



MINUTES

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

Wednesday 8 May 2019

The meeting commenced at 3.30 pm

File No. 100/2019

| | |
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| 4. APOLOGIES | |
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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 8 MAY 2019 COMMENCING AT 3.30 PM

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 |
| Coordinator Media and Communications | Mr David Sommers |
| Administration Officer | Ms Michelle Richardson |

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

Clr K Halstead 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 Doug McPherson, Mittagong Presbyterian Church.

ACKNOWLEDGEMENT OF STAFF MEMBER

PERS

The Mayor Clr D Gair acknowledged the work and dedication made by Mr Richard Mooney, Chief Financial Officer, who has resigned his services from Wingecarribee Shire Council.

Clr I M Scandrett expressed his total appreciation of Mr Mooney, especially noting his expeditious replies to queries.

Deputy Mayor Clr G Turland acknowledged the loss of Mr Mooney to Wingecarribee Shire Council.

Clr P Nelson congratulated Mr Mooney on the four years of service with Wingecarribee Shire Council.

Clr L Whipper acknowledged Mr Mooney's service, noting in particular his compassion when dealing with people.

Clr K Halstead wished Mr Mooney well and speed of ascendancy to new roles.

Clr G Andrews acknowledged Mr Mooney's expertise in his role.

Clr G McLaughlin acknowledged the loss of Mr Mooney to Wingecarribee Shire Council.

Clr G Markwart acknowledged the fantastic work Mr Mooney has done for Wingecarribee Shire Council.

The Chief Financial Officer formally acknowledged the support of the Executive Team and thanked Councillors for their support in the time he was employed at Council.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 24 APRIL 2019

MN 203/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 24 April 2019 MN 174/19 to 202/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

Clr Scandrett requested his dissenting vote be recorded as to the correctness of the minutes as he wanted the minutes on page five to state that he asked 'for a copy of' the letter not to see the letter and asked that the minutes be corrected to reflect same.

6. BUSINESS ARISING

100 100/1

Clr I M Scandrett referred to the Minutes of Ordinary Meeting of Council 24 April 2019, page 5 in Business Arising in which Clr Scandrett asked for a "copy" of the letter (as opposed to seeing the letter) and indicated he has not yet received a copy.

1420/19

Deputy Mayor Clr G Turland confirmed the correspondence was readily available under Council's Government Information Public Access (GIPA) process.

Response: The General Manager confirmed the letter had not been circulated via her office and advised Clr Scandrett could request access to a copy via Council GIPA process.

17/1676

Deputy Mayor Clr G Turland referred to the Minutes of Ordinary Meeting of Council 24 April 2019, page 4 in Business Arising that referred to Minutes of Ordinary Meeting of Council 10 April, 2019, p32 - Item 20.1 Notice of Motion 9/2019 – Assessment of Trees Located on the Corner of Bong Bong Street and Mary Street, Mittagong. Clr Turland presented to staff a diagram relating to the removal of trees in the location where a driveway servicing the property had been approved.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

101/3.1 PN 1794790

The Deputy General Manager Corporate and Strategy declared a significant non pecuniary interest in Item 12.1 – Proposed License Agreement – Community Garden Part 9 Cook Street, Mittagong as he is the Vice President of the Board. He will leave the Chamber when the item is heard.

101/3.1 5302

The Mayor Clr Gair declared a significant non pecuniary interest in Item 13.2 – Development Applications Received. Application No. 19 - Bowral Golf Club – as his son is an employee of Club and Application No. 95 as it is his son and daughter-in-law's property. The Mayor Clr Gair will leave the Chamber when the item is heard.

101/3.1 5700/64

The Mayor Clr Gair declared a non pecuniary interest in Item 13.3 - Chelsea Gardens – as he is a member of the Joint Regional Planning Panel and this application may come to Council for a planning proposal. The Mayor Clr Gair will leave the Chamber when the item is heard.

101/3 5700/64

Clr P Nelson declared a non pecuniary interest in Item 13.3 Chelsea Gardens – Draft Development Control Plan as he was a director on the Moss Vale Golf Club Board (for 8.5 years) and will leave Chamber when the item is heard.

8. MAYORAL MINUTES

Nil

9. PUBLIC FORUM

100/13 100/4 17/0423

Item 20.1 Notice of Motion 13/2019 - Hopewood, Centennial Road, Bowral - Development Application

Ms Paula Knapp addressed Council in relation to this matter.

Ms Knapp was granted an extension of two minutes.

COMMITTEE OF THE WHOLE

107/10

MN 204/19

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

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

PASSED

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

Nil

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Proposed Licence Agreement - Community Garden - Part 9 Cook Street, Mittagong

| | |
|-----------------------------------|--|
| Reference: | PN 1794780 PN 1794790 |
| Report Author: | Property and Projects Officer |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

The purpose of this report is to seek Council approval to place on public exhibition a proposed Licence Agreement for the use of Council property, being part Public Recreation area at 9 Cook Street, Mittagong (in particular Lot 2 in DP1208463). The proposed licensee is Challenge Southern Highlands Incorporated.

The Deputy General Manager Corporate and Strategy declared a significant non pecuniary interest in Item 12.1 – Proposed License Agreement – Community Garden Part 9 Cook Street, Mittagong as he is the Vice President of the Board. The Deputy General Manager Corporate and Strategy left the Chambers at 3:57pm.

MN 205/19

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

1. **THAT** Council give a minimum twenty eight (28) days public notice of a proposal to enter into a five (5) year Licence Agreement with Challenge Southern Highlands for a community garden at part 9 Cook Street, Mittagong.
2. **THAT** following exhibition, authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement for a community garden, being part 9 Cook Street, Mittagong to Challenge Southern Highlands.
3. **THAT** if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of the Council (if required) AND THAT if any objections are received, a further report will be forwarded to a future Ordinary Meeting of Council.

PASSED

12.2 Proposed Sale of Council Property - Vacant Land - Percy Street Hill Top

| | |
|-----------------------------------|--|
| Reference: | 7122 PN 1700602 |
| Report Author: | Property and Projects Officer |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

The purpose of this report is to seek Council approval for the potential sale of the Council property being vacant land at Percy Street, Hill Top being Lots 17-23 and 42-49 Section 40 Deposited Plan 1384 ("the property").

The Deputy General Manager Corporate and Strategy returned to the Chambers at 3:58pm

MN 206/19

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

1. **THAT** a formal valuation report from a registered valuer be obtained to assess current market valuation of Lots 17-23 and 42-49 Section 40 Deposited Plan 1384, at Percy Street, Hill Top.
2. **THAT** the General Manager be delegated authority to negotiate with the adjoining owner at Lot 2 Deposited Plan 1008184, 33 King Street, Hill Top for the sale of the property within ten percent (10%) of the formal valuation obtained from a registered valuer assessing the current market value of, Lots 17-23 and 42-49 Section 40 Deposited Plan 1384, Percy Street, Hill Top.
3. **THAT** in respect of the proposed sale of Lots 17-23 and 42-49 Section 40 Deposited Plan 1384, Percy Street, Hill Top authority be delegated to the General Manager and Mayor to execute the Contract for Sale of Land, Transfer or other associated real property dealing under the Common Seal of Council.

PASSED

12.3 Dedication of Crown Land Reserve 252 known as Welby Hockey Field, 44 Meranie Street, Welby

Reference: 7136 PN 1760520, PN 1786670
Report Author: Property and Projects Officer
Authoriser: Chief Financial Officer
Link to Community
Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is for Council to endorse an application to the NSW Department of Industry – Land and Water for the dedication of Crown Reserve 252 known as Welby Hockey Fields, 44 Meranie Street, Welby.

The Chief Financial Officer addressed Council in relation to this matter.

MN 207/19

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

THAT Council formally lodge an application with NSW Department of Industry – Land and Water to be appointed as Reserve Trust Manager of Crown Reserve 252 known as Welby Hockey Field, 44 Meranie Street, Welby (being Lot 1 Section 22 DP 759070 and Lot 7009 DP 1055630).

PASSED

12.4 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

The purpose of this report is to provide Council with an update on the proposed sale of 10 Frankland Street, Mittagong. The Deputy General Manager Operations Finance & Risk will provide a verbal update in Closed Council.

MN 208/19

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

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

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.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 25 March 2019 to 23 April 2019

| | |
|-----------------------------------|--|
| Reference: | 5302 |
| Report Author: | Team Leader Business Support |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Link to Community Strategic Plan: | Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living |

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 25 March 2019 to 23 April 2019.

MN 209/19

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

THAT the information relating to the lists of Development Applications Determined for the period 25 March 2019 to 23 April 2019 be received and noted.

PASSED

13.2 Development Applications Received from 25 March 2019 to 23 April 2019

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

Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 25 March 2019 to 23 April 2019.

The Mayor Clr Gair declared a significant non pecuniary interest in Item 13.2 – Development Applications Received. Application No. 19 - Bowral Golf Club – as his son is an employee of Club and Application No. 95 as it is his son and daughter-in-law’s property. The Mayor Clr Gair left the chambers, the time being 04:04pm.

MN 210/19

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

- 1.** ***THAT the information relating to Development Applications Received from 25 March 2019 to 23 April 2019 be received and noted.***
- 2.** ***THAT the Mayor, Deputy Mayor, General Manager and staff meet with the applicant of Development Application 19/1445 to discuss a solution to the refusal.***

PASSED

13.3 Chelsea Gardens - Draft Development Control Plan

| | |
|-----------------------------------|--|
| Reference: | 5700/64 |
| Report Author: | Coordinator Strategic Land Use Planning |
| 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

To seek Council endorsement for the draft Development Control Plan for the Chelsea Gardens Coomungie Urban Release Area to proceed to public exhibition.

Mayor Clr T D Gair returned to the meeting, the time being 04:06pm.

The Mayor Clr Gair declared a non pecuniary interest in Item 13.3 - Chelsea Gardens – as he is a member of the JRPP and this application may come to Council for a planning proposal. The Mayor Clr T D Gair left the chambers, the time being 04:06pm.

Clr P Nelson declared a pecuniary interest in Item 13.3 Chelsea Gardens – Draft Development Control Plan as he was a director on the Moss Vale Golf Club Board (for 8.5 years). Clr P W Nelson left the chambers, the time being 04:06pm.

MN 211/19

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

1. **THAT** Council endorse the draft Amendment to the Moss Vale Town Plan Development Control Plan, relating to the Chelsea Gardens Coomungie Urban Release Area included as Attachment 1 to this report, for public exhibition.
2. **THAT** the draft Amendment to the Moss Vale Town Development Control Plan be publicly exhibited for a minimum period of 56 days.
3. **THAT** the draft Amendment be reported back to Council following the public exhibition period.

PASSED

13.4 Draft Swimming Pool Barrier Policy and Guidelines

| | |
|-----------------------------------|---|
| Reference: | 6700/1.1 |
| Report Author: | Accredited Certifier Fire Safety and Pools |
| Authoriser: | Group Manager Planning, Development and Regulatory Services |
| Link to Community Strategic Plan: | Increase promotion of healthy lifestyle choices |

PURPOSE

The purpose of this report is to adopt a Swimming Pool Barrier Policy and Guidelines to promote and raise community awareness of the importance of swimming pool safety and prevent any drowning or near-drowning events within the shire.

The draft policy and guidelines also ensures Council meets all obligations under the Swimming Pools Act 1992 and provides council with a functional and transparent framework for the management of swimming pools across the shire.

Mayor Clr T D Gair returned to the meeting, the time being 04:13pm.

Clr P W Nelson returned to the meeting, the time being 04:13pm.

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

MN 212/19

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

1. **THAT** Council endorses the public exhibition for a period of 28 days of the draft "Swimming Pool Barrier Policy and Guidelines" contained in Attachment 1.
2. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

PASSED

13.5 Proposed Amendments to the Wingecarribee Youth Strategy and Action Plan

| | |
|-----------------------------------|--|
| Reference: | 1830/26 |
| Report Author: | Youth Liaison Officer |
| Authoriser: | Coordinator Community Development |
| Link to Community Strategic Plan: | Plan and deliver appropriate and accessible local services for the community |

PURPOSE

To update the Youth Strategy and Action Plan 2016 - 2026 following the biennial Wingecarribee Youth Forum.

.MN 213/19

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

1. ***THAT*** the feedback from the Wingecarribee Youth Forum 2018 be noted.
2. ***THAT*** Council adopt the amendments to the Action Plan of the Wingecarribee Youth Strategy and progressively implemented actions over the next eight (8) years subject to funding.

PASSED

13.6 Request for a Refund of Development Fees by Moss Vale Anglican Church.

Reference: 19/1055 and 15/0562
Report Author: Senior Town Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Work collaboratively to address social disadvantage

PURPOSE

The purpose of this report is to consider a request by the Moss Vale Anglican Church for a refund of Development Application Fees pertaining to DA 19/1055 and DA 15/0562.

As the application relates to a not for profit organisation, Council's adopted revenue policy provides via Council resolution a partial refund of the development fees upon application. Refunds of fees for charitable and not for profit organisations are sourced from the Council Contingency Fund.

MN 214/19

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

1. **THAT** Council with regard to the request by Moss Vale Anglican Church for a refund of Development Application Fees pertaining to DA 19/1055 refund \$185.10 being 50% of Development Application fee from the Council's Contingency Fund.
2. **THAT** Council with regard to the request by Moss Vale Anglican Church for a refund of Development Application Fees pertaining to DA 15/0562 refund \$145 being 50% of Development Application fee from the Council's Contingency Fund.

PASSED

13.7 Request from Canyonleigh Community Association to extend their 2018/19 Community Assistance Scheme grant into the next financial year

Reference: 1870/2018
Report Author: Coordinator Community Development
Authoriser: Group Manager Corporate and Community
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 seek Council's consent for the Canyonleigh Community Association to extend the completion time of their 2018 / 19 Community Assistance Scheme grant to 2019/2020 financial year.

MN 215/19

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

THAT Council extend the time for the expenditure of the 2018/2019 Wingecarribee Community Assistance Scheme grant to the Canyonleigh Community Association to be spent by 30 June 2020.

PASSED

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

Nil

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 30 April 2019

| | |
|-----------------------------------|---|
| Reference: | 1880 |
| Report Author: | Administration Officer (Meetings) |
| Authoriser: | Group Manager Corporate and Community |
| Link to Community Strategic Plan: | Work collaboratively to address social disadvantage |

PURPOSE

This report provides the Minutes of the Community Development Advisory Committee Meeting held on Tuesday 30 April 2019.

MN 216/19

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

THAT recommendations Nos CD 31/19 to CD 33/19 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 30 April 2019 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 1 May 2019

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

PURPOSE

This report provides the Minutes of the Demographics and Housing Advisory Committee meeting held on Wednesday, 5 September 2018.

MN 217/19

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

THAT recommendations Nos DEM 1/19 to DEM 4/19 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 1 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

COUNCIL MATTERS

MN 218/19

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

THAT Council move from Committee of the Whole back into Council, the time being 4.36pm with the Mayor **Clr T D Gair** returning to the Chair to conduct the remainder of Council Business.

PASSED

19. QUESTIONS WITH NOTICE

19.1 Question with Notice 10/2019 - Clearing of Mittagong Creek

Reference: 101/2 5457/1
Report Author: PA for Mayor
Authoriser:
Link to Community Strategic Plan: Work collaboratively to reduce pollution and its impact on our environment

To: General Manager

From: Clr G Turland

Received: 1 May 2019

Subject: Clearing of Mittagong Creek

Question:

In response to an enquiry received from a member of the community regarding the Mittagong Creek Flood Signs, when will Council be undertaking clearing of the creek of blackberries, wattle trees, rubbish and debris to reduce the effect of flood damage to property and life in the future as per Council's Floodplain Management Plan?

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

RECOMMENDATION

THAT the information in relation to Question with Notice 10/2019 – Clearing of Mittagong Creek - be noted.

MN 219/19

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

THAT a comprehensive briefing session be held in relation to creek cleaning within the Shire and Council's obligations relating to same.

PASSED

19.2 Question with Notice 11/2019 - Parking Plans for Major Towns

Reference: 100/2 7450
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: Councillor L Whipper
Received: 1 May 2019

Subject:

With parking becoming an increasing problem, particularly in Bowral and Moss Vale, it appears obvious to me that the time is long overdue for a Car Parking Contributions Plan to be implemented.

Question:

Is it possible to schedule an urgent briefing with an aim to prepare a short, medium and long term parking strategy for our three major towns and commence the process to implement a car parking contribution plan without further delay?

MN 220/19

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

1. **THAT** the information in relation to Question with Notice 11/2019 Parking Plans for Major Towns - be noted.
2. **THAT** an information session be arranged for 5 June 2019.

PASSED

20. NOTICES OF MOTION

20.1 Notice of Motion 13/2019 - Hopewood, Centennial Road, Bowral - Development Application

| | |
|-----------------------------------|--|
| Reference: | 100/4 17/0423 |
| Report Author: | PA for Mayor |
| Authoriser: | |
| 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 Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 May 2019:

The General Manager addressed Council in relation to this matter.

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

MN 221/19

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

1. **THAT** Council staff provide a full report on all development applications and modification applications s.4.55 that relate to the Hopewood venue.
2. **THAT** Council staff provide a report on all conditions of consent that have been met as per the s.4.55 Development Applications.
3. **THAT** Council holds separate briefing sessions with both of the owners of Hopewood and affected residents to try and resolve ongoing differences.

THE MOTION WAS PUT TO THE VOTE AND PASSED

Clr I M Scandrett requested his dissenting vote be recorded against this Item.

AMENDMENT moved by Clr I M Scandrett and seconded by Clr P Nelson

THAT Council holds a briefing session initially with staff, and on another occasion with the owners of Hopewood and affected residents to try and resolve ongoing differences.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

20.2 Notice of Motion 14/2019 - Berrima Road Project

| | |
|-------------------|--|
| Reference: | 100/4 7457 |
| Report Author: | PA for Mayor |
| Authoriser: | |
| 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 Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 May 2019:

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

1. **THAT** the General Manager provide a verbal and written report on how the Berrima Road Project failed in its critical path process.
2. **THAT** the General Manager provide a verbal and written report on what measures and procedures she implemented to stop all projects failing.
3. **THAT** the General Manager provide a verbal and written report to explain what processes and programs she has implemented to prevent any future project from failing.

MOTION LOST

MN 222/19

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

THAT the Notice of Motion 14/2019 – Berrima Road Project - be noted.

ON BEING PUT TO THE VOTE THE AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

ON BEING PUT TO THE VOTE THE MOTION WAS PASSED

Councillors K J Halstead, I M Scandrett, G M Turland and L A C Whipper requested their dissenting vote be recorded on the matter.

Deputy Mayor Clr G Turland volunteered his resignation as Deputy Mayor if Notice of Motion 19/2019 was not passed.

The Motion was lost and Deputy Mayor Clr G Turland tendered his resignation as Deputy Mayor to the meeting.

QUESTIONS FROM THE PUBLIC

100/10

The Group Manager Corporate and Community addressed Council.

Mr Charlie Johns asked:

BERRIMA ROAD DEVIATION PROJECT

100/10 7457

1. I refer to my question on the Berrima Road Deviation Project. Council's reply used extensive rhetoric but no answers; and accountability was ignored. Council's reply is puzzling to say the least.
 - (a) Is the Deputy General Manager saying that projects undertaken by Council do not have accurate costings and that is because "a number of staff involved in the project have since retired or taken employment elsewhere"?
 - (b) That Council does not keep records irrespective of who comes and goes. Does this mean staff take their time (sic) notes with them when they leave?
2. Accountability for this project was as accepted by the Deputy General Manager Operations, Finance and Risk. What else can one do when presiding over inefficiency. Despite the Mayor's claim, the average ratepayer would perceive the loss of a \$4.6million dollar grant plus time and money spent on the project would have cost ratepayer's money.
 - a) As the overall Manager, does the General Manager accept the buck stops with her? If so, what is the General Manager doing to see there is no budget blow outs on any further major projects such as Station Street and Council Chambers?

REPLY FROM GENERAL MANAGER

Mr Johns is advised that a careful reading of the report that went to Council on 10 April 2019 will provide him with information sufficient to answer his questions.

SIGNAGE & OUTDOOR ADVERTISING POLICY

100/10 7415 5406/2

3. Once again Council's reply used extensive rhetoric but no answers relating to my question on Signage & Outdoor Advertising Policy. After many years of controversy on this issue, on 24th of this month it has been 2 years since Council introduced this policy, hidden in the DCP's of towns and villages and there has been no awareness campaign whatsoever through the Wingecarribee Today or Councils Southern Highlands News pages. I cannot read anywhere in the policy that it relates to sufficient staff resources and non-life threatening compliance action or that council would only act when made aware of illegal signage by members of the public. It is very clear there are hundreds of signs still up for more than 2 days after the events, are on Council property, are in residential and heritage areas.
- a. Why would council waste time and money on a policy nobody knows about, Council cannot and will not police and nobody is accountable for?

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES

If details of the signs are provided Council will investigate further. Council will consider options to remind the community on the limitations and requirements around temporary event signage.

21. GENERAL BUSINESS

1. HOPEWOOD HOUSE

LUA07/1386

Clr K Halstead requested the preparation of a comprehensive report on the issue of alleged non compliance with conditions of consent for Hopewood House development.

2. ROAD SAFETY AUDIT TRAINING

7410/6

Clr K Halstead requested the General Manager assure the Council that it will avail itself of a free workshop for Road Safety Audit training, funded by Traffic for New South Wales. Two fully funded workshop attendees were approved in 2017; A Council officer attended in 2018. The Deputy General Manager undertook to nominate a second attendee.

3. PROPOSED RESTRUCTURE FOLLOWING CHIEF FINANCIAL OFFICER RESIGNATION

800

Clr P Nelson referred to the departure of the Chief Financial Officer, Mr Richard Mooney. He requested the General Manager consider and consult with Councillors in relation to rethinking the Council staff structure which could include three senior managers (including the General Manager).

The General Manager advised that this matter would be taken on notice.

4. BERRIMA ROAD DEVIATION PROJECT

7457

Clr I Scandrett referred to the Berrima Deviation Project and asked what was the cost to date and per month going forward for the construction fencing at the project and confirm erection date and total.

5. CONSTRUCTION FENCING ARGYLE STREET

5200/5 5457/5 RD 8025 1010

Clr I M Scandrett asked for a cost summary to date of the construction fencing outside Whytes Creek on Argyle Street. If it is not Council's, whose is it.

The Deputy General Manager Operations, Finance and Risk replied the cost was nil.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 5:39pm, Council moved into Closed Council.

MN 223/19

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

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

22.1 Proposed Sale - 10 Frankland Street Mittagong

Relevant Legal Provisions

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

Brief description

The purpose of this report is to provide Council with an update on the proposed sale of 10 Frankland Street, Mittagong. The Deputy General Manager Operations Finance & Risk will provide a verbal update in Closed Council.

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

PASSED

22.1 Proposed Sale - 10 Frankland Street Mittagong

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

CONFIDENTIAL ITEM

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

PURPOSE

The purpose of this report is to provide Council with an update on the proposed sale of 10 Frankland Street, Mittagong. The Deputy General Manager Operations Finance & Risk will provide a verbal update in Closed Council.

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

Clr P W Nelson left the chambers, the time being 05:55pm.

Clr P W Nelson returned to the meeting, the time being 05:58pm.

MN 224/19

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

THAT the General Manager be authorised to enter into negotiations with the party that has made the offer for the purchase of proposed Lot 3, 10 Frankland Street, Mittagong property.

THAT following those negotiations a full report be provided to Council.

PASSED

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

THAT the matter go to open market.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

23. RESUMPTION OF OPEN AGENDA

107/10

MN 225/19

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

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 226/19

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

THAT the recommendations of the Closed Council held on Wednesday, 8 May 2019 being MN 224/19 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 227/19

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 8 May 2019 being MN 205/19 to MN 217/19 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6:30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 8 May 2019 numbered M/N 203/19 to M/N 227/19 were signed by me hereunder at the Council Meeting held on Wednesday 22 May 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 22 MAY 2019

CHAIRMAN

PUBLIC OFFICER