



MINUTES

of the
Ordinary Meeting of Council

held in

the temporary Council Chambers within the Theatrette
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 11 March 2020

The meeting commenced at 3.30pm

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
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4. APOLOGIES	
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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN THE TEMPORARY COUNCIL CHAMBERS WITHIN THE THEATRETTA, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 11 MARCH 2020 COMMENCING AT 3.30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews
Clr K J Halstead OAM
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
Group Manager Project Delivery	Mr Ned Tripkovic (in part)
Chief Financial Officer	Mr Richard Mooney
Chief Information Officer	Mr John Crawford
Legal Counsel	Mr Ian Lacy (in part)
Coordinator Media and Communications	Mr David Sommers
Coordinator Strategic Land Use Planning	Mr Michael Park (in part)
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 G McLaughlin 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 Jeremy Tonks, Bundanoon Exeter Anglican Church.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 26 FEBRUARY 2020

MN 53/20

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 26 February 2020 MN 38/20 to MN 52/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

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.

<Ref>

Clr L A C Whipper declared a significant non-pecuniary interest in Item 9.1 Change Of Use - Studio to Secondary Dwelling as the applicant is a member of the Management Committee at his workplace. He will be absent from the Chambers for consideration of that item.

<Ref>

Clr G Markwart declared a less than significant non-pecuniary interest in Item 9.1 Change Of Use - Studio to Secondary Dwelling as he worked with the applicant for a couple of years as part of a community group. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

<Ref>

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 9.2 Development Application 20/0720 - Dual Occupancy (Detached) and subsequent subdivision to create two lots, Lot 210 DP 1213900, 40 Sir James Fairfax Circuit as he owns a house and granny flat on a corner block in East Bowral. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

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Deputy Mayor G M Turland declared a less than significant pecuniary interest in Item 13.4 Legal Report and 19.3 Legal Report (closed council) as he has a legal matter with Council. He will be absent from the Chambers for consideration of that item.

7. MAYORAL MINUTES

There were no mayoral minutes at this meeting

8. PUBLIC FORUM

Item 11.5 Application for Transfer of Unmade Crown Road to Council - Part Surrey Street, Berrima

Mrs Christine Mallet addressed Council on this item.

Item 12.4 Wingecarribee Local Housing Strategy

Mr Chris White addressed Council on this item.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 Change Of Use - Studio to Secondary Dwelling

Reference:	1520700 19/1771
Report Author:	Trainee Accredited Certifier
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Keith Smith
Owner:	Keith Smith
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

Clr L A C Whipper declared a significant non-pecuniary interest in Item 9.1 Change Of Use - Studio to Secondary Dwelling as the applicant is a member of the Management Committee at his workplace. Clr L A C Whipper left the chambers, the time being 03:49pm.

Clr G Markwart declared a less than significant non-pecuniary interest in Item 9.1 Change Of Use - Studio to Secondary Dwelling as he worked with the applicant for a couple of years as part of a community group. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon

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

The purpose of this report is to consider Development Application 19/1771, which seeks consent to change the use of an existing Studio to a Secondary Dwelling at 24 Soma Avenue, Bowral. The application has been referred to Council for determination, as the applicant is seeking a variation to a development standard pursuant to Clause 4.6 of the Wingecarribee Local Environmental Plan 2010. Consequently this report is prepared for determination and recommends REFUSAL.

Mr Keith Smith addressed Council on this item.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter

MN 54/20

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

THAT Development Application 19/1771 for the proposed conversion of an existing Studio to a Secondary Dwelling at Lot 152 DP 551920 and Lot 153 DP 551920, No 24 Soma Avenue, Bowral be APPROVED subject to the conditions of consent described in Attachment 2 to the report and the inclusion of the following condition:

- ***The Applicant is to arrange for the preparation of an s.88E Instrument under the Conveyancing Act 1919 imposing a restriction that the building be used for residential purposes only.***

PASSED

VOTING ON THE MOTION

For the motion: Clr K J Halstead OAM, Clr G Markwart, Clr G McLaughlin, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Clr G J Andrews, Mayor Clr T D Gair and Clr P W Nelson

9.2 Development Application 20/0720 - Dual Occupancy (Detached) and subsequent subdivision to create two lots, Lot 210 DP 1213900, 40 Sir James Fairfax Circuit

Reference:	20/0720
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	PS Design and Construction Pty Ltd, trading as PS Design
Owner:	Paul Samulski
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 Development Application 20/0720 for the Council's consideration, and recommends APPROVAL subject to the conditions specified in Attachment 1.

Clr L A C Whipper returned to the meeting, the time being 04:16pm.

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 9.2 Development Application 20/0720 - Dual Occupancy (Detached) and subsequent subdivision to create two lots, Lot 210 DP 1213900, 40 Sir James Fairfax Circuit as he owns a house and granny flat on a corner block in East Bowral. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon

Mr Gi Kim addressed Council on this item.

Mr Paul Samulski addressed Council on this item.

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

The General Manager left the chambers, the time being 4.43pm

The General Manager returned to the chambers, the time being 5.00pm

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

THAT Development Application 20/0720 for erection of buildings and carrying out of works for the purpose of a dual occupancy (detached), and subsequent subdivision of land at Lot 210 DP1239600, No 40 Sir James Fairfax Circuit, Bowral, be APPROVED subject to conditions as described in Attachment 1 to the report.

Clr Scandrett gave notice of a Foreshadowed Motion

LOST

VOTING ON THE MOTION

For the motion: Mayor Clr T D Gair, Clr G J Andrews, Clr P W Nelson and Deputy Mayor G M Turland

Against the motion: Clr K J Halstead OAM, Clr G Markwart, Clr G McLaughlin, Clr I M Scandrett and Clr L A C Whipper

MN 55/20

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

THAT Development Application 20/0720 for erection of buildings and carrying out of works for the purpose of a dual occupancy (detached), and subsequent subdivision of land at Lot 210 DP1239600, No 40 Sir James Fairfax Circuit, Bowral, be REFUSED subject to the following reasons:

1. ***Bulk and scale of the development.***
2. ***Out of character with the surrounding development.***
3. ***Not in the public interest.***
4. ***Inconsistent with the aims and objectives of the design review panel and original developer of the subdivision;***
5. ***Increased traffic flow which is inconsistent with the amenity of the area.***
6. ***Setting a precedent with all corner blocks in the estate.***
7. ***Inconsistent with aims of original subdivision and contract for purchasing of land.***

PASSED

VOTING ON THE MOTION

For the motion: Clr K J Halstead OAM, Clr G Markwart, Clr G McLaughlin, Clr I M Scandrett and Clr L A C Whipper

Against the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr P W Nelson and Deputy Mayor G M Turland

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

The Group Manager Corporate & Community addressed Council on this matter.

11. OPERATIONS FINANCE AND RISK

11.1 Proposed Licence Agreement - H & D Roofing - 5-15 Loftus Street, Bowral

Reference:	PN1766600
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain Council approval to enter into a new Licence Agreement with H & D Roofing Ltd for the occupation of the Council owned property located at 5-15 Loftus Street, Bowral being Lots 1-9 in Deposited Plan 1145362 for a period of five (5) years.

MN 56/20

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

1. **THAT** Council enter into a new Licence Agreement with H & D Roofing Ltd for a five (5) year term for the property located at 5-15 Loftus Street, Bowral being the whole of the land comprised in Lots 1-9 Deposited Plan 1145362.
2. **THAT** the Mayor and General Manager be delegated authority to execute the Licence Agreement referred to Resolution 1 above under the Common Seal of Council, if required.

PASSED

11.2 Proposed Acquisition - Land in Bowral

Reference:	PN 1346400
Report Author:	Coordinator Property Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

IN COUNCIL MEETING ON 26 FEBRUARY 2020 COUNCIL RESOLVED TO ADDRESS THIS ITEM IN CLOSED COUNCIL PURSUANT TO MN 48/20. AS THE MEETING WAS CLOSED PREMATURELY ITEM 19.3 PROPOSED ACQUISITION - LAND IN BOWRAL - WAS NOT ADDRESSED.

The purpose of this report is to advise Council of a request made by a property owner in Bowral for Council to proceed with the acquisition of part of their property.

MN 57/20

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

THAT the report concerning Proposed Acquisition of Land in Bowral be considered in Closed Council Item 19.2. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)b as it is a discussion in relation to the personal hardship of a resident or ratepayer.

PASSED

11.3 Proposed Transfer of Crown Roads - Old Wingello Road, Bundanoon and Quarry Road, Bundanoon

Reference:	RD 1837, RD 1843
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain Council approval to make an application to NSW Department of Planning, Industry & Environment - Crown Lands to endorse the transfer of the following Crown Roads to Council as Roads Authority:

1. Old Wingello Road, Bundanoon
2. Quarry Road, Bundanoon

MN 58/20

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

THAT Council make an application to NSW Department of Planning, Industry & Environment – Crown Lands for the transfer of Crown roads being Old Wingello Road, Bundanoon and Quarry Road, Bundanoon to Council as Roads Authority.

PASSED

11.4 Consolidation of Titles - Mittagong Depot, 9 Cavendish Street, Mittagong

Reference:	PN 1727870
Report Author:	Coordinator Property Services
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 execute the plan of consolidation of Lots 9 and 10 Section 39 DP 1374 and Lot B DP 399642 being Council Works Depot, 9 Cavendish Street, Mittagong.

MN 59/20

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

THAT authority be delegated to the Mayor and General Manager to execute the Plan of Consolidation of Lots 9 and 10 Section 39 DP 1374 and Lot B DP 399642 under Common Seal of Council.

PASSED

11.5 Application for Transfer of Unmade Crown Road to Council - Part Surrey Street, Berrima

Reference:	RD1419; RD1423
Report Author:	Coordinator Property Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to make an application to Department of Planning, Industry and Environment – Crown Lands (“the Crown”) to transfer an unformed Crown Road known as part Surrey Street, Berrima to Council.

The Chief Financial Officer addressed Council on this item.

MN 60/20

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

1. **THAT** Council make application to Department of Planning, Industry & Environment - Crown Lands for the transfer of the unmade Crown road known as Part Surrey Street, Berrima from the Crown to Council as roads authority.
2. **THAT** if the Minister approves Council’s application referred to in Resolution 1 above, it is noted that Council’s Road Maintenance Policy adopted on 11 December 2019 will apply to the road upon transfer.

PASSED

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

THAT the matter of the transfer of unmade Crown Road to Council - Part Surrey Street Berrima be deferred to enable a site inspection to take place.

LOST

11.6 Adoption of Cemetery Policy

Reference:	7190
Report Author:	Business Services Officer
Authoriser:	Coordinator Assets - Roads and Traffic
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 consider submissions received during the exhibition of the draft Cemetery Policy and to seek final adoption of the Cemetery Policy.

MN 61/20

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

1. **THAT** Council adopt the draft Cemetery Policy as per Attachment 1 to this report.
2. **THAT** the persons who made a submission during the exhibition of the draft Cemetery Policy be notified in writing of Resolution 1 above.

PASSED

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Outcome of Direct Negotiations - Customer Relationship and Document Management Systems

Reference:	0000
Report Author:	Chief Information Officer
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to present the outcomes of the direct negotiations for the Request for Tender for the Customer Relationship Management and the Electronic Document Management Systems.

MN 62/20

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

1. **THAT** in relation to the report concerning the Tender for Customer Relationship Management and Electronic Records Document Management Systems - Council adopts the recommendations contained within the Closed Council report – Item 19.2.
2. **THAT** Council accepts the joint tender from Technology One Ltd at a Lump Sum of \$582,027.50 (inclusive GST) to undertake the implementation of a Customer Relationship Management System and Electronic Document Records Management System with the Lump Sum including a 5-year support and Maintenance agreement.

PASSED

12.2 Development Applications Determined from 21 January 2020 to 23 February 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 21 January 2020 to 23 February 2020.

Mayor Clr T D Gair left the meeting, the time being 05:25pm.

The Deputy Mayor, Clr Turland took the Chair

MN 63/20

MOTION moved by Clr L A C Whipper and seconded by Clr K J Halstead OAM

THAT the information relating to the lists of Development Applications Determined for the period 21 January 2020 to 23 February 2020 be received and noted.

PASSED

12.3 Development Applications Received from 21 January 2020 to 23 February 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 21 January 2020 to 23 February 2020.

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

MN 64/20

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

1. **THAT** the information relating to Development Applications Received from 21 January 2020 to 23 February 2020 be received and noted.
2. **THAT** the following items be advertised in the weekly circular
 - Item 7 20/0907 4 Belmore Street Bowral NSW 2576 Lot 1 DP 798457 & Lots 18-19 Sec D DP 2630;
 - Item 38 DA 20/0918 - Pre-School 10 Waverley Parade Mittagong NSW 2575 Lot 12 DP 810149;
 - Item 43 20/0838 - 587a Argyle Street Moss Vale NSW 2577 Lot 1 DP 209719
3. **THAT** Item 43 20/0838 - 587a Argyle Street Moss Vale NSW 2577 Lot 1 DP 209719 be brought back to Council.

PASSED

12.4 Wingecarribee Local Housing Strategy

Reference:	5600/8
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 of the draft Wingecarribee Local Housing Strategy – *Housing our Community* for public exhibition.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Mayor Clr T D Gair returned to the meeting, the time being 05:27pm.

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

The General Manager left the chambers, the time being 5.41pm

The General Manager returned to the chambers, the time being 5.57pm

MN 65/20

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

1. **THAT** the draft Wingecarribee Local Housing Strategy – *Housing Our Community* be endorsed for public exhibition
2. **THAT** the draft Wingecarribee Local Housing Strategy be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020
3. **THAT** staff hold community engagement kiosks throughout the Shire during the consultation period to coincide with the exhibition of the Local Strategic Planning Statements
4. **THAT** during the exhibition period of the draft Local Housing Strategy, a site specific environmental constraints assessment be undertaken for each of the identified new residential living areas to provide greater certainty in relation to the extent of the potential developable areas, and
5. **THAT** the draft Local Housing Strategy and site-specific constraints assessment be reported back to Council following the public exhibition period.

PASSED

VOTING ON THE MOTION

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

Against the motion: Clr I M Scandrett and Clr L A C Whipper

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

THAT the matter be deferred until after the completion of the local strategic planning statement

LOST

VOTING ON THE MOTION

For the motion: Cllr K J Halstead OAM, Cllr I M Scandrett, and Cllr L A C Whipper

Against the motion: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr G Markwart, Cllr G McLaughlin and Cllr P W Nelson and Deputy Mayor G M Turland

12.5 Draft Wingecarribee Local Strategic Planning Statement

Reference:	5612/18
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 of the draft Wingecarribee Local Strategic Planning Statement for public exhibition.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 66/20

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

1. **THAT** the draft Wingecarribee Local Strategic Planning Statement be endorsed for public exhibition
2. **THAT** the draft Wingecarribee Local Strategic Planning Statement be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020
3. **THAT** staff hold community engagement kiosks throughout the Shire during the consultation period to coincide with the exhibition of the Local Housing Strategy
4. **THAT** the draft Local Strategic Planning Statement be reported back to Council following the public exhibition period.

PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead OAM, 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

12.6 Bi-Annual Delivery Program 2017-2021 Progress Report, 1 July - 31 December 2019

Reference:	501/2013
Report Author:	Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

The Group Manager Corporate and Community addressed Council on this item.

Clr P W Nelson left the chambers, the time being 06:12pm.

Clr P W Nelson returned to the meeting, the time being 06:14pm.

This report presents the Bi-Annual Delivery Program Progress Report for the period 01 July to 31 December 2019, which records Council's progress towards achieving the four year actions of the Delivery Program 2017-2021.

MN 67/20

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

THAT Council receive and note the Bi-Annual Delivery Program Progress Report for the period 01 July to 31 December 2019.

PASSED

13. GENERAL MANAGER

13.1 Exclusion of Notice of Motion and Question with Notice from Business Paper on 6 February 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	General Manager
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 WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

THIS REPORT WAS DEALT WITH ON PAGE 32 MN 72/20

The Mayor requested Clr Scandrett leave the Chamber.

Clr Scandrett failed to leave the Chamber.

MN 68/20

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

THAT the Chair of the meeting, Mayor Gair suspend the meeting for fifteen minutes, the time being 6.22pm.

PASSED

MN 69/20

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

THAT the meeting resume, the time being 6.39pm.

PASSED

The Mayor announced Council will, on resumption of the meeting, decide without debate whether business was to proceed. All Councillors in favour of the meeting proceeding were requested to raise their hand.

Councillors Gair, Whipper, Halstead, McLaughlin, Turland, Scandrett, Nelson and Andrews voted in favour of the meeting resuming.

Councillor Markwart voted against the meeting proceeding.

The meeting was accordingly resumed.

The Mayor formally warned Councillor Scandrett his conduct would be reported to the Minister of Local Government and Office of Local Government and any further disorder would result in Council staff leaving the Chamber.

MN 70/20

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

THAT Standing Orders be suspended in order to address the following Minutes of Committee meetings:

- ***Item 16.1 Minutes of the Finance Committee Meeting held on 19 February 2020***
- ***Item 16.2 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020***
- ***Item 16.3 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020***
- ***Item 16.4 Minutes of the Traffic Committee Meeting on Thursday 13 February 2020***
- ***Item 16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019***
- ***Item 16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020***
- ***Item 16.7 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 19 February 2020.***

PASSED

16. COMMITTEE REPORTS

16.1 Minutes of the Finance Committee Meeting held on 19 February 2020

Reference:	107/21
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

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Finance Committee Meeting held on 19 February 2020.

MN 71/20

MOTION moved by Clr L A C Whipper and seconded by Clr K J Halstead OAM

THAT the report be noted.

PASSED

16.2 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

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 WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Traffic Committee Meeting electronically held on Wednesday 8 January 2020.

MN 72/20

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

THAT recommendation No TC1/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 8 January 2020 be adopted.

PASSED

16.3 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

Reference: 107/6
Report Author: Traffic Engineer (Contractor)
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Traffic Committee Meeting electronically held on Monday 10 February 2020.

MN 73/20

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr G J Andrews

THAT recommendation No TC6/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 10 February 2020 be adopted.

PASSED

16.4 Minutes of the Traffic Committee Meeting on Thursday 13 February 2020

Reference: 107/6
Report Author: Administration Officer

PURPOSE

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Traffic Committee Meeting electronically held on Monday 13 February 2020.

MN 74/20

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

THAT recommendation Nos TC7/20 to TC20/20 as detailed in the Minutes of the Traffic Committee Meeting held on Thursday 13 February 2020 be adopted, save for any items which have budgetary implications AND THAT action on any items with budgetary implications be delayed, pending consideration by the Finance Committee.

PASSED

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

Reference:	107
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

This report provides the Minutes of the Community Development Advisory Committee Meeting held on 12 November 2019.

MN 75/20

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

THAT recommendations Nos CD 43/19 to CD 52/19 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 12 November 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

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

Reference:	107
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

This report provides the Minutes of the Community Development Advisory Committee Meeting held on 25 February 2020.

MN 76/20

MOTION moved by C/r L A C Whipper and seconded by C/r G Markwart

THAT recommendations Nos CD 43/19 to CD 52/19 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 25 February 2020 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

16.7 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 19 February 2020

Reference: 1823/3
Report Author: PA for Mayor
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, 19 February 2020.

MN 77/20

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

THAT recommendations Nos DEM 01/20 to DEM 07/20 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 19 February 2020 be adopted, with the exception of DEM 4/20; 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

MN 78/20

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

THAT Standing Orders be resumed at Item 13.1 Exclusion of Notice of Motion and Question with Notice from Business Paper on 6 February 2020.

PASSED

13. GENERAL MANAGER

13.1 Exclusion of Notice of Motion and Question with Notice from Business Paper on 6 February 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	General Manager
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 WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

To advise Council of the exclusions of two items from the Extraordinary Meeting of Council dated 6 February 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.

As required the General Manager advises that one submitted Notice of Motion and one submitted Question with Notice were excluded in accordance with Clause 3.20 above. Further details are provided below:

1. This item was excluded because it was submitted to the Extraordinary Meeting. As per the Code of Meeting Practice, the provision for a Notice of Motion relates to ordinary meetings of Council only.
2. This item was excluded because it alleged a breach of Council’s Code of Conduct (Code). In accordance with clause 9.12 of the Code you cannot make *“allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.”*

MN 79/20

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

THAT the report, be noted.

PASSED

Clrs Scandrett and Turland requested their dissenting vote be recorded

13.2 Exclusion of Notice of Motion and Question with Notice from Business Paper on 26 February 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	General Manager
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 advise Council of the exclusions of two items from the Ordinary Meeting of Council dated 26 February 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.

As required the General Manager advises that two submitted Notice of Motion and four submitted Question with Notice were excluded in accordance with Clause 3.20 above. Further details are provided below:

1. This item was excluded because it would be in breach of the EP&A Act and section 7.2 Council’s Code of Conduct (Code)
2. This item was excluded because it alleged a breach of Council’s Code of Conduct (Code). In accordance with clause 9.12 of the Code you cannot make *“allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.”*
3. This item was excluded because it would be a breach of clause 3.15 Council’s Code of Meeting Practice, i.e. *“3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.”*
4. This item was excluded because it would be a breach of clause 3.15 Council’s Code of Meeting Practice, i.e. *“3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.”*
5. This item was excluded because it would be a breach of clause 3.15 Council’s Code of Meeting Practice, i.e. *“3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.”*

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020



-
6. This item was excluded because it alleged a breach of Council's Code of Conduct (Code). In accordance with clause 9.12 of the Code you cannot make "*allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.*"

MN 80/20

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

THAT the report be noted.

PASSED

Clrs Scandrett and Turland requested their dissenting vote be recorded

13.3 Councillor Planning Day - November 2019

Reference:	501
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

The purpose of this report is to provide an overview of the presentations delivered at the annual Councillor planning day which was held on the 6 November 2019.

MN 81/20

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

THAT *Council notes the summary provided of the annual Councillor planning day held on the 6 November 2019.*

PASSED

13.4 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

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

Deputy Mayor G M Turland declared a less than significant pecuniary interest in Item 13.4 Legal Report and 19.3 Legal Report (closed council) as he has a legal matter with Council. He will be absent from the Chambers for consideration of that item.

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 27 November 2019.

MN 82/20

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

THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 19.3.

PASSED

14. DELEGATE REPORTS

Nil.

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Finance Committee Meeting held on 19 February 2020

Reference:	107/21
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

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Finance Committee Meeting held on 19 February 2020.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 25 MN 71/20

16.2 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

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 WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Traffic Committee Meeting electronically held on Wednesday 8 January 2020.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 26 MN 72/20

16.3 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

Reference: 107/6
Report Author: Traffic Engineer (Contractor)
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Traffic Committee Meeting electronically held on Monday 10 February 2020.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 27 MN 73/20

16.4 Minutes of the Traffic Committee Meeting on Thursday 13 February 2020

Reference: 107/6
Report Author: Administration Officer

PURPOSE

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Traffic Committee Meeting electronically held on Monday 13 February 2020.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 28 MN 74/20

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

Reference:	107
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

This report provides the Minutes of the Community Development Advisory Committee Meeting held on 12 November 2019.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 29 MN 75/20

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

Reference:	107
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

This report provides the Minutes of the Community Development Advisory Committee Meeting held on 25 February 2020.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 30 MN 76/20

16.7 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 19 February 2020

Reference: 1823/3
Report Author: PA for Mayor
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, 19 February 2020.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 30 MN 77/20

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 4/2020 - Report on Station Street

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: Clr K Halstead

Received: 17.2.20

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

MN 83/20

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

THAT the information in relation to Question with Notice 4 /2020 – Report on Station Street - be noted.

PASSED

17.2 Question with Notice 5/2020 - Bong Bong Street Taxi Rank

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: Clr Scandrett
Received: 17.2.20

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

MN 84/20

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

1. **THAT** the information in relation to Question with Notice 5/2020 – Bong Bong Street Taxi Rank - be noted.
2. **THAT** Bong Bong Street Taxi Rank be referred to the Traffic Committee for review and further investigation.

PASSED

17.3 Question with Notice 6/2020 - Walkways along Bong Bong Street Bowral

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: Clr Scandrett
Received: 17.2.20

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

MN 85/20

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

THAT the information in relation to Question with Notice 6/2020 – Walkways Along Bong Bong Street, Bowral - be noted.

PASSED

17.4 Question with Notice 9/2020 - MOU Station Street Upgrade

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: Clr Scandrett
Received: 17.2.20

THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

MN 86/20

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

THAT the information in relation to Question with Notice 9/2020 – MOU Station Street Upgrade - be noted.

PASSED

18. NOTICES OF MOTION

18.1 Notice of Motion 3/2020 - Town Water Planning

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

THIS REPORT WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING
THIS REPORT WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

Councillor Scandrett has have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020

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

1. **THAT** Council commence planning for town water in Balmoral
2. **THAT** Council recommence planning for Town Water in Penrose and Wingello
3. **THAT** the cost of such planning be funded from reserves
4. **THAT** utilising the information we have from previous years that a report on the above be brought to Council within 1 month, as this matter is of great public interest
5. **THAT** staff explore Federal & State infrastructure and bushfire rebuilding programs as part of this report, in consultation with our MPs.

MN 87/20

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

THAT Council resurvey the bushfire affected village communities in relation to the provision of potable water supply.

PASSED

18.2 Notice of Motion 4/2020 Resource Recovery Centre Operating Hours

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

THIS REPORT WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING

THIS REPORT WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

MOTION moved by Cllr I M Scandrett

THAT Council restore the operating hours of our RRC [Resource Recovery Centre] to those announced by the General Manager, Ms Ann Prendergast on December 19, 2015 where the GM advised the public “that the facility had this week begun trading from 7.30am until 4.30pm seven days a week and that the longer hours are the result of a survey undertaken in which customers told us they’d prefer to see the facility open later in the afternoon”.

THE MOTION LAPSED FROM WANT OF A SECONDER

18.3 Notice of Motion 5/2020 - Poll for 2024 Mayor

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

THIS ITEM WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING

THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

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

1. *THAT in accordance with Section 16 of the LGA 1993, council conduct a poll for a popularly elected Mayor AND THAT such referendum be held at the Wingecarribee September 2020 Local Govt Election.*
2. *THAT the cost of such constitutional referendum be financed along with the Wingecarribee 2020 Local Govt Election.*
3. *THAT the NSW Electoral Commission be advised of Council's decision in this matter.*

LOST

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.30 pm, Council moved into Closed Council.

MN 88/20

MOTION moved by Clr G McLaughlin 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:**

19.1 Proposed Acquisition - Land in Bowral

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(b) as it contains discussion in relation to the personal hardship of a resident or ratepayer 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 CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

The purpose of this report is to advise Council of the request by the owner of 3 Soma Avenue, Bowral ('the property') for Council to proceed with the acquisition of the part of that property identified for acquisition under the Wingecarribee Local Environment Plan 2010.

If the direction of Council is to support this request, this report provides the necessary resolutions to proceed with the compulsory acquisition of the land.

19.2 Outcome of Direct Negotiations - Customer Relationship and Document Management Systems

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the outcomes of the direct negotiations for the Request for Tender for the Customer Relationship Management and the Electronic Document Management System.

19.3 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)(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

THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 November 2019.

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

PASSED

19.1 Proposed Acquisition - Land in Bowral

Reference:	PN 1346400
Report Author:	Coordinator Property Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
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)(b) as it contains discussion in relation to the personal hardship of a resident or ratepayer.

PURPOSE

THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

The Chief Financial Officer addressed Council on this item.

Clr K J Halstead OAM left the chambers, the time being 07:32pm.

Clr K J Halstead OAM returned to the meeting, the time being 07:34pm.

The purpose of this report is to advise Council of the request by the owner of 3 Soma Avenue, Bowral ('the property') for Council to proceed with the acquisition of the part of that property identified for acquisition under the Wingecarribee Local Environment Plan 2010.

If the direction of Council is to support this request, this report provides the necessary resolutions to proceed with the compulsory acquisition of the land.

MN 89/20

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

1. **THAT** the General Manager be delegated authority to negotiate with the owner of Lot 21 DP 11372 for the acquisition of land known as part Lot 21 DP 11372 (part 3 Soma Avenue, Bowral) for the purpose of public reserve within a 10% range of formal valuation.
2. **THAT** Council pay compensation to the owner including all survey and ancillary costs associated with the acquisition, pursuant to the terms of the Land Acquisition (Just Terms Compensation) Act 1991.
3. **THAT** the purchase of the land and associated costs be funded from Council's Developer Contributions Reserve - Section 7.11 Developer Contributions Plan - Open Space, Recreational Community and Cultural Facilities.
4. **THAT** if the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
 - (a) acquire the Land by compulsory acquisition under Sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act, 1991 (NSW).
 - (b) approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act, 1991 (NSW) with respect to the Land Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land.
 - (d) **THAT** Council affix the Common Seal of Council to any documents required to be sealed to enable acquisition of the Land referred to in Resolution 1 AND THAT authority be delegated to the Mayor and General Manager to execute those documents.
5. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the acquisition of the Land referred to in Resolution 1 that does not require the Common Seal of Council.

PASSED

19.2 Outcome of Direct Negotiations - Customer Relationship and Document Management Systems

Reference:	0000
Report Author:	Chief Information Officer
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
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)(a) as it contains personnel matters concerning particular individuals (other than councillors).

PURPOSE

The purpose of this report is to present the outcomes of the direct negotiations for the Request for Tender for the Customer Relationship Management and the Electronic Document Management System.

THIS ITEM WAS DEALT WITH ON PAGE 15 MN 62/20

19.3 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)(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

THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING

Deputy Mayor G M Turland declared a less than significant pecuniary interest in Item 13.4 Legal Report and 19.3 Legal Report (closed council) as he has a legal matter with Council. Deputy Mayor G M Turland left the meeting at 7:39pm and did not return to the meeting
Legal Counsel addressed Council on this item.

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 November 2019.

MN 90/20

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

1. **THAT** the information in the Legal Report be noted.
2. **THAT** council accept the offer in relation to Number 7 of Legal Report re. Gary Turland v. WSC (164-178 Mittagong Road, Bowral) of the amount as discussed in the meeting.

PASSED

20. RESUMPTION OF OPEN AGENDA

107/10

MN 91/20

MOTION moved by Clr I M Scandrett 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.

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 92/20

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

THAT the recommendations of the Closed Council held on Wednesday, 11 March 2020 being MN 89/20 to MN 90/20 be adopted.

PASSED

The General Manager read out the adopted Motion/s from Closed Council.

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.55 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 11 March 2020 numbered M/N 53/20 to M/N 92/20 were signed by me hereunder at the Council Meeting held on Wednesday 25 March 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 25 MARCH 2020

CHAIRMAN

PUBLIC OFFICER