwelling housing. The locality is generally characterised by low density and medium density residential development and this proposed development is not out of context or character with the existing local development. The development is not considered contrary to the R3 – Medium Density Residential objectives specified by the LEP:

- To provide the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Car parking

The development includes 12 residential car spaces and 3 visitor spaces. The DCP requires 3 Visitor car spaces. The car parking provision satisfies the Moss Vale development Control Plan.

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(c) *the suitability of the site for the development,*

The land's attributes are considered conducive to the proposed development, provided there is 50% landscaped area provided. The land is not subject to any known natural hazards such as flooding, bush fire, subsidence, slip, mass movement or the like. With regard to Heritage Conservation, the subject lot is not a listed item of environmental heritage nor is the site within a defined heritage conservation area.

(d) *any submissions made in accordance with this Act or the regulations,*

Refer to the Consultation section of this report.

(e) *the public interest.*

The proposed medium density development is not compliant with the minimum requirement for 50% site landscaping and therefore approval of the development is not in the public interest.

## CONSULTATION

### ***Pre-lodgement Meeting***

The development was not discussed at any formal pre-lodgment meeting with Council officers.

### ***External Referrals***

Referrals	Advice/Response/Conditions
Water NSW	Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

### ***Internal Referrals***

Referrals	Advice/Response/Conditions
Accredited Certifiers	The building is compliant with the BCA, subject to standard conditions.
Development Engineer	Development is satisfactory, subject to standard conditions.
Tree and Vegetation Officer	The proposed landscaping is unsatisfactory, as it is 7% deficient under the DCP. Amended plans are required with 50% landscaping provided.





***Neighbour Notification (or Advertising)/Public Participation***

The development application was Neighbour Notified for a period of 14 days between 16/01/2019 and 13/02/2019 and Council received 2 submissions. The issues raised in the submissions have been summarised and are considered below:

Issue	Comment
<p><b>Boundary fence</b> Will the current boundary fence be maintained?</p> <p>If not</p> <ul style="list-style-type: none"> <li>➤ Where will the the boundary fence be located?</li> <li>➤ What style/materials will the proposed fencing be constructed of?</li> <li>➤ What height will the fence be?</li> <li>➤ Who will be responsible for payment?</li> </ul>	<p>As the application is recommended for refusal there has been no consideration given to the provision of new dividing fences.</p>
<p><b>Overdevelopment</b></p> <ul style="list-style-type: none"> <li>➤ The development represents a significant over development of the site and leads to an unacceptable impact on existing tree/vegetation removal.</li> <li>➤ Proposed FSR is 0.57:1 in lieu of 0.50:1.</li> <li>➤ This overdevelopment leads to the development being at least 2 units more than it should.</li> </ul>	<p>The development does not represent an overdevelopment of the site. The permissible floor space ratio is 0.50:1 and the proposed floor space ratio is 0.37:1.</p>
<p><b>Development fails a number of preferred design features contained in the DCP</b> All nine units face internal driveways rather than address street frontage.</p>	<p>Only units 1 &amp; 9 can physically face the street. In that regard, the facades provide sufficient articulation and treatments which reflect a traditional form of dwelling.</p>



Issue	Comment
<p><b>Orientation of Units</b></p> <ul style="list-style-type: none"> <li>➤ The orientation of units 3, 4, 5, 6, 7, 8 &amp; 9 are sited so their front doors face primarily to the south and the property rear faces northwards. The rear setback for each of these units is virtually non-existent allowing no scope for vegetative privacy plantings, or active/passive use of back yards.</li> <li>➤ Rear setbacks of less than 5 metres will represent significant impacts on the amenity and privacy of the surrounding adjoining properties.</li> <li>➤ The 2 metre setback between unit 7 and the neighbouring property is outrageous in its breach of privacy and amenity of the adjoining existing property.</li> </ul>	<p>Orientation of private outdoor areas facing north is compliant with the DCP in terms of solar access.</p>

**SUSTAINABILITY ASSESSMENT**

- **Environment**

Potential environmental impacts have been assessed as part of this report.

- **Social**

This development provides housing choice within the Moss Vale township.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

**RELATIONSHIP TO CORPORATE PLANS**

Operational Plan 2019/20: OP168 Assess and certify applications related to development.

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## **COUNCIL BUDGET IMPLICATIONS**

The financial implications of Council's decision in this matter are directly related to the legal implications. The possibilities are detailed as follows:

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

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## **RELATED COUNCIL POLICY**

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, and the Moss Vale Development Control Plan.

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## **OPTIONS**

The options available to Council are:

### **Option 1**

**THAT** Development Application 19/0974 for Multi Dwelling Housing Lot 10 DP 38607 and Lot 53 DP 1120498 51-53 Kirkham Street Moss Vale involving:

1. Demolition of existing dwelling and a number of detached garage/garden shed structures to the rear of the properties at 51-53 Kirkham Street Moss Vale.
2. Construction of nine (9) single storey villa style dwellings over Lot 10 DP 38607 and Lot 53 DP 1120498 – 51-53 Kirkham Street Moss Vale;

be **REFUSED** due to the reasons included in (Attachment 1)..

### **Option 2**

**THAT** Council approve the application with the reduction of the provision of landscaping from 50% landscaped area to 43%.

Option No. 1 is the recommended option to this report.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 23 October 2019

### REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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#### CONCLUSION

All relevant matters have been addressed. It is considered this report adequately considers the merits of the development in terms of legislative compliance and its potential impact on the locality. The development application has been assessed in accordance with the matters for consideration under section 4.15(1) of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies.

Issues raised in submissions have been examined, considered and commented upon, however as the application is recommended for refusal these matters have not been addressed.

On balance, it is recommended the application be determined by way of refusal.

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#### ATTACHMENTS

1. Reasons for Refusal DA19.0974
2. Location Plan DA19.0974 - *circulated under separate cover*
3. Zoning DA19.0974 - *circulated under separate cover*
4. Architectural Plans DA19.0974 - *circulated under separate cover*
5. Landscape Plan DA19.0974 - *circulated under separate cover*

Mark Pepping

**Deputy General Manager Corporate, Strategy and Development Services**

Thursday 17 October 2019



TBA

Kathy Barnsley Architect Pty Ltd  
 558 ARGYLE STREET  
 MOSS VALE NSW 2577

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*

<b>APPLICATION NO:</b>	19/0974
<b>APPLICANT:</b>	Kathy Barnsley Architect Pty Ltd
<b>OWNER:</b>	JOER PTY LTD
<b>PROPERTY DESCRIPTION:</b>	Lot 10 DP 38607 Lot 53 DP 1120498
<b>PROPERTY ADDRESS:</b>	53 KIRKHAM STREET MOSS VALE NSW 2577
<b>PROPOSED DEVELOPMENT:</b>	Multi Dwelling Housing (9 Dwellings)
<b>DETERMINATION:</b>	Determined way of REFUSAL.

**Rights of Appeal**

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 6 months after the date the decision appealed against is notified.

**Review of Determination**

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

Nicholas Wilton  
**Group Manager**  
 Planning, Development and Regulatory Services

TBA  
**Date of Determination**

Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. t. (02) 4868 0888 f. (02) 4869 1203  
 e. mail@wsc.nsw.gov.au ABN 49 546 344 354

www.wsc.nsw.gov.au

*Working with you*



19/0974, Lot 10 DP 38607  
Lot 53 DP 1120498

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#### SCHEDULE 1 REASONS FOR REFUSAL

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1. The proposed development is providing a total landscaped area of 43%, therefore contrary to Section 3.11.2 of Moss Vale Development Control plan.  
(Section 4.15 (1) (a) (b) (c) (d) (e) of the *Environmental planning & Assessment Act 1979*).
2. The reduction of the landscaped area of the site by 7% (260.84m<sup>2</sup>) has an impact on the amenity of the future residents of the development.  
(Section 4.15 (1) (a) (b) (c) (d) (e) of the *Environmental planning & Assessment Act 1979*).

## 11 OPERATIONS FINANCE AND RISK

### 11.1 Investment Report - September 2019

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
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 September 2019.

#### RECOMMENDATION

**THAT** the information on Council's Investments as at 30 September 2019 be received and noted.

#### REPORT

In accordance with part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

This report provides details of Council's Investment Portfolio as at 30 September 2019.

**Attachment 1** to this report provides Council's Investment Portfolio, detailing investments held and a summary of the portfolio by the institution invested with and their credit rating.

In accordance with Paragraph 212(1)(b) of the Local Government (General) Regulations, the investments listed in **Attachment 1** have been made in accordance with:

- The *Local Government Act*, 1993
- The *Local Government (General) Regulations 2005*,
- The Ministerial Investment Order 2011, and
- Council's Investment policy.

Interest earned from investments totalled \$1,046,912.35 for three (3) months to 30 September 2019.

#### ATTACHMENTS

1. Investment Report Summary as at 30 September 2019

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 23 October 2019

**REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE  
AND RISK**



Barry W Paull

**Deputy General Manager Operations, Finance and Risk**

Thursday 17 October 2019





## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 September 2019

### List of Investments

Council's investment portfolio as at 30 September 2019 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 30 September 2019						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
Rural	Term Deposit	5,000,000	2.75%	365	11/10/2019	2.73%
MyState	Term Deposit	5,000,000	2.40%	149	23/10/2019	2.73%
MyState	Term Deposit	5,000,000	2.80%	365	30/10/2019	2.73%
NAB	Term Deposit	4,000,000	1.83%	90	4/11/2019	2.18%
CUA	Term Deposit	3,000,000	2.77%	365	8/11/2019	1.64%
ME	Term Deposit	5,000,000	2.40%	182	15/11/2019	2.73%
AMP	Term Deposit	5,000,000	2.80%	270	18/11/2019	2.73%
Rural	Term Deposit	5,000,000	2.38%	183	20/11/2019	2.73%
CUA	Term Deposit	5,000,000	2.77%	365	26/11/2019	2.73%
NAB	Term Deposit	5,000,000	2.77%	365	29/11/2019	2.73%
Auswide	Term Deposit	5,000,000	2.45%	213	12/12/2019	2.73%
WBC	Term Deposit	4,000,000	2.73%	365	16/12/2019	2.18%
MyState	Term Deposit	5,000,000	2.40%	207	17/12/2019	2.73%
ME	Term Deposit	4,000,000	2.72%	364	3/01/2020	2.18%
NAB	Term Deposit	5,000,000	2.02%	210	10/01/2020	2.73%
CUA	Term Deposit	6,000,000	2.77%	365	24/01/2020	3.27%
MyState	Term Deposit	5,000,000	1.70%	120	28/01/2020	2.73%
WBC	Term Deposit	3,000,000	2.72%	365	31/01/2020	1.64%
NAB	Term Deposit	4,000,000	1.80%	181	3/02/2020	2.18%
NAB	Term Deposit	5,000,000	2.73%	365	7/02/2020	2.73%
ME	Term Deposit	5,000,000	1.69%	150	17/02/2020	2.73%
NAB	Term Deposit	5,000,000	2.15%	270	24/02/2020	2.73%
NAB	Term Deposit	10,000,000	1.67%	181	24/02/2020	5.46%
NAB	Term Deposit	5,000,000	2.65%	364	28/02/2020	2.73%
NAB	Term Deposit	5,000,000	2.65%	366	4/03/2020	2.73%
NAB	Term Deposit	5,000,000	1.73%	180	10/03/2020	2.73%
CBA	Term Deposit	5,000,000	1.63%	210	30/03/2020	2.73%
NAB	Term Deposit	5,000,000	1.82%	270	20/04/2020	2.73%
New castle	Term Deposit	3,000,000	2.50%	365	29/04/2020	1.64%
BDCU	Term Deposit	5,000,000	2.55%	366	21/05/2020	2.73%
BDCU	Term Deposit	3,000,000	2.50%	366	24/05/2020	1.64%
BDCU	Term Deposit	5,000,000	2.20%	366	28/05/2020	2.73%
Auswide	Term Deposit	5,000,000	2.05%	365	26/06/2020	2.73%
WBC	Term Deposit	5,000,000	1.62%	364	4/09/2020	2.73%
ME	Term Deposit	5,000,000	1.63%	364	4/09/2020	2.73%
BDCU	Term Deposit	5,000,000	1.65%	365	24/09/2020	2.73%
BDCU	Term Deposit	5,000,000	1.65%	365	26/09/2020	2.73%
NAB	Call Account	3,524,831	0.90%	NA	NA	1.92%
BDCU	Call Account	750,647	1.05%	NA	NA	0.41%
<b>Total Investments</b>		<b>\$183,275,478</b>				<b>100.00%</b>

Institution Legend		
AMP = AMP Limited	CBA = Commonwealth Bank of Australia	NAB = National Australia Bank
ANZ = Australia & New Zealand Banking Group	CUA = Credit Union Australia	Newcastle = Newcastle Permanent
Auswide = Auswide Bank	IMB = IMB Bank	St George = St George Bank
BQ = Bank of Queensland	ING = ING Direct	WBC = Westpac Banking Corporation
BDCU = Berrima District Credit Union	ME = Members Equity Bank	Rural = Rural Bank
Bendigo = Bendigo & Adelaide Bank	MyState = MyState Bank	



## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 September 2019

### Policy Compliance

Council's Investment Policy provides clear direction for the diversification of Council's investment portfolio. This ensures credit and diversification risk is managed in accordance with the adopted risk management framework, as outlined in Council's Policy.

### Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	33.55%	61,524,831	YES	YES
CBA	A1+	40%	2.73%	5,000,000	YES	YES
WBC	A1+	40%	6.55%	12,000,000	YES	YES
AMP	A2	15%	2.73%	5,000,000	YES	YES
BDCU	A2	15%	12.96%	23,750,647	NO	YES
Rural Bank	A2	15%	5.46%	10,000,000	NO	YES
CUA	A2	15%	7.64%	14,000,000	NO	YES
ME	A2	15%	10.37%	19,000,000	NO	YES
MyState	A2	15%	10.91%	20,000,000	NO	YES
Newcastle	A2	15%	1.64%	3,000,000	NO	YES
Auswide	A2	15%	5.46%	10,000,000	NO	YES
<b>Total</b>			<b>100.00%</b>	<b>183,275,478</b>		

### Portfolio Credit Limits

A summary of investments placed by credit limit is as follows:

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	42.85%	78,524,831	YES
A1	80%	0.00%	0	YES
A2	60%	57.15%	104,750,647	YES
A3	20%	0.00%	0	YES
Govt	25%	0.00%	0	YES
<b>Total</b>		<b>100.00%</b>	<b>183,275,478</b>	



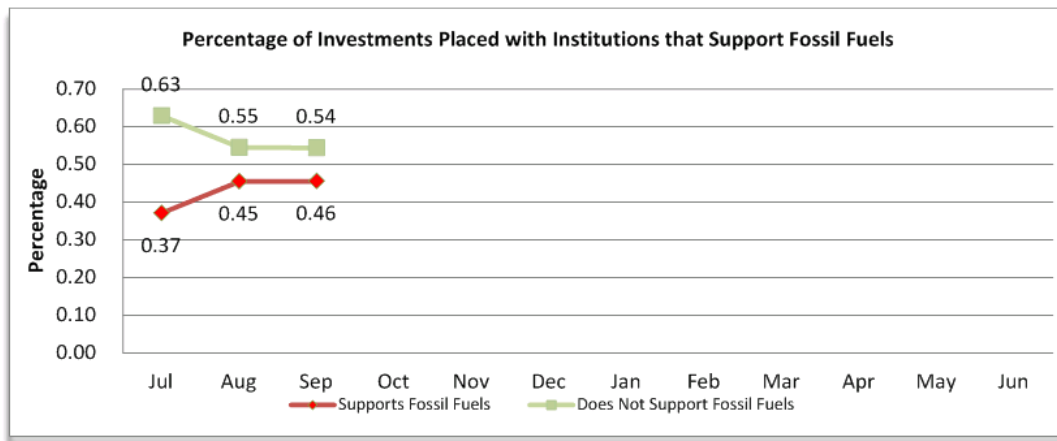
## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 September 2019

### Non-Fossil Fuel Investment Preferecing

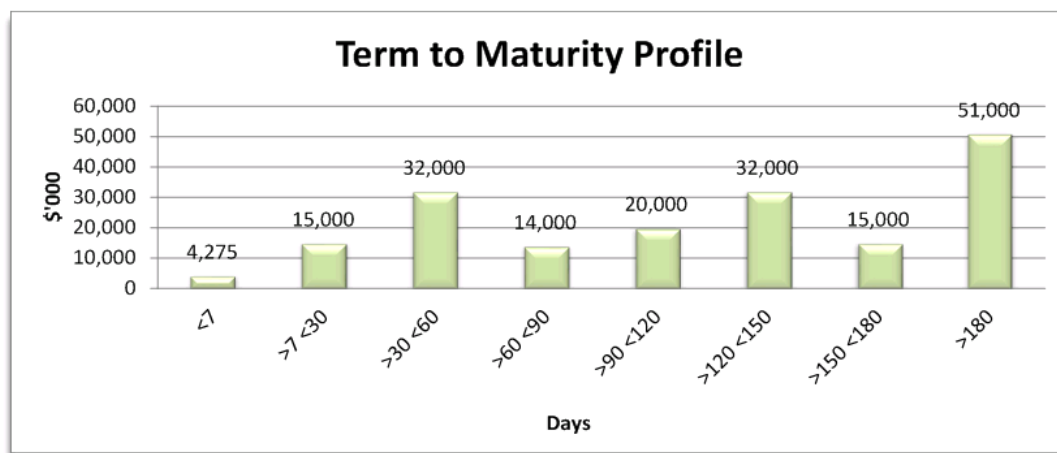
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

As investments mature Council will actively seek investments with institutions that do not support the fossil fuel industry, on the basis that they offer equivalent returns and are compliant with legislation and the objectives and parameters of the Investment Policy.



### Term to Maturity

Investments have been placed giving due consideration to Council's liquidity requirements. Sufficient Working Capital is available to ensure Council continues to meet its ongoing cash flow requirements for operational and capital expenditure.



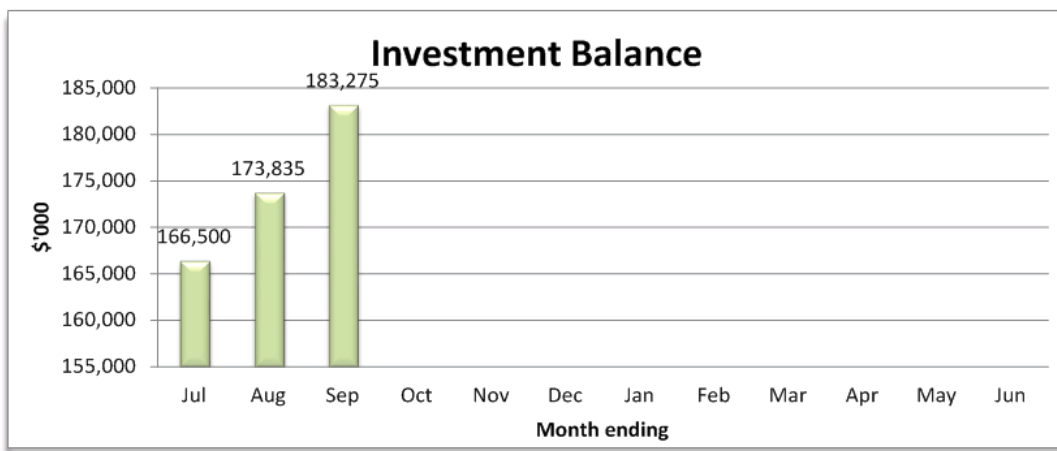


## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 September 2019

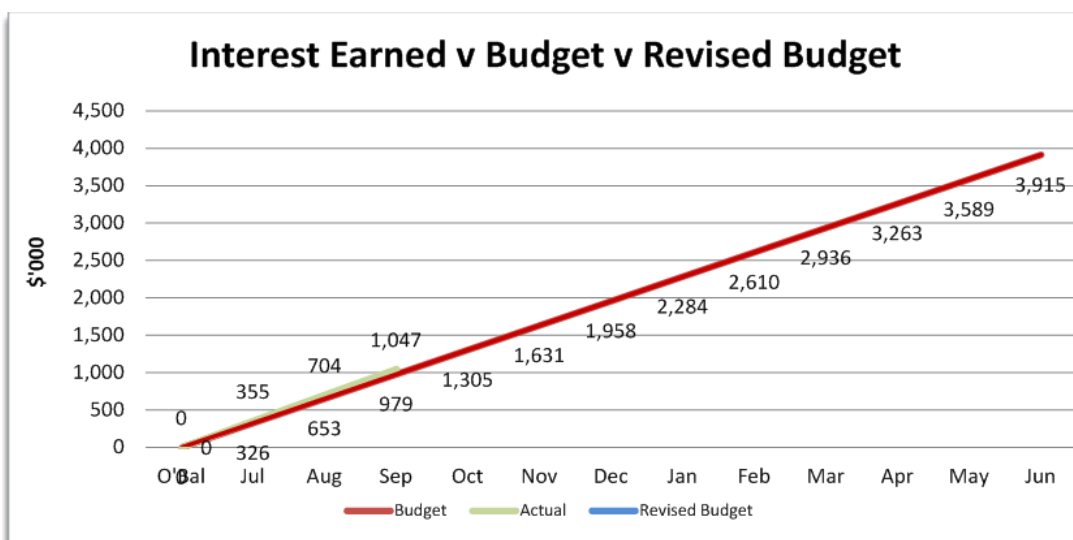
### Portfolio Performance

Council's investment balance at the end of September 2019 was \$183.275 million. This has increased by \$9.44 million since the end of August 2019. This increase was primarily due to the 1<sup>st</sup> water accounts for 2019-20 being payable in September 2019.



### Interest Revenue

Council is currently exceeding budget expectations. Council's investment portfolio performed above budget due to Council actively seeking the best interest rates available and high levels of funds to invest.





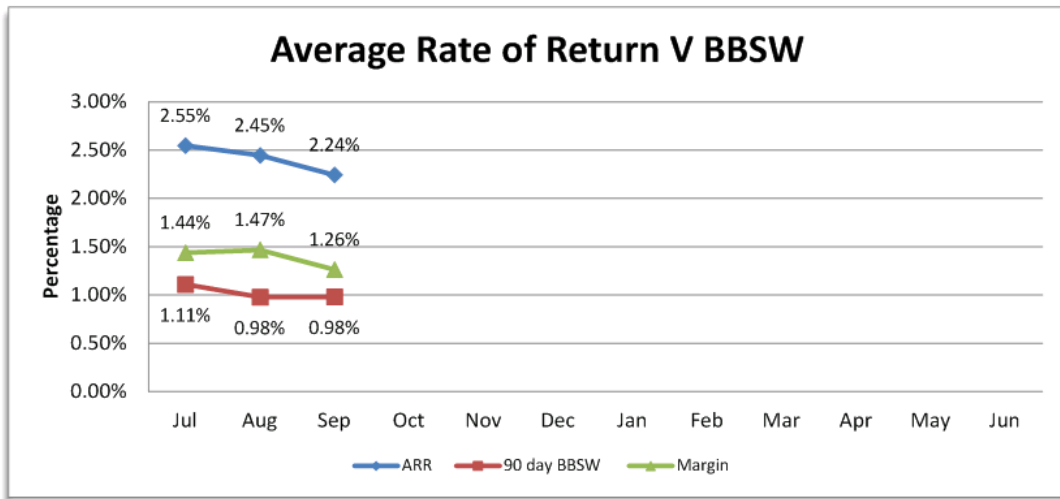
## Wingecarribee Shire Council Investment Report Summary For the period ending 30 September 2019

### Performance against Benchmark

Council's investment portfolio is benchmarked against the 90 day Bank Bill Swap Rate (BBSW).

The average rate of return (ARR) achieved for September 2019 was 2.24% and the BBSW remained steady at 0.98%.

The margin above BBSW decreased by 0.21% in September 2019 as short term interest rates continue to decline.



## 12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Provision of Expenses and Facilities to Councillors

Reference:	101/4, 101/5
Report Author:	Governance Officer
Authoriser:	A/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

To report on the provision of expenses and facilities to Councillors for the year ended 30 June 2019.

#### RECOMMENDATION

**THAT the information in this report in relation to the provision of expenses and facilities to Councillors for the year ended 30 June 2019 be received and noted.**

#### REPORT

##### **BACKGROUND**

At the Ordinary Meeting of Council on 23 August 2017, Council passed resolution MN 384/17 which adopted the Expenses and Facilities for the Mayor and Councillors Policy (the Policy). At page 3, the Policy provides that:

*Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.*

##### **REPORT**

The total cost for the payment of expenses and the provision of facilities to Councillors to attend to their civic duties in the 2018/19 Financial Year was \$28,019, excluding Mayoral and Councillor Fees. This information is detailed below in Table 1, and will be further reported on in Council's 2018/19 Annual Report as required under clause 217(1)(a1) of the *Local Government (General) Regulation 2005*.

A further breakdown of the expenses detailed in Table 1 by individual Councillor is attached to this report at Attachment 1.

**Table 1**

<b>Expense Category</b>	<b>Total Cost (all Councillors)</b>
Accommodation	\$3,182
Conferences and Seminars	\$7,462
Office Equipment and Maintenance	\$1,021
Printing and Stationery	\$738
Telecommunications	\$6,025
Travel	\$7,888
Other	\$1,703
<b>Total</b>	<b>\$28,019</b>

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**COMMUNICATION AND CONSULTATION**

**Community Engagement**

Not applicable.

**Internal Communication and Consultation**

Not applicable.

**External Communication and Consultation**

Not applicable.

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**SUSTAINABILITY ASSESSMENT**

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

There are no social issues in relation to this report.

• **Broader Economic Implications**

There are no broader economic implications in relation to this report.

• **Culture**

There are no cultural issues in relation to this report.

• **Governance**

This report ensures proper governance by adhering to the relevant requirements of the Expenses and Facilities for the Mayor and Councillor's Policy.

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### **COUNCIL BUDGET IMPLICATIONS**

Nil.

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### **RELATED COUNCIL POLICY**

Expenses and Facilities for the Mayor and Councillors Policy

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### **OPTIONS**

There is only one (1) option available to Council.

THAT the information in the report in relation to the provision of expenses and facilities to Councillors for the year ended 30 June 2019 be received and noted.

---

### **CONCLUSION**

This report provided information on the provision of expenses and facilities to Councillors for the year ended 30 June 2019, including expenditure summarised by individual Councillor (Attachment 1) and as a total for all Councillors.

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### **ATTACHMENTS**

1. Provision of Expenses and Facilities to Individual Councillors





Provision of Expenses and Facilities to Individual Councillors

	Accommodation	Conferences and Seminars	Training and Development	Office Equipment and Maintenance	Printing and Stationery	Telecommunications	Travel	Other	Total
CLR G J ANDREWS	\$ 1,159.55	\$ 1,962.64	\$ -	\$ 26.54	\$ -	\$ 499.82	\$ 54.40	\$ -	\$ 3,702.95
CLR T D GAIR	\$ 1,154.55	\$ 2,012.73	\$ -	\$ 26.54	\$ -	\$ 2,046.70	\$ 4,333.68	\$ -	\$ 9,574.20
CLR K J HALSTEAD	\$ -	\$ -	\$ -	\$ 13.28	\$ -	\$ 218.62	\$ -	\$ -	\$ 231.90
CLR G MARKWART	\$ -	\$ -	\$ -	\$ 26.54	\$ 92.83	\$ 287.30	\$ 1,218.56	\$ -	\$ 1,625.23
CLR G McLAUGHLIN	\$ -	\$ -	\$ -	\$ 822.02	\$ -	\$ 1,326.29	\$ 327.15	\$ 1,703.24	\$ 4,178.70
CLR P W NELSON	\$ 868.18	\$ 1,831.81	\$ -	\$ 26.55	\$ 10.65	\$ 416.58	\$ 480.92	\$ -	\$ 3,634.69
CLR I M SCANDRETT	\$ -	\$ 1,654.54	\$ -	\$ 26.56	\$ 546.09	\$ -	\$ 1,011.81	\$ -	\$ 3,239.00
CLR G M TURLAND	\$ -	\$ -	\$ -	\$ 26.54	\$ 88.63	\$ 660.76	\$ -	\$ -	\$ 775.93
CLR L A C WHIPPER	\$ -	\$ -	\$ -	\$ 26.55	\$ -	\$ 568.99	\$ 461.04	\$ -	\$ 1,056.58
<b>Total</b>	<b>\$ 3,182.28</b>	<b>\$ 7,461.72</b>	<b>\$ -</b>	<b>\$ 1,021.12</b>	<b>\$ 738.20</b>	<b>\$ 6,025.06</b>	<b>\$ 7,887.56</b>	<b>\$ 1,703.24</b>	<b>\$ 28,019.18</b>

## 12.2 Appointment of Community Representative to the Community Development Advisory Committee

Reference:	1800/58
Report Author:	Coordinator Community Development
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**

To fill a casual vacancy for a community representative on the Community Development Advisory Committee.

### **RECOMMENDATION**

**THAT** Council appoint Ms Monica O'Connor to the Community Development Advisory Committee as a community representative.

### **REPORT**

#### **BACKGROUND**

The Community Development Advisory Committee currently has a vacancy following the resignation of Jan Campbell.

#### **REPORT**

Ms Monica O'Connor was approached to join the Committee as a community representative following a presentation she made to a recent Community Development Advisory Committee on Targeted Early Intervention. The nomination was reviewed by the Community Development Advisory Committee Chair and a staff representative (Coordinator Community Development). The recommendation was that Ms Monica O'Connor be appointed to fill the current vacancy.

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

The committee provides a formal opportunity for regular engagement with representatives of a number of community target groups.

#### **Internal Communication and Consultation**

The application has been considered by the Chair of the Community Development Advisory Committee and the Coordinator of Community Development.

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### **External Communication and Consultation**

Not applicable.

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Committee is governed by Council's Code of Conduct and must adhere to Council's policies and procedures.

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### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications arising from this report.

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### **RELATED COUNCIL POLICY**

Wingecarribee Shire Council Committee Manual 2016 – 2020.

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### **OPTIONS**

The options available to Council are:

#### **Option 1**

Endorse the appointment of Ms Monica O'Connor to the Community Development Advisory Committee.

#### **Option 2**

Not endorse the appointment.

Option No. 1 is the recommended option to this report.

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### **CONCLUSION**

Appointment of an experienced community representative to the Community Development Advisory Committee ensures that a wide range of views are represented.

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 23 October 2019

**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY  
AND DEVELOPMENT SERVICES**



---

**ATTACHMENTS**

There are no attachments to this report.

Mark Pepping

**Deputy General Manager Corporate, Strategy and Development Services**

Thursday 17 October 2019

## 13 GENERAL MANAGER

### 13.1 Legal Report

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

#### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday 25 September 2019.

#### RECOMMENDATION

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 19.1.

**Note:** *The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (15.9 – Code of Meeting Practice).*

*Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice).*

#### REPORT

##### **BACKGROUND**

This report updates the current status and costs paid during September 2019 for legal proceedings involving Council in the Land and Environment Court, including those matters completed since the last report to Council. It is noted that this is the first legal report of expenditure in the 2019/2020 financial year.

Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is reported in a closed report.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 23 October 2019

### REPORT GENERAL MANAGER



## REPORT

On 17 April 2013, Council resolved:

***THAT** the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.*

The report on the status of legal affairs involving Council contains information and advice that is privileged on the grounds of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the *Local Government Act 1993*.

For the purpose of preserving privacy, some matters in **Attachment 1** may be described in general terms. **If a Councillor has a specific enquiry regarding the costs reported, they should raise it in Closed Council.**

### Consultants' Fees

At the Council meeting on 8 March 2017, Council resolved that the Legal Affairs Report include a separate column for fees paid to consultants in legal proceedings.

Consultants are engaged in all cases concerning development consents in the Land & Environment Court as the Court requires the parties to provide expert evidence to assist in the determination of the issues in the case.

These consultants prepare reports for the Court and give evidence if the matter goes to hearing on such matters as site density, building layout, traffic, drainage, noise, light and any other relevant issue.

The consultants are always engaged by the external law firm acting for Council.

Usually, their fees are paid by the law firm and recouped from Council through an invoice from the law firm. In that case, the consultants' fees have been included in the monthly Legal Affairs report to Council.

There were consultants' fees for legal proceedings paid in the month September 2019 – refer **Attachment 1**.

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## CONSULTATION

### Community Engagement

Nil

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 23 October 2019

### REPORT GENERAL MANAGER



#### **Internal Consultation**

Staff and management provide information, as required, to assist the progress of the matters reported.

#### **External Consultation**

Solicitors from Council's Legal Panel provide advice and conduct legal proceedings on Council's behalf.

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report. However, some legal proceedings may deal with unauthorised works or activities which have had or could have an environmental impact.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There is a strong community expectation in relation to enforcement and compliance actions by Council. Actions taken are in line with Council's Compliance and Enforcement Policy.

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### **COUNCIL BUDGET IMPLICATIONS**

There are ongoing legal expenses incurred by Council relating to legal proceedings involving Council and legal advice obtained by Council.

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### **RELATED COUNCIL POLICY**

Council's Compliance and Enforcement Policy.

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### **ATTACHMENTS**

1. Legal Costs - September 2019

Ann Prendergast  
**General Manager**

Thursday 17 October 2019



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Legal Costs – September 2019

Attachment 1

Legal Matter	Legal Expenditure Sep-19	Consultant Expenditure Sep-19	Legal Expenditure Year to Date (YTD)	Consultant Expenditure Year to Date (YTD)	Total Expenditure Life to Date (LTD)
Catholic Health Care Pty Ltd Aitken Road, Bowral	\$ 8,331		\$ 9,306	-	\$ 11,005
K.N.D Nominees Pty Ltd Walker Street, Bowral	-	-	-	-	-
Morris Brigadoon Drive, Bundanoon	-	-	-	-	\$ 9,506
Reulie Land Co Pty Ltd Myra Vale Road, Wildes Meadow	-	-	\$ 239	-	\$ 19,138
Lend Lease Retirement Living Holdings Aitken Road, Bowral	\$ 196	-	\$ 1,105	-	\$ 9,413
ERF Hospice Pty Ltd Edward Street, Bowral	-	-	\$ 1,866	-	\$ 11,556
Paloma Blanca Pastoral Pty Ltd Colo Road, Colo Vale	\$ 552	\$ 3,240	\$ 6,799	\$ 3,240	\$ 145,543
Strathfield Investments Pty Ltd Alice Street, Mittagong	-	-	\$ 10,572	-	\$ 54,181
Shelley Boyce Tyndall Street Mittagong	\$ 1,044	-	\$ 3,463	-	\$ 31,631
Michael Brown Planning Loftus Street, Bowral	\$ 9,321	-	\$ 21,072	-	\$ 245,235
Turland Mittagong Road Bowral	-	-	-	-	\$ 201,935
Bowral Garage Development Pty Ltd Bong Bong Street, Bowral	-	-	-	-	-
Sett Homes P/L Willow Street, Willow Vale	-	-	\$ 1,050	-	\$ 5,973
Fenwick v Woodside Properties Wingello Road, Bundanoon	\$ 3,006	-	\$ 5,255	-	\$ 46,670
Phoebe Hodgson Gordon Road, Bowral	-	-	-	-	-
Woodbine Prk Nominees Wombeyan Caves Road, High Range	-	-	-	-	-
<b>Total Expenditure</b>	<b>\$ 22,450</b>	<b>\$ 3,240</b>	<b>\$ 60,727</b>	<b>\$ 3,240</b>	<b>\$ 791,786</b>

Note: This report includes proceedings where legal and/or consultancy costs have been incurred in the 2019/20 Financial Year. It is important to note that the figure reported to the Finance Committee on a quarterly basis is projected expenditure for the entire financial year. The figure reported to the Finance Committee also includes non-development related legal expenditure.

Fees Recovered – September 2019

Legal Matter	Fees Recovered Sep-19	Fees Recovered YTD	Fees Recovered LTD
<b>O'Shanassy</b>	\$750	\$1,750	\$15,728
<b>Total Recovery</b>	<b>\$750</b>	<b>\$1,750</b>	<b>\$15,728</b>

Notes:  
 O'Shanassy - \$93,500 penalty (OSR recovery) plus Council has been awarded by the Supreme Court of NSW a costs order of \$379,000 plus \$4,999.23 being Council's costs in order to undertake the costs assessment.



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## 16 COMMITTEE REPORTS

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### 16.1 Management and Advisory Committee Reports

Reference: 107/1  
Report Author: Committee Coordinator

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#### PURPOSE

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

1. Loseby Park Community Hall Management Committee Minutes held on 16 August 2019
2. Bong Bong Common Management Committee Annual General Meeting held on 16 July 2019
3. Moss Vale Senior Citizens Hall Management Committee held on 17 June 2019
4. Tourist Road Oval Management Committee Annual General Meeting held on 7 August 2019
5. Mittagong Memorial Hall Management Committee Meeting held on 5 September 2019

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#### RECOMMENDATION

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

1. Loseby Park Community Hall Management Committee Minutes held on 16 August 2019
2. Bong Bong Common Management Committee Annual General Meeting held on 16 July 2019
3. Moss Vale Senior Citizens Hall Management Committee held on 17 June 2019
4. Tourist Road Oval Management Committee Annual General Meeting held on 7 August 2019
5. Mittagong Memorial Hall Management Committee Meeting held on 5 September 2019

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#### ATTACHMENTS

There are no attachments to this report.

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## 16.2 Minutes of the Sport & Recreation Advisory Meeting held on 19 September 2019

Reference:	107/30
Report Author:	Asset Coordinator Parks and Buildings
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Increase promotion of healthy lifestyle choices

---

### PURPOSE

This report provides the Minutes of the Sport & Recreation Advisory Committee Meeting held on 19 September 2019.

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### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

#### Item 1 Welcome and Apologies

SR11/19

THAT the apology of Cllr Peter Nelson be accepted.

#### Item 3 Adoption of Minutes of Previous Meeting

SR12/19

THAT the minutes of the Sport and Recreation Advisory Committee Meeting held on Thursday 09 May 2019 MN SR6/19 to MN SR10/19 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

#### Item 5.1 Presentation Illawarra Academy of Sport

SR13/19

THAT the Sport & Recreation Advisory Committee thanks Mr John Armstrong for presenting at the meeting and strongly support the Illawarra Academy of Sport Programs being offered to emerging young athletes aged 13-17years in the Wingecarribee.

THAT the Sport & Recreation Advisory Committee encourages local sports clubs and associations within the Wingecarribee to engage with the Illawarra Academy of Sport.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 23 October 2019

### COMMITTEE REPORTS



#### Items 5.2 Presentation Moss Vale Tennis Club

SR14/19

THAT the report be noted and Moss Vale Tennis Club and Highlands Coaching be congratulated on their vision for Tennis within Wingecarribee moving forward.

#### Items 5.3 Asset Planner Update

SR15/19

THAT the report be noted; and

THAT the Sport and Recreation Advisory Committee supports the collective sporting area at Hawkins Drive and Old Hume Hwy, Mittagong be named the Mittagong Sports Precinct.

#### Items 5.4 Sports Participation and Usage Survey

SR16/19

THAT this report be noted and the next Sport & Recreation Advisory Committee meeting, scheduled for 5 December 2019 be a workshop style meeting to discuss a framework for sport and recreation needs within the Wingecarribee, with the vision of developing a Sports Facilities Strategy in line with the Parks Strategy, 2016.

THAT the Sport and Recreation Advisory Committee would like to congratulate staff on the detailed maps and data associated with reporting the sports participation and usage survey information.

#### Items 5.5 Asset Co-ordinator, Parks & Buildings Update

SR17/19

THAT the Sport & Recreation Advisory Committee supports Council's Stronger Country Communities Fund Round 3 grant submissions for Church Road Oval Amenities Upgrade and Loseby Park Oval Lighting Upgrade and recognises the positive impact both these projects will have on the Community.

#### Item 5.6 Draft Capital/Renewal Program 2020/21

SR18/19

THAT the Sport and Recreation Advisory Committee supports the Draft Capital Works Program Schedule of Works 2020/21.

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### RECOMMENDATION

**THAT recommendations Nos SR11/19 to SR18/19 – as detailed in the Minutes of the Sport & Recreation Advisory Committee Meeting held on Thursday 19 September 2019 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.**

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 23 October 2019

**COMMITTEE REPORTS**

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**ATTACHMENTS**

1. Minutes of the Sport & Recreation Advisory Committee Meeting, Thursday 19 September 2019



# MINUTES

## of the Sport and Recreation Advisory Committee Meeting

held in

Nattai Room

on

**Thursday 19 September 2019**

The meeting commenced at 5pm

*File No. 107/30*



**MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING**

Thursday 19 September 2019




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- 1. WELCOME AND APOLOGIES**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING**
- 4. DECLARATIONS OF INTEREST**
- 5. AGENDA REPORTS ..... 2**
  - 5.1 Presentation - Illawarra Academy of Sport..... 2
  - 5.2 Presentation: Moss Vale Tennis Club ..... 3
  - 5.3 Asset Planner - Update..... 4
  - 5.4 Sports Participation and Usage Survey..... 5
  - 5.5 Asset Co-ordinator, Parks & Buildings Update ..... 6
  - 5.6 Draft Capital/Renewal Program 2020/21..... 8
- 6. DATE OF NEXT MEETING ..... 8**
- MEETING CLOSURE ..... 8**

16.2 Minutes of the Sport & Recreation Advisory Meeting held on 19 September 2019

ATTACHMENT 1 Minutes of the Sport & Recreation Advisory Committee Meeting, Thursday 19 September 2019



MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING

Thursday 19 September 2019



MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM ON THURSDAY 19 SEPTEMBER 2019 COMMENCING AT 5PM.

**1. WELCOME AND APOLOGIES**

It was noted that apologies were received from Cllr Peter Nelson

SR11/19

**RECOMMENDATION**

***THAT** the apology of Cllr Peter Nelson be accepted.*

**2. ACKNOWLEDGEMENT OF COUNTRY**

..... 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. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING HELD ON THURSDAY 9 MAY 2019

SR12/19

**RECOMMENDATION**

***THAT** the minutes of the Sport and Recreation Advisory Committee Meeting held on Thursday 09 May 2019 MN SR6/19 to MN SR10/19 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.*

*Moved: S.Foster*

*Seconded: C.Madsen*

**4. DECLARATIONS OF INTEREST**





## MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING

Thursday 19 September 2019



## 5. AGENDA REPORTS

### 5.1 Presentation - Illawarra Academy of Sport

Reference: 107/30  
Report Author: Asset Coordinator Parks and Buildings

#### PURPOSE

Presentation by Mr John Armstrong, CEO Illawarra Academy of Sport

The Illawarra Academy of Sport (IAS) is a not-for-profit organisation that was established in 1985 in order to “assist young talented high performance athletes in the region pursue sporting glory while remaining in the Illawarra” and has been the pioneer for the regional Academy model in Australian sport. It continues to provide equal opportunity, skill development and encouragement to talented young athletes and coaches within the Illawarra region to achieve excellence through sport while becoming young ambassadors for the Illawarra community, the Illawarra Academy of Sport and their valued partners.

The IAS currently operates athlete development programs across eight sports as well as an Individual Athlete Program and an Athlete with a Disability Program. These programs provide on-field technical skill development and physical development, and also a focus on personal and professional education.

Mr Armstrong circulated the 2019 Annual Report and Strategic Plan 2018-2021 for the IAS and discussed specific programs currently being offered for emerging athletes in Wingecarribee between 13-17yrs.

#### SR13/19

#### RECOMMENDATION

***THAT the Sport & Recreation Advisory Committee thanks Mr John Armstrong for presenting at the meeting and strongly support the Illawarra Academy of Sport Programs being offered to emerging young athletes aged 13-17years in the Wingecarribee.***

***THAT the Sport & Recreation Advisory Committee encourages local sports clubs and associations within the Wingecarribee to engage with the Illawarra Academy of Sport.***

***Moved: S.Foster***

***Seconded: C.Madsen***



**MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING**

Thursday 19 September 2019



**5.2 Presentation: Moss Vale Tennis Club**

**Reference:** 107/30  
**Report Author:** Asset Coordinator Parks and Buildings

**PURPOSE**

Presentation – Mr Vic Gerada, President, Moss Vale Tennis Club  
 Mr Sergio Rojas, Highlands Coaching

Mr Vic Gerada addressed the Committee relating to the history, current operation and future direction of the Moss Vale Tennis Club. A copy of the Moss Vale Tennis Club's Strategic Plan was distributed.

Mr Gerada indicated the Tennis Club would like to discuss with Council the possibility of exploring a leasing agreement for the facility between Council and the Tennis Club. This is in line with increasing numbers of player registrations, including juniors, and the strategic direction the Moss Vale Tennis Club is taking to increase the profile of the sport in the area.

Mr Sergio Rojas introduced himself to the Committee and spoke about his commitment the passion he has for Tennis. Mr Rojas runs Highlands Coaching and distributed a copy of the Strategic Plan.

During the time Highlands Coaching have been working with members of the Moss Vale Tennis Club, junior registrations have increased by over 50%.

Both Moss Vale Tennis Club and Highlands Coaching are excited about the future direction tennis is taking in this area.

**SR14/19**

**RECOMMENDATION**

***THAT the report be noted and Moss Vale Tennis Club and Highlands Coaching be congratulated on their vision for Tennis within Wingecarribee moving forward.***

**Moved: C Madsen                      Seconded: A.Bell**



MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING

Thursday 19 September 2019



**5.3 Asset Planner - Update**

Reference: 103/70  
 Report Author: Asset Planner - Parks and Buildings

**PURPOSE**

This report is to update the Committee on a number of items related to sport and recreation.

1. Mittagong Sports Precinct  
 A request has been received from the Public Domain Asset Officer to investigate naming the Mittagong sporting area which includes Oval, Swimming Pool, Tennis Court, PCYC and Golf Club. This will allow clear signage at the corner of Hawkins Drive and Old Hume Hwy to the different sporting venues.

The Committee discussed naming the Precinct which will assist in future signage and promotion of the sporting and recreational area.

2. Bundanoon Skatepark Update  
 Ms Green updated the Committee on the Bundanoon Skatepark upgrade project through Stronger Country Communities Grant – Round 2 funding.
3. Colo Vale Tennis Courts – Court Surface Upgrade  
 Colo Vale Tennis Courts will undertake a resurfacing project using a new tile system. The tiles clip together and can be installed over existing court structure.

The Committee discussed this new product and the proposed benefits of this system to the sport.

4. Lackey Park Sporting Hub  
 The Committee was updated regarding the Concept Design discussions held with Southern Highlands Netball Association, Southern Highlands Cricket Association and Moss Vale Dragons Rugby League.

**6.53pm Mr John Wood left the meeting.**

SR15/19

**RECOMMENDATION**

***THAT the report be noted; and***  
***THAT the Sport and Recreation Advisory Committee supports the collective sporting area at Hawkins Drive and Old Hume Hwy, Mittagong be named the Mittagong Sports Precinct.***

**Moved: A.Bell                      Seconded: S.Wood**



MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING

Thursday 19 September 2019



**5.4 Sports Participation and Usage Survey**

Reference: 107/30  
 Report Author: Asset Planner - Parks and Buildings

**PURPOSE**

The purpose of this report is to update the Committee on the Sports Participation and Usage Survey.

As part of the Sport & Recreation Hirer Information Session held early 2019, a survey was sent to clubs and associations within the local government area, requesting details of usage and participation in their respective sports.

The results of the survey were collated and presented to the Committee.

The Committee discussed results of the survey and proposal to begin the process of consulting with sporting groups and associations with the view to draft a consultant brief for a Sports Facilities Strategy for Wingecarribee.

**SR16/19**

**RECOMMENDATION**

***THAT this report be noted and the next Sport & Recreation Advisory Committee meeting, scheduled for 5 December 2019 be a workshop style meeting to discuss a framework for sport and recreation needs within the Wingecarribee, with the vision of developing a Sports Facilities Strategy in line with the Parks Strategy, 2016.***

***THAT the Sport and Recreation Advisory Committee would like to congratulate staff on the detailed maps and data associated with reporting the sports participation and usage survey information.***

**Moved: S.Foster**

**Seconded: C.Madsen**

## 16.2 Minutes of the Sport &amp; Recreation Advisory Meeting held on 19 September 2019

## ATTACHMENT 1 Minutes of the Sport &amp; Recreation Advisory Committee Meeting, Thursday 19 September 2019



## MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING

Thursday 19 September 2019

**5.5 Asset Co-ordinator, Parks & Buildings Update**

Reference: 107/30  
Report Author: Asset Coordinator Parks and Buildings

**PURPOSE**

This report is to update the Committee on the following topics related to Parks & Buildings.

**1. Stronger Country Communities Grant – Round 3**

Round Three will provide an additional \$100 million for community projects in regional NSW, with at least \$50 million for youth-related projects. WSC has been allocated an amount of \$956K for projects within Wingecarribee.

Councils, not-for-profits and organisations that have a public purpose are eligible to apply for Stronger Country Communities Fund support.

The key changes for Stronger Country Communities Fund Round Three include:

- dedicates \$50 million to youth related projects
- invites applications from Councils and, for the first time, not-for-profit and community organisations
- has been expanded to cover programs and events as well as infrastructure
- has extended the application period to three months giving organisations time to submit their applications

A Councillor Briefing was held on 4 September 2019. Projects relating to sport and recreation were presented.

**2. Parks & Buildings Draft Strategies Update****Draft Playground Strategy**

Council currently has 48 playgrounds located in our towns and villages. Currently our renewal program is based on age, condition, compliance with Australian Standards and budgeting constraints.

Due to work priorities late 2018 early 2019 the Assets Team placed this project on hold. The Draft Playground Strategy has been reviewed and new timetable established for the completion of this important document.

Recently, the NSW Government rolled out new guidelines for accessible play and community 'Healthy Places' framework. We can now incorporate both of these approaches into the draft strategy.



**MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING**

Thursday 19 September 2019



The Playground Strategy will document Council's approach to the future provision of playgrounds within the growing community, renewal planning for our existing equipment, identifying the play value of facilities for our younger members of the community and funding requirements.

The Community will be invited to comment on the document as part of the public exhibition stage of the Draft Playground Strategy.

**Draft Recreational Walking Tracks Strategy (RWTS)**

Wingecarribee Shire Council has an extensive network of multi-discipline recreational walking tracks. The existing network has evolved from historical use and in some cases, unplanned walking tracks. In addition, lack of track identification including distances and rating of difficulty, leaves the community and Council at risk. The aim of the Recreational Walking Tracks Strategy (RWTS) is to consolidate Council's understanding of the available network and to provide a framework surrounding the identification, maintenance and enhancement of authorised tracks and trail networks.

The overall objective is to develop a Strategy for the management, enhancement and ongoing maintenance of Recreational Walking Tracks on Council owned or managed land within the Wingecarribee Shire.

The Consultant brief and list of reserves has been drafted and circulated for comment to internal stakeholders. It is envisaged that proposals from suitably qualified consultants will be sought by 30 September 2019.

**SR17/19**

**RECOMMENDATION**

***THAT the Sport & Recreation Advisory Committee supports Council's Stronger Country Communities Fund Round 3 grant submissions for Church Road Oval Amenities Upgrade and Loseby Park Oval Lighting Upgrade and recognises the positive impact both these projects will have on the Community.***

***Moved: S.Foster***

***Seconded: A.Bell***



MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING

Thursday 19 September 2019



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## 5.6 Draft Capital/Renewal Program 2020/21

Reference: 107/30  
Report Author: Asset Coordinator Parks and Buildings

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### PURPOSE

This Report was to review the draft Capital/Renewal Program for 2020/21.

The Committee discussed and supported the projects listed on the program.

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### SR18/19

### RECOMMENDATION

*THAT the Sport and Recreation Advisory Committee supports the Draft Capital Works Program Schedule of Works 2020/21.*

*Moved: S.Foster*

*Seconded: C.Madsen*

## 6. DATE OF NEXT MEETING

The next meeting will be held on Thursday 5 December 2019 in Nattai Room Civic Centre, Elizabeth Street, Moss Vale commencing at 5pm.

## MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.30pm

## 16.3 Minutes of the Traffic Committee Meeting 3 October 2019

Reference:	107/6
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

### PURPOSE

This report provides the Minutes of the Traffic Committee Meeting electronically held on Thursday 3 October 2019.

### SUMMARY OF THE RECOMMENDATION AND ACTION FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Proposed parking and traffic alterations in Elizabeth Street and Donkin Avenue, Moss Vale during the Civil Centre reconstruction period.

TC49/19

THAT

1. *The Local Traffic Committee supports the following traffic management be implemented for the duration of the Wingecarribee Shire Council re-development construction.*
  - *The existing two-way section at Donkin Avenue be converted to one-way operation from Elizabeth Street towards Community Oval*
  - *Creation of a "Work Zone" parking restriction along a significant part of Donkin Avenue*
  - *Relocation of "Permit Holder" parking zone to the southwest of Donkin Avenue*
  - *Proposed changes to regulatory signage and pavement marking in Donkin Avenue*
  - *Proposed addition of one accessible parking space and associated signage and pavement marking in Elizabeth Street adjacent to the Wingecarribee Shire Civic Centre*
2. *Upon completion of the Civil Centre Reconstruction Project, the one-way operation in Donkin Avenue be kept under review for a further 12 month for possible retention as permanent management of the precinct.*

Item 2 Bong Bong Picnic Races 2019

TC50/19

*THAT the traffic arrangements proposed by Bong Bong Picnic Race Club Ltd for the Bong Bong Picnic Races to be held on Friday 22 November 2019 be approved subject to the implementation of the approved Traffic Management Plan and approval from*



**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 23 October 2019

**COMMITTEE REPORTS**



*the Police Service in accordance with the Guide to Traffic and Transport Management for Special Events for a Class 2 event.*

**RECOMMENDATION**

**THAT recommendations Nos TC49/19 to TC50/19 – as detailed in the Minutes of the Traffic Committee Meeting electronically held on 3 October 2019 be adopted.**

**ATTACHMENTS**

1. Minutes of the Traffic Committee Meeting held electronically on 3 October 2019



# MINUTES

of the  
Traffic Committee Meeting  
held Electronically on

**Thursday 3 October 2019**

*File No. 107/6*



**MINUTES OF THE TRAFFIC COMMITTEE MEETING**

Thursday 3 October 2019



<b>1. AGENDA REPORTS .....</b>	<b>2</b>
1.1 Bong Bong Picnic Races 2019.....	2
1.2 Proposed parking and traffic alterations in Elizabeth Street and Donkin Avenue, Moss Vale during the Civil Centre reconstruction period. ....	3



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 3 October 2019



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD ELECTRONICALLY ON THURSDAY 3 OCTOBER 2019

<b>Present:</b>	Clr Ken Halstead	Chair
	Mrs Jayd Marsh	Roads and Maritime Services
	Chief Inspector John Klepczarek	NSW Police
	Mr Ian Armstrong	Representing Member for Wollondilly
	Mrs Katherine Wood	Representing Member for Goulburn
<b>Council Staff:</b>	Mr Stace Lewer	Manager Assets
	Mr Frank Iacono	Transportation Planning Engineer
	Ms Daria Chen	Acting Traffic Engineer
	Mr Naif Ahmed	Coordinator Assets Roads & Traffic

1. AGENDA REPORTS

1.1 Bong Bong Picnic Races 2019

<b>Reference:</b>	7450
<b>Report Author:</b>	Traffic Engineer (Contractor)
<b>Authoriser:</b>	Manager Assets
<b>Link to Community Strategic Plan:</b>	Work in partnership to ensure a safe road network

PURPOSE

To consider the traffic management arrangements for the Bong Bong Picnic Races 2019.

RECOMMENDATION

***THAT the traffic arrangements proposed by Bong Bong Picnic Race Club Ltd for the Bong Bong Picnic Races to be held on Friday 22 November 2019 be approved subject to the implementation of the approved Traffic Management Plan and approval from the Police Service in accordance with the Guide to Traffic and Transport Management for Special Events for a Class 2 event.***



**MINUTES OF THE TRAFFIC COMMITTEE MEETING**

Thursday 3 October 2019



**1.2 Proposed parking and traffic alterations in Elizabeth Street and Donkin Avenue, Moss Vale during the Civic Centre reconstruction period.**

Reference: 7450  
 Report Author: Traffic Engineer (Contractor)  
 Authoriser: Manager Assets  
 Link to Community  
 Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

To consider the most appropriate traffic management during the construction activities associated with the Wingecarribee Shire Council Civil Centre re-development.

**RECOMMENDATION**

**THAT**

1. *The Local Traffic Committee supports the following traffic management be implemented for the duration of the Wingecarribee Shire Council re-development construction.*
  - The existing two-way section at Donkin Avenue be converted to one-way operation from Elizabeth Street towards Community Oval*
  - Creation of a "Work Zone" parking restriction along a significant part of Donkin Avenue*
  - Relocation of "Permit Holder" parking zone to the southwest of Donkin Avenue*
  - Proposed changes to regulatory signage and pavement marking in Donkin Avenue*
  - Proposed addition of one accessible parking space and associated signage and pavement marking in Elizabeth Street adjacent to the Wingecarribee Shire Civic Centre*
2. *Upon completion of the Civic Centre Reconstruction Project, the one-way operation in Donkin Avenue be kept under review for a further 12 month for possible retention as permanent management of the precinct.*

**2 MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11:20 AM

## 16.4 Minutes of the Finance Committee Meeting held on Wednesday, 16 October 2019

Reference: 107/21  
Report Author: Administration Officer (Meetings)  
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 provides the Minutes of the Finance Committee Meeting held on Wednesday, 21 August 2019.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

#### Item 3 Apologies

FC 27/19

*THAT the apology of the Mayor Clr Gair and Deputy Mayor Clr Turland be accepted and leave of absence granted.*

#### Item 4 Confirmation of Minutes

FC28/19

*THAT the minutes of the Finance Committee Meeting held on Wednesday 21 August 2019 MN 20/19 to MN 25/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

#### Item 6.1 Agenda Reports - 2019/20 Rate, Water and Sewerage Access Subsidies

FC 29/19

*THAT Council approve the Rate, Water and Sewerage Access Subsidies for Community & Sporting Organisations (including Religious Bodies) as shown in Attachment 1 for the 2019/20 financial year.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 23 October 2019

### COMMITTEE REPORTS



#### Item 6.2 355 Management Committees - Donations towards Utility Costs

FC 30/19

1. THAT the donations detailed in the table totalling \$7,500 be paid to the 355 Management Committees for the current 2019/20 Financial Year and for the 2020/21 Financial Year.

Table 1 Name of Facility	Recommended 2019/20 and 2020/21
Canyonleigh Community Hall	\$500
Exeter Hall	\$500
Hill Top Community Centre (includes the lighting for the stadium)	\$2,500
Loseby Park Hall	\$1,000
Moss Vale Senior Citizens and Community Centre	\$1,000
Penrose Hall	\$500
Welby Hall	\$500
Wingello Mechanics Institute Hall	\$500
Yerrinbool Hall	\$500
Total	\$7,500

2. THAT a review of donations for 355 Management Committees be undertaken as part of the annual budget review for the 2021/22 financial year.

#### Item 6.3 Year End Result Against Budget - 30 June 2019

FC 31/19

1. THAT the budget variations contained within this report be received and noted.
2. THAT Council approve the allocation of the Year End Budget surplus of \$297,833 for the 2018/19 financial year as follows:

2018/19 Year End Surplus Allocation	\$
Regional Art Gallery Reserve – Transfer to Reserve	\$200,000
Emp. Leave Entitlements Reserve – Transfer to Reserve	\$97,833
Total Allocation of Year End Surplus	\$297,833

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 23 October 2019

**COMMITTEE REPORTS**



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**RECOMMENDATION**

**THAT recommendations Nos FC 26/19 to FC 31/19 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 16 October 2019 be adopted.**

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**ATTACHMENTS**

1. Minutes of Finance Committee 16 October 2019





# MINUTES

## of the Finance Committee Meeting

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 16 October 2019**

The meeting commenced at 3.30pm

*File No. 100/219*



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 16 October 2019



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<b>3. APOLOGIES</b>	
<b>4. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
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**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 16 October 2019



**MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 16 OCTOBER 2019 COMMENCING AT 3.30PM**

**Present:** Clr G J Andrews  
 Clr K J Halstead  
 Clr G McLaughlin  
 Clr P W Nelson  
 Clr I M Scandrett  
 Clr L A C Whipper

<b>In Attendance:</b>	General Manager Deputy General Manager Operations, Finance and Risk Chief Financial Officer Group Manager Corporate and Community Deputy Chief Financial Officer Management Accountant Administration Officer	Ms Ann Prendergast  Mr Barry Paull Mr Richard Mooney Ms Danielle Lidgard Mr Damien Jenkins Mr Peter Dunn Ms Leesa Stratford
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The General Manager, Ms Ann Prendergast addressed the meeting to advise that in the absence of both the Mayor and Deputy Mayor a chairperson must be elected, as in accordance with *clause 7.2 Code of Meeting Practice*.

The General Manager, Ms Ann Prendergast called for nominations for a chairperson for the meeting.

**FC 26/19**

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

**THAT** Clr K Halstead be elected as Chair of the Finance Committee Meeting of 16 October 2019.

**PASSED**

**1. OPENING OF THE MEETING**

Clr Ken Halstead opened the meeting and welcomed members of the public and the press.

**2. ACKNOWLEDGEMENT OF COUNTRY**

Clr L A C Whipper acknowledged country:

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



**MINUTES OF THE FINANCE COMMITTEE MEETING**

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**3. APOLOGIES**

Leave of absence for this meeting was previously granted to Clr G Markwart.

PERS

**FC 27/19**

**MOTION** moved by Clr G McLaughlin and seconded by Clr P W Nelson

**THAT** the apology of the Mayor Clr Gair and Deputy Mayor Clr Turland be accepted and leave of absence granted.

**PASSED**

**4. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 21 AUGUST 2019

**FC 28/19**

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

**THAT** the minutes of the Finance Committee Meeting held on Wednesday 21 August 2019 MN 20/19 to MN 25/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 16 October 2019



**5. 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 the Finance Committee at this Meeting and to complete the appropriate form to be handed up at the Meeting.

*There were no Declarations of Interest declared at this meeting*



MINUTES OF THE FINANCE COMMITTEE MEETING

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6. AGENDA REPORTS

6.1 2019/20 Rate, Water and Sewerage Access Subsidies

Reference: 2210/1  
Report Author: Coordinator Revenue  
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 2019/20 Rate, Water and Sewerage Access Subsidies for Community & Sporting Organisations (including Religious Bodies).

Chief Financial Officer, Mr Richard Mooney addressed the meeting to introduce this item.

**FC 29/19**

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

**THAT** Council approve the Rate, Water and Sewerage Access Subsidies for Community & Sporting Organisations (including Religious Bodies) as shown in Attachment 1 for the 2019/20 financial year.

**PASSED**



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**6.2 355 Management Committees - Donations towards Utility Costs**

Reference: 107/21  
 Report Author: Committee Coordinator  
 Authoriser: Asset Coordinator Parks and Buildings  
 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 seek formal Council approval with respect to donations proposed to be made to 355 Management Committees to assist with the payment of utility costs.

Chief Financial Officer, Mr Richard Mooney addressed the meeting to introduce this item.

**FC 30/19**

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

- THAT** the donations detailed in the table totalling \$7,500 be paid to the 355 Management Committees for the current 2019/20 Financial Year and for the 2020/21 Financial Year.

Table 1 Name of Facility	Recommended 2019/20 and 2020/21
Canyonleigh Community Hall	\$500
Exeter Hall	\$500
Hill Top Community Centre (includes the lighting for the stadium)	\$2,500
Loseby Park Hall	\$1,000
Moss Vale Senior Citizens and Community Centre	\$1,000
Penrose Hall	\$500
Welby Hall	\$500
Wingello Mechanics Institute Hall	\$500
Yerrinbool Hall	\$500
<b>Total</b>	<b>\$7,500</b>

- THAT** a review of donations for 355 Management Committees be undertaken as part of the annual budget review for the 2021/22 financial year.

**PASSED**



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 16 October 2019



**6.3 Year End Result Against Budget - 30 June 2019**

Reference: 2120  
 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 the Year End Budget Result for the 2018/19 financial year and to seek Council approval for the allocation of the surplus to the Regional Art Gallery Reserve and Employee Leave Entitlements Reserve.

Chief Financial Officer, Mr Richard Mooney addressed the meeting to introduce this item.

Deputy General Manager Operations, Finance and Risk, Mr Barry Paull addressed the meeting on the item.

**FC 31/19**

**MOTION** moved by Clr G McLaughlin and seconded by Clr I M Scandrett

1. **THAT** the budget variations contained within this report be received and noted.
2. **THAT** Council approve the allocation of the Year End Budget surplus of \$297,833 for the 2018/19 financial year as follows:

2018/19 Year End Surplus Allocation	\$
Regional Art Gallery Reserve – Transfer to Reserve	\$200,000
Emp. Leave Entitlements Reserve – Transfer to Reserve	\$97,833
<b>Total Allocation of Year End Surplus</b>	<b>\$297,833</b>

**PASSED**





**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 16 October 2019



**7. CLOSED COMMITTEE**

Nil

**8. DATE OF NEXT MEETING**

The next meeting will be held on Wednesday 20 November 2019 in Council Chambers Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00am.

**9. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.06 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Wednesday 16 October 2019 numbered M/N FC26/19 to M/N FC31/19 were signed by me hereunder at the Council Meeting held on Wednesday 20 November 2019.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 20 NOVEMBER 2019**

\_\_\_\_\_  
CHAIRMAN

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



## 17 QUESTIONS WITH NOTICE

### 17.1 Question with Notice 19/2019 - Signage and Outdoor Advertising

**Reference:** 101/2  
**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

**To:** General Manager  
**From:** Deputy Mayor Clr G Turland  
**Received:** 9 October 2019

**Subject:** Section 10 -Signage and Outdoor Advertising

**Question:**

Can Council staff review this policy that relates to 10.7 Digital Signage including VMS; and A1.7.2 Permissibility. VMS is prohibited but it does not include digital signage. Why?

**Response:**

Councillors would recall that the section 10.7 Digital Signage Provisions were updated within Council's Development Control Plan suite in 2018 following amendments to the State Environmental Planning Policy (Advertising Structures) – SEPP 64. The Development Control Plan was amended for these types of advertising structures to be consistent with these controls.

Council staff will review the signage controls relating to digital advertising structures as part of the comprehensive Development Control Review program.

**RECOMMENDATION**

**THAT the information in relation to Question with Notice 19/2019 - Signage and Outdoor Advertising - be noted.**



## **19. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

#### Section 10B

1. *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
  - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
  - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
  - b. *are clearly identified in the advice, and*
  - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
4. *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
  - a. *a person may misinterpret or misunderstand the discussion, or*
  - b. *the discussion of the matter may:*
    - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
    - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 15 of Council's Code of Meeting Practice.

Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.



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**RECOMMENDATION**

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:**

**19.1 Legal Report - Closed Council**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 25 September 2019.

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

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Ann Prendergast  
**General Manager**

Thursday 17 October 2019