



MINUTES

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

Wednesday 26 June 2019

The meeting commenced at 3.30pm

File No. 100/2019

| | |
|---|----------|
| 1. OPENING OF THE MEETING | |
| 2. ACKNOWLEDGEMENT OF COUNTRY | |
| 3. PRAYER | |
| 4. APOLOGIES | |
| Nil | |
| 5. ADOPTION OF MINUTES OF PREVIOUS MEETING | |
| Ordinary Meeting of Council held on 12 June 2019 | |
| 6. DECLARATIONS OF INTEREST | 2 |
| 7. MAYORAL MINUTES | 3 |
| 8. PUBLIC FORUM | 3 |
| 9. NOT APPLICABLE | 3 |
| 10. VISITOR MATTERS | 3 |
| OPERATIONS | |
| Nil | |
| CORPORATE AND STRATEGY | |
| 10.1 DA 11/0767 - 131 Lot Part Residential and Part Commercial Subdivision at Lot 1 DP 1232714 (formerly Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and Easement within Lot 18 DP 1148687) 61 Old Hume Highway Braemar (formerly part of 520 Old South Road Mittagong) | 4 |
| 10.2 Amended Development Application 17/1457 - Subdivision of Land and Carrying out of Works to Create Four Lots, and Carrying out of Works for the Purpose of a Private Road, Lot 12 DP611530, 486 Ellsmore Road, Exeter | 6 |
| 11. EN BLOC MOTION | 7 |
| 12. OPERATIONS FINANCE AND RISK | 8 |
| 12.1 Proposed Licence Agreement - Mittagong Rotary & Lions Club - Part Public Golf Course 21 Boronia Street, Bowral | 8 |
| 12.2 Proposed Lease - 71 Station Street Bowral | 9 |
| 12.3 Investment Report - May 2019 | 10 |
| 12.4 Draft Wingecarribee Shire Road Maintenance Policy | 11 |
| 12.5 Proposed sale of Council property - Lots 1261, 1262, 1263, 1264 & 1265 in Deposited Plan 1248764, Anembo Street, Moss Vale | 12 |
| 12.6 Proposed Sale - 10 Frankland Street Mittagong | 13 |

| | |
|---|-----------|
| 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES..... | 15 |
| 13.1 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 21 Boardman Road South Bowral.... | 15 |
| 13.2 Operational Model for the Wingecarribee Animal Shelter | 17 |
| 13.3 Draft Wingecarribee Animal Shelter Alternatives to Euthanasia Policy . | 18 |
| 13.4 Wingecarribee Community Assistance Scheme 2019 - 2020 Funding Recommendations | 19 |
| 13.5 Local Government Conference 2019 | 20 |
| 14. GENERAL MANAGER | 21 |
| 14.1 Legal Report..... | 21 |
| 15. DELEGATE REPORTS | 22 |
| 16. PETITIONS | 23 |
| 16.1 Petition 5/2019 - DA 19/1645 - Subdivision of 40 Sir James Fairfax Circuit, Bowral | 23 |
| 17. NOT APPLICABLE | 24 |
| Nil | |
| 18. COMMITTEE REPORTS | 25 |
| 18.1 Minutes of Wingecarribee Floodplain and Risk Management Advisory Committee held on Monday, 6 May 2019..... | 25 |
| 18.2 Management and Advisory Committee Reports | 26 |
| 18.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 15 May 2019..... | 27 |
| 19. QUESTIONS WITH NOTICE..... | 28 |
| Nil | |
| 20. NOTICES OF MOTION | 29 |
| 20.1 Notice of Motion 16/2019 - Civic Prayer..... | 29 |
| 21. NOT APPLICABLE | 31 |
| 22. CLOSED COUNCIL | 31 |
| Moving into Closed Session | 31 |
| 22.1 Legal Report - Closed Council | 34 |
| 22.2 Proposed Sale of Council property - Lots 1261, 1262, 1263, 1264 & 1265 in Deposited Plan 1248764, Anembo Street, Moss Vale | 35 |
| 22.3 Proposed Sale - 10 Frankland Street Mittagong | 36 |
| 23. RESUMPTION OF OPEN AGENDA..... | 37 |
| Adoption of Closed Council | 37 |

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 26 June 2019



| | |
|----------------------------------|-----------|
| 24. NOT APPLICABLE | 37 |
| 25. MEETING CLOSURE | 38 |

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 26 JUNE 2019 COMMENCING AT 3.30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews
Clr K J Halstead
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

| | | |
|-----------------------|---|--------------------------|
| In Attendance: | General Manager | Ms Ann Prendergast |
| | Deputy General Manager Operations, Finance and Risk | Mr Barry W Paull |
| | Deputy General Manager Corporate Strategy and Development Services | Mr Mark Pepping |
| | Group Manager Corporate and Community | Ms Danielle Lidgard |
| | Group Manager Planning, Development and Regulatory Services | Mr Nicholas Wilton |
| | Chief Financial Officer | Mr Richard Mooney |
| | Chief Information Officer | Mr John Crawford |
| | Manager of Assets | Mr Stace Lewer (in part) |
| | Legal Counsel | Mr Ian Lacy (in part) |
| | Coordinator Media and Communications | Mr David Sommers |
| | Administration Officer | Ms Michelle Richardson |

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr T D Gair acknowledged country:

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

3. PRAYER

The meeting was led in prayer by Reverend Gavin Perkins, Anglican Church, Bowral.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 12 JUNE 2019

MN 291/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 12 June 2019 MN 255/19 to MN 290/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

Clr Scandrett referred to page 7, Item 9 Public Forum – of the Minutes of Ordinary Meeting of Council 12 June 2019, and noted it was he that left the chambers and not Clr Turland.

6. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

101/3.1 107/22

Deputy Mayor G M Turland declared a non-significant interest in Item 14.1 – Legal Report and will not be leaving the Chambers as the recommendation was that the report be noted.

7. MAYORAL MINUTES

Nil

8. PUBLIC FORUM

Nil

9. NOT APPLICABLE

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 DA 11/0767 - 131 Lot Part Residential and Part Commercial Subdivision at Lot 1 DP 1232714 (formerly Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and Easement within Lot 18 DP 1148687) 61 Old Hume Highway Braemar (formerly part of 520 Old South Road Mittagong)

Reference: 11/0767
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

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

PURPOSE

The purpose of this report is to consider Development Application 11/0767 which seeks approval for a subdivision of 129 Residential Lots, 2 Commercial Lots and 6 lots to be dedicated to Council of Lot 1 DP 1232714 (previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within lot 18 DP 1148687) 61 Old Hume Highway Braemar (formerly part of 520 Old South Road Mittagong). This report is prepared for determination and recommends APPROVAL, subject to a deferred commencement condition that the consent is not to operate until the applicant satisfies the consent authority as to the matters specified in the condition. **(Attachment 1).**

Mr George Altomonte addressed Council on this Item.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 292/19

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

1. **THAT** Development Application 11/0767 for a subdivision consisting of 129 Residential Lots, 2 Commercial Lots and 6 lots to be dedicated to Council of Lot 1 DP 1232714 (formerly Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within lot 18 DP 1148687) - 61 Old Hume Highway Braemar (formerly part of 520 Old South Road Mittagong) be APPROVED subject to a deferred commencement condition that the consent is not to operate until the applicant satisfies the consent authority as to the matters specified in the deferred condition and subject to general conditions as described in Draft Conditions of Consent (Attachment 1) to the report.
2. **THAT** the internal carriageway widths are to be a minimum of seven metres.
3. **THAT** a section 88E instrument be imposed on the Kamilaroi Heritage item which restricts any further subdivision of development lot beyond what is approved under DA11/0767.
4. **THAT** an additional deferred commencement condition be imposed which requires the proponent to prepare a residential landscaping design guideline to be approved by council prior to the issue of an operational consent.
5. **THAT** an additional condition of consent be imposed which requires the approved landscaping design to be registered on title under a section 88E instrument prior to the issue of a subdivision certificate.

PASSED

VOTING ON THE MOTION

For the motion:

Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

Against the motion:

Nil

10.2 Amended Development Application 17/1457 - Subdivision of Land and Carrying out of Works to Create Four Lots, and Carrying out of Works for the Purpose of a Private Road, Lot 12 DP611530, 486 Ellsmore Road, Exeter

| | |
|-----------------------------------|--|
| Reference: | 17/1457 |
| Report Author: | Senior Development Assessment Planner |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Applicant: | Kristal A Hassos |
| Owner: | K A Hassos |
| 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 present to Council development application 17/1457 for the Council's consideration, and recommends the Council determine the application by refusal for the reasons specified in **Attachment 1**. This application is presented to Council as it was called up by Councillors to determine.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

MN 293/19

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

THAT Council notes Development Application 17/1457 for the subdivision of land and carrying out of works to create 4 lots and carrying out of works for the purpose of a private road, Lot 2, DP 611530, 486 Ellsmore Road Exeter has been formally withdrawn.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Proposed Licence Agreement - Mittagong Rotary & Lions Club - Part Public Golf Course 21 Boronia Street, Bowral

| | |
|-----------------------------------|--|
| Reference: | PN1770710 |
| Report Author: | Property and Project Officer |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

The purpose of this report is to seek Council approval to place on public exhibition a proposed Licence Agreement to Bowral Rotary Club and Lions Club Mittagong for the continued occupation of a storage shed being located on part of the public golf course 21 Boronia Street, Bowral.

MN 294/19

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

1. **THAT** Council place on public exhibition for a minimum twenty eight (28) days the proposed five (5) year Licence Agreement to Bowral Rotary Club and Lions Club Mittagong for occupation of part public golf course, 21 Boronia Street, Bowral Street, Bowral AND THAT rental be \$1.00 per annum, if demanded.
2. **THAT**, if any objections are received during the period of public exhibition, a further report be presented to a future Ordinary Meeting of Council.
3. **THAT**, if no objections are received during the period of public exhibition, Council offer a Licence Agreement for the occupation of part public golf course located at part 21 Boronia Street, Bowral to Bowral Rotary Club and Lions Club Mittagong AND THAT the General Manager and Mayor be delegated authority to execute the Licence Agreement under the Common Seal of Council, if required.

PASSED

12.2 Proposed Lease - 71 Station Street Bowral

| | |
|-----------------------------------|--|
| Reference: | PN 1700778 LSE15/031 |
| Report Author: | Property and Project Officer |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

The purpose of this report is to seek Council approval to enter into negotiations with D&M Auto Electrics for the proposed renewal of Lease of Council property known as 71 Station Street, Bowral.

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

MN 295/19

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

1. **THAT** a new Lease be offered to D & M Auto Electrics Pty Ltd for the premises known as 71 Station Street Bowral, being the whole of the land comprised in Lot B Deposited Plan 381616, for a term of three (3) years.
2. **THAT** it be noted that Council will have the right to give six (6) months notice of termination of the Lease of 71 Station Street Bowral if the property referred to in resolution 1 above is required for road purposes prior to expiration of the Lease.
3. **THAT** the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of Council.

PASSED

12.3 Investment Report - May 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 31 May 2019.

MN 296/19

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

THAT the information on Council's Investments as at 31 May 2019 be received and noted.

PASSED

12.4 Draft Wingecarribee Shire Road Maintenance Policy

| | |
|-----------------------------------|--|
| Reference: | 7810/30 |
| Report Author: | Coordinator Assets - Roads and Traffic |
| Authoriser: | Manager Assets |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

The purpose of the report is to advise Council of the proposed 'Draft Wingecarribee Shire Road Maintenance Policy' and to seek approval for the 'Draft Wingecarribee Shire Road Maintenance Policy' to be placed on public exhibition with the community invited to provide feedback and comments.

The Manager of Assets addressed Council in relation to this Item.

The General Manager addressed Council in relation to this Item.

MN 297/19

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

1. **THAT** the 'Draft Wingecarribee Shire Road Maintenance Policy' be placed on public exhibition commencing 1 September 2019 for a period of twenty eight (28) days and that public notification be included in the September edition of the Wingecarribee Today.
2. **THAT** the 'Draft Wingecarribee Shire Road Maintenance Policy' be submitted to Council for adoption following the public exhibition.

PASSED

12.5 Proposed sale of Council property - Lots 1261, 1262, 1263, 1264 & 1265 in Deposited Plan 1248764, Anembo Street, Moss Vale

Reference: PN1820800
Report Author: Property and Project Officer
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval for the General Manager to be delegated authority to negotiate the sale price of Council owned land.

MN 298/19

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

THAT the report concerning the sale of Council property known as lots 1261, 1262, 1263, 1264 & 1265 in Deposited Plan 1248764 be considered in closed Council – Item 22.2.

This report is confidential in accordance with section 10A(2) of the Local Government Act, 1993, under clause 10(A)(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person whom council is conducting(or proposes to conduct) business.

PASSED

12.6 Proposed Sale - 10 Frankland Street Mittagong

| | |
|-----------------------------------|--|
| Reference: | PN 556900 |
| Report Author: | Property and Projects Officer |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

THIS MATTER WAS DEFERRED FROM COUNCIL MEETING 12 JUNE 2019

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

BACKGROUND

On the 8 May 2019 Council was provided with a report in Closed Committee of Council, detailing an offer to purchase proposed Lot 3 DP109208, Frankland Street Mittagong. Subsequent to that report, Council directed the General Manager to undertake further negotiations with the potential buyer and bring a further report back to Council.

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

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

THAT Council provide a report to consider the merits of an Expression of Interest process for Not for Profit organisations to apply to provide a socially responsible development for affordable housing, aged care and for the disabled residents within our Shire.

MOTION LOST

AMENDMENT moved by Clr I M Scandrett

THAT In view of recent interest that has arisen today on the site, that the site be put to public auction within sixty days.

AMENDMENT LAPSED THROUGH WANT OF A SECONDER

MN 299/19

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

THAT the report concerning the update to Councillors on the proposed sale of proposed Lot 3 DP109208 Frankland Street, Mittagong be considered in closed Council – Item 22.3.

This report is confidential in accordance with section 10A(2) of the Local Government Act, 1993, under clause 10(A)(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with who the council so conducting (or proposes to conduct) business.

THE AMENDMENT WAS PUT TO THE VOTE AND PASSED

THE AMENDMENT BECAME THE MOTION

THE MOTION WAS PUT TO THE VOTE AND PASSED

Cllrs Turland, Halstead, Whipper and McLaughlin requested their dissenting votes be recorded.

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 21 Boardman Road South Bowral

| | |
|-----------------------------------|--|
| Reference: | PN1811140, 5901 |
| Report Author: | Senior Strategic Land Use Planner |
| Authoriser: | Coordinator Strategic Land Use Planning |
| Link to Community Strategic Plan: | Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living |

PURPOSE

To consider a Planning Proposal to amend Schedule 1 of Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a seniors living development at 21 Boardman Road South Bowral.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Deputy General Manager Corporate Strategy and Development Services addressed Council in relation to this Item.

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

THAT the Planning Proposal to amend Schedule 1 of Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a seniors housing development at 21 Boardman Road South Bowral **BE DEFERRED PENDING COMPLETION OF THE WINGECARRIBEE LOCAL HOUSING STRATEGY.**

MN 300/19

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

THAT the matter be resubmitted.

VOTING ON THE MOTION

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

Against the motion: Nil

PASSED

MN 301/19

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

THAT the Planning Proposal to amend Schedule 1 of Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a seniors housing development at 21 Boardman Road South Bowral **BE DEFERRED PENDING COMPLETION OF THE WINGECARRIBEE LOCAL HOUSING STRATEGY.**

PASSED

VOTING ON THE MOTION

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

Against the motion: Clr I M Scandrett

13.2 Operational Model for the Wingecarribee Animal Shelter

| | |
|-----------------------------------|--|
| Reference: | 5501/8 5501/8.4 |
| Report Author: | Group Manager Planning, Development and Regulatory Services |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Link to Community Strategic Plan: | An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities |

PURPOSE

The purpose of this report is to update the Council on the performance of the adopted trial in house operational model of the Animal Shelter over the past three (3) years and to confirm the future in house management of the facility going forward.

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

The General Manager left the Chambers, the time being 5:16pm

Clr G Markwart left the Chambers, the time being 05:16pm.

Clr G Markwart returned to the meeting, the time being 05:17pm.

The General Manager returned to the Chambers, the time being 5:32pm

MN 302/19

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

1. **THAT** Council confirms that the management of the Wingecarribee Animal Shelter will continue in-house on a permanent basis within the budget set as part of Council's annual Operational Plan.
2. **THAT** a letter of thanks be forwarded by the Mayor, Clr Gair thanking Friends of Wingecarribee Animal Shelter and other volunteer groups associated with the Animal Shelter for their invaluable assistance and work at the Wingecarribee Animal Shelter.

PASSED

13.3 Draft Wingecarribee Animal Shelter Alternatives to Euthanasia Policy

| | |
|-----------------------------------|--|
| Reference: | 5501/8 5501/8.4 |
| Report Author: | Group Manager Planning, Development and Regulatory Services |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Link to Community Strategic Plan: | An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities |

PURPOSE

The purpose of this report is to review Council's existing Wingecarribee Animal Shelter Alternatives to Euthanasia Policy and seek endorsement for the exhibition of the draft Policy.

MN 303/19

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

1. **THAT** Council endorse the exhibition of the draft Wingecarribee Animal Shelter Alternatives to Euthanasia Policy as included in Attachment 1 for a period of 28 days.
2. **THAT** a further report be brought back to Council following the public exhibition period.

PASSED

13.4 Wingecarribee Community Assistance Scheme 2019 - 2020 Funding Recommendations

| | |
|-----------------------------------|--|
| Reference: | 1870/2019 |
| Report Author: | Coordinator Community Development |
| Authoriser: | Group Manager Corporate and Community |
| Link to Community Strategic Plan: | Plan and deliver appropriate and accessible local services for the community |

PURPOSE

The purpose of this report is to seek Council's approval of the final recommendations from the Community Assistance Scheme Advisory Committee on the funding applications for financial assistance through the Wingecarribee Community Assistance Scheme 2019 – 2020.P

Clr I M Scandrett left the chambers, the time being 05:39pm.

Clr I M Scandrett returned to the meeting, the time being 05:41pm.

MN 304/19

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

1. **THAT** Council adopt the recommendations of the Community Assistance Scheme Advisory Committee as detailed in Attachment 1 to the report.
2. **THAT** successful applicants be advised and invited to attend a formal presentation to receive Certificates of Entitlement.
3. **THAT** this presentation ceremony be held during Local Government Week 31 July 2019 commencing at 5:30pm in the Civic Centre Theatre.
4. **THAT** correspondence is forwarded to the unsuccessful applicants advising them of the outcome of their application.

PASSED

13.5 Local Government Conference 2019

Reference: 102 204/2019
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Provide opportunities to participate in futures thinking and nurture ideas

WPURPOSE

The purpose of this report is to determine attendance arrangements for the 2019 Local Government New South Wales (LGNSW) conference, to be held from Monday 14 October to Wednesday 16 October 2019 at The William Inglis Hotel, Warwick Farm.

MN 305/19

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

1. **THAT Council confirms three (3) delegates will be authorised to attend the Local Government NSW Annual Conference to be held at The William Inglis Hotel, Warwick Farm from Monday 14 October to Wednesday 16 October 2019.**
2. **THAT the following delegates are nominated to attend the 2019 Local Government NSW Annual Conference:**
 - a. **Mayor of the Day**
 - b. **Clr G Andrews**
 - c. **Clr G McLaughlin**
 - d. **Clr K Halstead (alternate delegate)**
3. **THAT the General Manager, or delegate, be authorised to attend the Local Government NSW Annual Conference as an observer.**
4. **THAT Councillors forward their proposed motions, with accompanying notes to the Mayor for consideration prior to Friday 26 July 2019.**
5. **THAT a report regarding the proposed motions be presented for consideration to the Ordinary Council Meeting of 14 August 2019 AND THAT the Mayor submit any proposed motions to the conference organisers by Monday, 19 August 2019.**

PASSED

14. GENERAL MANAGER

14.1 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 22 May 2019.

Deputy Mayor G M Turland declared a declaration of interest and left the Chambers, the time being 05:43pm.

The General Manager addressed Council in relation to this Item.

MN 306/19

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

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 22.2.

PASSED

15. DELEGATE REPORTS

16. PETITIONS

16.1 Petition 5/2019 - DA 19/1645 - Subdivision of 40 Sir James Fairfax Circuit, Bowral

| | |
|-----------------------------------|--|
| Reference: | 100/8 19/1645 |
| Report Author: | Administration Officer (Meetings) |
| Authoriser: | Group Manager Corporate and Community |
| Link to Community Strategic Plan: | An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities |

PURPOSE

The purpose of this report is to present Council with a petition against development application 19/1645 - 40 Sir James Fairfax Circuit, Bowral.

The petition contains over 80 signatures.

A copy of the Petition has been placed in the Councillors' Room and will be tabled at the Ordinary Meeting of Council.

Deputy Mayor G M Turland returned to the meeting, the time being 05:44pm.

MN 307/19

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

THAT Petition 5/2019 relating to the Subdivision DA19/1645 - 40 Sir James Fairfax Circuit, Bowral be received and noted by Council.

PASSED

17. NOT APPLICABLE

Nil

18. COMMITTEE REPORTS

18.1 Minutes of Wingecarribee Floodplain and Risk Management Advisory Committee held on Monday, 6 May 2019

| | |
|-----------------------------------|---|
| Reference: | 8100/17.1 |
| Report Author: | Floodplain and Stormwater Engineer |
| Authoriser: | Manager Assets |
| Link to Community Strategic Plan: | Manage and plan for future water, sewer and stormwater infrastructure needs |

PURPOSE

This report provides the Minutes of the Wingecarribee Floodplain and Risk Management Advisory Committee Meeting held on Monday 6 May 2019.

MN 308/19

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

1. **THAT** the draft report on the Nattai Ponds Floodplain Risk Management Study and Plan be put on public exhibition for a period of 60 days.
2. **THAT** recommendation No WFRM 1/19 as detailed in the Minutes of the Wingecarribee Floodplain and Risk Management Advisory Committee Meeting held on Monday 6 May 2019 be adopted.

PASSED

18.2 Management and Advisory Committee Reports

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

PURPOSE

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

MN 309/19

MOTION moved by Cllr K J Halstead and seconded by Cllr G McLaughlin

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

1. ***Mittagong Memorial Hall Management Committee held on Thursday, 2 May 2019***
2. ***Yerrinbool Hall Management Committee Meeting held on Tuesday, 7 May 2019***
3. ***Loseby Park Community Hall Management Committee held on Friday, 10 May 2019***

PASSED

18.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 15 May 2019

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|-----------------------------------|---|
| Reference: | 107/25 |
| Report Author: | Administration Officer |
| Authoriser: | Deputy General Manager Corporate, Strategy and Development Services |
| Link to Community Strategic Plan: | Sustainably manage natural resources for broader community benefit |

PURPOSE

This report provides the Minutes of the Environment and Sustainability Advisory Committee meeting held on Wednesday, 15 May 2019.

MN 310/19

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

THAT recommendations Nos ES1/19 to ES6/19 – as detailed in the Minutes of the Environment and Sustainability held on 15 May 2019 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

20.1 Notice of Motion 16/2019 - Civic Prayer

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

PURPOSE

Councillor Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 26 June 2019:

THIS NOTICE OF MOTION WAS DEFERRED FROM ORDINARY COUNCIL MEETING OF 22 MAY 2019

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

1. **THAT** Council acknowledge the importance of the opening prayer at each Council meeting and extend sincere thanks to all those Ministers who have provided these blessings upon Council and community over the years.
2. **THAT** in recognising Australia is predominantly Christian in our belief system **THAT** we also recognise there are those in our nation and the Shire who acknowledge God through different pathways.
3. **THAT** in acknowledging this reality Council now consider broadening the representation of those who offer “prayer” at the opening of Council meetings to respect and reflect this fact.
4. **THAT** Council make formal invitations to local leaders of the Catholic, Buddhist, Hindu, Jewish, Muslim and Bahai faiths to be included in the roster to provide prayer on behalf of this Council and its community at the opening of Council (after Acknowledgement of Country) along with the Minister’s Fraternal.
5. **THAT** in making this invitation, Council acknowledge this is designed to encourage inclusiveness and NOT to denigrate our Christian belief system.
6. **THAT** in the spirit of inclusiveness, Council also call for expressions of interest from all religious denominational leaders in the Shire to participate in a roster for the opening prayer of Council.

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

THAT Council hold one minute silence for individual silent prayer during the general order of business for an ordinary meeting of the Council.

AMENDMENT BECAME THE MOTION

THE AMENDMENT WAS LOST

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

1. **THAT** Council acknowledge the importance of the opening prayer at each Council meeting and extend sincere thanks to all those Ministers who have provided these blessings upon Council and community over the years.
2. **THAT** in recognising Australia is predominantly Christian in our belief system **THAT** we also recognise there are those in our nation and the Shire who acknowledge God through different pathways.

FURTHER MOTION LOST

21. NOT APPLICABLE

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6:13pm, Council moved into Closed Council.

MN 311/19

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

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

22.1 Legal Report - Closed Council

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(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 22 May 2019.

22.2 Proposed Sale of Council property - Lots 1261, 1262, 1263, 1264 & 1265 in Deposited Plan 1248764, Anembo Street, Moss Vale

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council..

Brief description

The purpose of this report is to seek Council's direction on the sale price range for the five vacant lots owned by Council on Anembo Street, Moss Vale and to seek approval for the General Manager to be delegated authority to negotiate the sale price within the approved sale price range.

22.3 Proposed Sale - 10 Frankland Street Mittagong

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

THIS ITEM WAS DEFERRED FROM CLOSED COUNCIL MEETING OF 12 JUNE 2019

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

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

PASSED

22.1 Legal Report - Closed Council

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

CONFIDENTIAL ITEM

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

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 22 May 2019.

General Counsel addressed Council in relation to this Item

The Chief Financial Officer addressed Council in relation to this Item

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

Deputy Mayor G M Turland left the chambers, the time being 06:28pm.

Deputy Mayor G M Turland returned to the meeting, the time being 06:31pm.

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

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

MN 312/19

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

THAT the information in the Legal Report be noted.

PASSED

22.2 Proposed Sale of Council property - Lots 1261, 1262, 1263, 1264 & 1265 in Deposited Plan 1248764, Anembo Street, Moss Vale

| | |
|-----------------------------------|--|
| Reference: | PN 1820790 PN 1820800 PN 1820810 PN 1820820 PN 1820830 |
| Report Author: | Property and Project Officer |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

PURPOSE

The purpose of this report is to seek Council's direction on the sale price range for the five vacant lots owned by Council on Anembo Street, Moss Vale and to seek approval for the General Manager to be delegated authority to negotiate the sale price within the approved sale price range.

The Chief Financial Officer addressed Council in relation to this Item

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

MN 313/19

MOTION moved by C/r P W Nelson and seconded by C/r I M Scandrett

THAT the General Manager be delegated authority to negotiate the sale prices with any prospective purchaser of Lots 1261, 1262, 1263, 1264 and 1265 in Deposited Plan 1248764 Anembo Street, Moss Vale within a 5% range of the market valuation as detailed within the report.

PASSED

22.3 Proposed Sale - 10 Frankland Street Mittagong

| | |
|-----------------------------------|--|
| Reference: | PN556900 |
| Report Author: | Property and Projects Officer |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

THIS ITEM WAS DEFERRED FROM CLOSED COUNCIL MEETING OF 12 JUNE 2019

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

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

The General Manager left the Chamber, the time being 7:04pm

Clr L A C Whipper left the chambers, the time being 07:04pm.

Clr L A C Whipper returned to the meeting, the time being 07:06pm.

The General Manager returned to the Chamber, the time being 7:16pm

MN 314/19

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

THAT the General Manager be given authorisation to proceed to commence the process to sell proposed lots 2 and 3 in existing DP109208 via open tender.

PASSED

AMENDMENT moved by Clr I M Scandrett

THAT Council proceed to sell the property via public auction.

AMENDMENT LAPSED THROUGH WANT OF A SECONDER

FURTHER AMENDMENT moved by Deputy Mayor G M Turland and seconded by Clr G McLaughlin

THAT Council proceed with the process to implement a proposed public/private partnership in conjunction with a preferred not for profit organisation for the consideration of an application to provide a socially responsible development for affordable housing, aged care and for the disabled residents within our Shire.

FURTHER AMENDMENT LOST

23. RESUMPTION OF OPEN AGENDA

107/10

MN 315/19

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

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

The recording and live streaming of the meeting recommenced and all present were reminded that the meeting was being recorded and live streamed via the internet for public viewing.

ADOPTION OF CLOSED COUNCIL

107/9

MN 316/19

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

THAT the recommendations of the Closed Council held on Wednesday, 26 June 2019 being MN 312/19 to MN 314/19 be adopted.

PASSED

24. NOT APPLICABLE

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:23 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 26 June 2019 numbered M/N 291/19 to M/N 316/19 were signed by me hereunder at the Council Meeting held on Wednesday 10 July 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 10 JULY 2019

CHAIRMAN

PUBLIC OFFICER