



MINUTES

of the
Ordinary Meeting of Council
held remotely using audio visual link

Wednesday 27 May 2020

The meeting commenced at 3.30pm

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 13 May 2020	
6. DECLARATIONS OF INTEREST	2
7. MAYORAL MINUTE	4
8. PUBLIC FORUM	4
9. VISITOR MATTERS.....	4
OPERATIONS	
Nil	
CORPORATE AND STRATEGY	
9.1 DA11/0767.01 - Modification Application of Development Consent for 131 Lot Residential Subdivision at Lot 1 DP 1232714 (Previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within Lot 18 DP 1148687) - 61 Old Hume Highway Braemar (Previously 520 Old South Road Mittagong)	5
9.2 Development Application 17/1822.05 - Seniors Housing - Modification to Main Facilities Building	6
10. EN BLOC MOTION	9
11. OPERATIONS FINANCE AND RISK	10
11.1 Tender for Sewer Pump Station Electrical Panel Upgrade	10
11.2 Tender Outcome of Direct Negotiations - Supply and Delivery of Premixed Concrete Tender	11
11.3 Tender for replacement of Lackey Park and Australia Ave Sewer Pump Stations.....	12
11.4 Seymour Park Masterplan Adoption	13
11.5 Investment Report - April 2020	14
11.6 Consolidation of Titles and Boundary Adjustment for Road Widening - Southern Regional Livestock Exchange (SRLX), 205 Berrima Road, Moss Vale.....	15
11.7 Compulsory Land Acquisition - Railway Parade, Mittagong	16
11.8 Proposed Land Acquisition - Berrima.....	18
12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES.....	19
12.1 Public Exhibition of the Draft 2020/21 Operational Plan and Budget.....	19



12.2	Post Exhibition Report - Planning Proposal and Draft Development Control Plan Amendment for Seniors Housing at Wiseman Road Bowral.....	20
12.3	Post Exhibition - Planning Proposal to Reclassify from Community to Operational a Portion of Council Owned Land Off Rowland Road Bowral to Enable an Access Road for the Southern Highlands Regional Art Gallery.....	21
12.4	Post Exhibition - Planning Proposal to Reclassify from Community to Operational Lot 13 DP 601369, Kirkham Street Moss Vale.....	22
12.5	Compliance Investigation of Earthworks at 144 Mt Broughton Road Werai.....	23
13.	GENERAL MANAGER	24
13.1	Legal Report.....	24
14.	DELEGATE REPORTS	25
15.	PETITIONS	25
	Nil	
16.	COMMITTEE REPORTS	26
16.1	Minutes of the Traffic Committee Meeting held electronically on 22 April 2020.....	26
16.2	Minutes of the Traffic Committee Meeting held electronically on 5 May 2020	27
17.	QUESTIONS WITH NOTICE.....	28
17.1	Questions with Notice 14/2020 - Road Closures and Public Road Requirements.....	28
17.2	Question with Notice 15/2020 - Stage 2 Station Street, (Bowral) Upgrade Project	29
17.3	Question with Notice 17/2020 Infrastructure NSW, Sydney Trains and Transport NSW Heads of Agreement	31
18.	NOTICES OF MOTION	32
18.1	Notice of Motion 16/2020 - Mittagong Playhouse and RRC Animal Shelter Request for Report	32
18.2	Notice of Motion 18/2020 Local Housing Strategy and Local Strategic Planning Statements.....	33
19.	CLOSED COUNCIL	34
	Moving into Closed Session	34
19.1	Tender for Sewer Pump Station Electrical Panel Upgrade	37
19.2	Tender for the replacement of Lackey Park and Australia Ave Sewer Pump Stations.....	38
19.3	Proposed Land Acquisition - Berrima.....	39
19.4	Legal Report - Closed Council	41
20.	RESUMPTION OF OPEN AGENDA.....	41

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 May 2020



21. MEETING CLOSURE42

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 27 MAY 2020 COMMENCING AT 3.30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews*
Clr K Halstead OAM*
Clr G McLaughlin*
Clr G Markwart*
Clr P W Nelson*
Clr I M Scandrett*
(Deputy Mayor) 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)
Group Manager Water and Sewer	Mr Jon Hook* (in part)
Chief Financial Officer	Mr Richard Mooney*
Chief Information Officer	Mr John Crawford
Legal Counsel	Mr Ian Lacy* (in part)
Administration Officer	Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some Councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and remaining staff were present in the Council Chambers for this meeting.

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 L Whipper acknowledged country:

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

3. PRAYER

The meeting was led in civic prayer by The Mayor Clr T D Gair.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 13 MAY 2020

MN 157/20

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 13 May 2020 MN 108/20 to MN 156/20 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.

18/0775 PN 1702240

Clr I M Scandrett declared a significant pecuniary interest in Item 12.5 Compliance Investigation of Earthworks at 144 Mt Broughton Road Werai as he owns the property. *Clr Scandrett will be absent from the Chambers for consideration of that item.*

Clr Scandrett then retracted his pecuniary interest stating it was a non pecuniary interest as he was being compelled to leave the meeting for the Item.

The Mayor determined Clr Scandrett was not permitted to be present for the duration of the Item under s.4.29 of the Code of Meeting Practice.

6330/19.31.1

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 11.2 Tender Outcome of Direct Negotiations - Supply and Delivery of Premixed Concrete Tender as he has shares in, and has previously worked for one of the companies. He would remain

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 May 2020



in the chamber when this matter was discussed and take part in the debate and voting thereon.

7. MAYORAL MINUTE

Nil.

8. PUBLIC FORUM

Item 18.1 Notice of Motion 16/2020 - Mittagong Playhouse and RRC Animal Shelter Request for Report

Ms Deborah Barnes addressed Council in support of the recommendation

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 DA11/0767.01 - Modification Application of Development Consent for 131 Lot Residential Subdivision at Lot 1 DP 1232714 (Previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within Lot 18 DP 1148687) - 61 Old Hume Highway Braemar (Previously 520 Old South Road Mittagong).

Reference:	DA11/0767.01
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning Development and Regulatory Services
Applicant:	Development Implementation Pty Ltd
Owner:	Development Implementation Pty Ltd
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 consider a modification to a previously approved Deferred Commencement Consent 11/0767 which was for land subdivision including 129 Residential Lots, 2 commercial lots and 6 lots to be dedicated to Council of Lot 1 DP 1232714 (previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within lot 18 DP 1148687) 61 Old Hume Highway Braemar (Previously 520 Old South Road Mittagong). This report is prepared for a modification of the determination and recommends APPROVAL, subject to consent conditions attached. (**Attachment 1**).

THIS ITEM WAS DEALT WITH ON PAGES 7 and 8 MN 160/20

MN 158/20

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

THAT the item be deferred until after the completion of Item 9.2.

PASSED

9.2 Development Application 17/1822.05 - Seniors Housing - 2 – 18 Centennial Road, Bowral: Modification to Main Facilities Building

Reference:	DA 17/1822.05
Report Author:	Development Assessment Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	Waterbrook Bowral Pty Ltd
Owner:	Waterbrook Bowral Pty Ltd
Link to Community Strategic Plan:	Manage development to ensure it does not impact on viable primary production and food security

PURPOSE

The purpose of this report is to consider Modification Application 17/1822.05 which seeks modification approval for main facilities building within the Seniors Housing Development approval under DA 17/1822 at Lots 1 & 2 DP 1101892 and Lots 4 – 11 DP 978826 being 2-18 Centennial Road Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

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

Mr Kevin Ryan addressed Council in support of the development

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 159/20

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

THAT Modification Application 17/1822.05 which seeks modification approval for main facilities building in accordance with approved DA 17/1822 for Seniors Housing at Lots 1 & 2 DP 1101892 and Lots 4 – 11 DP 978826 being 2-18 Centennial Road, Bowral, be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

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

Against the motion: Cllr G McLaughlin

9.1 DA11/0767.01 - Modification Application of Development Consent for 131 Lot Residential Subdivision at Lot 1 DP 1232714 (Previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within Lot 18 DP 1148687) - 61 Old Hume Highway Braemar (Previously 520 Old South Road Mittagong).

Reference:	DA11/0767.01
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning Development and Regulatory Services
Applicant:	Development Implementation Pty Ltd
Owner:	Development Implementation Pty Ltd
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 consider a modification to a previously approved Deferred Commencement Consent 11/0767 which was for land subdivision including 129 Residential Lots, 2 commercial lots and 6 lots to be dedicated to Council of Lot 1 DP 1232714 (previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within lot 18 DP 1148687) 61 Old Hume Highway Braemar (Previously 520 Old South Road Mittagong). This report is prepared for a modification of the determination and recommends APPROVAL, subject to consent conditions attached. **(Attachment 1)**.

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

THAT the Section 4.55(2) modification application 11/0767.1 for a subdivision consisting of 129 Residential Lots, 2 commercial lots and 6 lots to be dedicated to Council of Lot 1 DP 1232714 (Previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within lot 18 DP 1148687) - 61 Old Hume Highway Braemar (Previously 520 Old South Road Mittagong) be DEFERRED pending:

1. A detailed information session be provided to councillors;
2. The applicant be requested to provide alternative traffic solutions for access and egress; and
3. Protection to be given to the heritage listed Kamilaroi during the subdivision.

LOST

MN 160/20

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

THAT the Section 4.55(2) modification application 11/0767.1 for a subdivision consisting of 129 Residential Lots, 2 commercial lots and 6 lots to be dedicated to Council of Lot 1 DP 1232714 (Previously Lot 779 DP 751282, Lot 19 DP 1148687, Lot 117 DP 659149 and easement within lot 18 DP 1148687) - 61 Old Hume Highway Braemar (Previously 520 Old South Road Mittagong) be APPROVED subject to conditions as described in Draft Conditions of Consent (Attachment 1) to the report including a restriction to limit construction vehicles utilising Lomandra Lane and exiting Isedale Road.

VOTING ON THE AMENDMENT

For the amendment: Clr G J Andrews, Clr K J Halstead OAM, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor G M Turland

Against the amendment: Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin and Clr L A C Whipper

THE AMENDMENT WAS PASSED AND BECAME THE MOTION

MOTION WAS VOTED ON AND WAS PASSED

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Clr K J Halstead OAM, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor G M Turland

Against the motion: Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin and Clr L A C Whipper

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Tender for Sewer Pump Station Electrical Panel Upgrade

Reference:	6330/20.2
Report Author:	Electrical Engineer
Authoriser:	Group Manager Water & Sewer
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer Pump Station Electrical Panel Upgrade.

MN 161/20

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

THAT the report concerning Tender for Sewer Pumping Station Electrical Panel Upgrade - be considered in Closed Council – Item 19.1. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PASSED

11.2 Tender Outcome of Direct Negotiations - Supply and Delivery of Premixed Concrete Tender

Reference: 6330/19.31.1
Report Author: Coordinator Procurement and Fleet
Authoriser: Chief Financial Officer
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to present the outcome of the direct negotiation process to form a supplier panel contract for the supply and delivery of premixed concrete with the following contractors:

- Boral Resources (Country)
- Concrete Pty Ltd
- Holcim Pty Ltd

The proposal to enter into direct negotiations was passed by Council Resolution on 13 November 2019 (MN 513/19).

MN 162/20

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

THAT Council accept tender negotiations 6330/19.31.1 Supply and Delivery of Premix Concrete from the below listed tenderers to form a panel arrangement for the period of two (2) years with the option to extend for a further two (2) years.

Company Name
<i>Boral Resources (Country)</i>
<i>Concrete Pty Ltd</i>
<i>Holcim Pty Ltd</i>

PASSED

11.3 Tender for replacement of Lackey Park and Australia Ave Sewer Pump Stations

Reference:	64049/64101
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Replacement of Lackey Park and Australia Ave Sewer Pump Stations.

MN 163/20

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

1. **THAT** in relation to the report concerning Tender for replacement of Lackey Park and Australia Ave Sewer Pump Stations - Council adopts the recommendations contained within the Closed Council report – Item 19.2.
2. **THAT** Council accepts the tender from Gongues Constructions Pty Ltd at a Lump Sum of \$1,978,350 (incl GST) to undertake the Replacement of Lackey Park and Sewage Pump Stations.

PASSED

11.4 Seymour Park Masterplan Adoption

Reference:	6846/20
Report Author:	Asset Coordinator Parks and Buildings
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Increase promotion of healthy lifestyle choices

PURPOSE

The purpose of this report is to seek Council approval to adopt the Draft Seymour Park Masterplan.

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

MN 164/20

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

1. **THAT** Council adopts the amended Draft Seymour Park Masterplan included as Attachment 1 noting the addition of 90-degree parking along Lovelle Street as Stage 3 works.
2. **THAT** staff write to all submission makers confirming Council's decision.
3. **THAT** staff write to the NSW Government's Everyone Can Play Grant to express Council's thanks for their funding support.

PASSED

11.5 Investment Report - April 2020

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 30 April 2020.

MN 165/20

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

THAT the information on Council's Investments as at 30 April 2020 be received and noted.

PASSED

11.6 Consolidation of Titles and Boundary Adjustment for Road Widening - Southern Regional Livestock Exchange (SRLX), 205 Berrima Road, Moss Vale

Reference:	PN 178,5020, PN 100
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 plans associated with the Southern Regional Livestock Exchange (SRLX) at 205 Berrima Road, Moss Vale being:

- Plan of Consolidation of Lot 1 DP1070888 and Lot 2 DP215782,
- Plan of Boundary Adjustment (for road widening) affecting Lot 2 DP215782; and
- Plan of Boundary Adjustment (to rectify encroachment and include the access track) between Lot 1 DP 1070888 and Lot 3 DP 1070888.

MN 166/20

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

THAT authority be delegated to the Mayor and General Manager to execute the Plan of Consolidation of Lot 1 DP 1070888 and Lot 2 DP 215782 and Plan of Boundary Adjustment (for road widening) of Lot 2 DP 215782 for the Southern Regional Livestock Exchange (SRLX) at 205 Berrima Road, Moss Vale and the Plan of Boundary Adjustment (to rectify encroachment) between Lot 1 DP 1070888 and Lot 3 DP 1070888 under the Common Seal of Council.

PASSED

11.7 Compulsory Land Acquisition - Railway Parade, Mittagong

Reference:	PN1757680
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 the necessary Council resolutions to proceed with the land acquisition negotiations for land off Railway Parade, Mittagong (being part Lot 19 Deposited Plan 1108714) for the purpose of public open space, fire trail and future shared pathway.

This matter was first approved by Council in March 2017 and updated Council resolutions are required to ensure compliance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.

MN 167/20

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 19 in Deposited Plan 1108714 at Mittagong for the acquisition of part of the land known as Lot 19 DP 1108714 (being part railway land off Railway Parade, Mittagong) for the purpose of Open Space.
2. **THAT** if the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
 - (a) acquire the Land by compulsory acquisition under Section 186 and 187 of the Local Government Act 1993 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 AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect of the Land.
3. **THAT** Council affix the Common Seal to the Plan of Acquisition and any documents relating to that plan required to be sealed for the acquisition of the Land referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and General Manager to execute those documents.
4. **THAT** authority be delegated to the Mayor and General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the Land referred to in Resolution 1 above that does not require the Common Seal of Council.

PASSED

11.8 Proposed Land Acquisition - Berrima

Reference:	PN 162700, PN 1715920, PN 1742050
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 acquire land for future road purposes. The subject land is known as Part Lot 1016 in Deposited Plan 15995 and part Lot 1017 in Deposited Plan 15995 (being 125 Taylor Avenue, New Berrima).

MN 168/20

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

THAT the report concerning Proposed Land Acquisition – Berrima be considered in Closed Council – Item 19.3. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PASSED

Clr Scandrett requested his dissenting vote be recorded.

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

THAT in relation to the report concerning Proposed Land Acquisition - Berrima – Council deals with the matter in Open Council for the purposes of understanding why it should go into closed.

THE AMENDMENT WAS RULED BY THE MAYOR TO BE OUT OF ORDER

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Public Exhibition of the Draft 2020/21 Operational Plan and Budget

Reference:	501/203
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

The purpose of this report is to present the draft 2020/21 Operational Plan, Budget, Revenue Policy including Fees and Charges; and for Council to endorse these documents for the purposes of public exhibition.

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

The Chief Financial Officer addressed Council on this item.

The General Manager left the meeting, the time being 5.38pm.

The General Manager returned to the meeting, the time being 5.44pm.

MN 169/20

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

THAT Council endorse the draft 2020/21 Operational Plan, Budget, Revenue Policy and Fees and Charges, as set out in Attachments 1 and 2, for public exhibition from 29 May 2020 to 26 June 2020.

PASSED

12.2 Post Exhibition Report - Planning Proposal and Draft Development Control Plan Amendment for Seniors Housing at Wiseman Road Bowral.

Reference:	PN1701417, PN1759580, 5901/63
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

To inform Council of the outcome of the public exhibition for the Planning Proposal and associated draft Development Control Plan for seniors housing in Wiseman Road Bowral.

MN 170/20

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

THAT Council not proceed with the Planning Proposal to enable an additional permitted use of seniors housing on the combined site area of 6 Wiseman Road Bowral (Lot 4 DP 829578) and 8 Wiseman Road Bowral (Lot 1000 DP 1117715) by means of an amendment to *Schedule 1 (Additional Permitted Uses)* of Wingecarribee Local Environmental Plan 2010, nor with the accompanying draft Development Control Plan Amendment.

PASSED

VOTING ON THE MOTION

For the motion: Clr K J Halstead OAM, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Clr L A C Whipper

Against the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr I M Scandrett and Deputy Mayor G M Turland

FORESHADOWED MOTION moved by Deputy Mayor G M Turland

1. **THAT** the Planning Proposal To enable an additional permitted use of seniors housing on the combined site area of 6 Wiseman Road Bowral (Lot 4 DP 829578) and 8 Wiseman Road Bowral (Lot 1000 DP 1117715) by means of amendment to Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010, be forwarded to the NSW Department of Planning, Industry and Environment for finalisation.
2. **THAT** the draft Development Control Plan for the Wiseman Road Precinct, as exhibited, be adopted.

12.3 Post Exhibition - Planning Proposal to Reclassify from Community to Operational a Portion of Council Owned Land Off Rowland Road Bowral to Enable an Access Road for the Southern Highlands Regional Art Gallery.

Reference: PN1706883, 5901/70
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community
Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

The purpose of this report is to inform Council of the outcome of the public exhibition of, and Public Hearing for, a Planning Proposal to reclassify from Community to Operational a portion of Council owned land off Rowland Road Bowral.

The Deputy General Manager Corporate Strategy and Development addressed council on this item.

MN 171/20

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

1. **THAT** the Planning Proposal to amend WLEP 2010, namely Schedule 4 (Classification and reclassification of public land) Part 1 (Land classified or reclassified as operational – no interests changed) to reclassify from Community to Operational a portion of land at Rowland Road Bowral, being Part of Lot 38 DP882935, be forwarded to the Department of Planning, Industry and Environment for completion.
2. **THAT** subject to approval from the Department of Planning, Industry and Environment to reclassify from Community to Operational a portion of land at Rowland Road, Bowral being part Lot 38 in Deposited Plan 882935, authority be delegated to the Mayor and General Manager to execute the Plan of Subdivision for Lot 38 Deposited Plan 882935 under the Common Seal of Council.
3. **THAT** Council reinforces its support for the Gnunungulla Regional Gallery.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil.

12.4 Post Exhibition - Planning Proposal to Reclassify from Community to Operational Lot 13 DP 601369, Kirkham Street Moss Vale.

Reference: PN819550, 5901/71
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to inform Council of the outcome of the public exhibition of, and Public Hearing for, a Planning Proposal to reclassify from Community to Operational Lot 13 DP 601369, being a Council owned 'land locked' property on Kirkham Street Moss Vale to enable future options for the land to be considered.

MN 172/20

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

THAT the Planning Proposal to amend WLEP 2010, namely Schedule 4 (Classification and reclassification of public land) Part 1 (Land classified or reclassified as operational - no interests) to reclassify from Community to Operational Lot 13 DP601369 be forwarded to the Department of Planning, Industry and Environment for completion.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

12.5 Compliance Investigation of Earthworks at 144 Mt Broughton Road Werai

Reference: 10/0414
Report Author: Senior Accredited Certifier
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This purpose of this report is to consider the outcomes of a compliance investigation relating to earthworks at 144 Mt Broughton Road Werai.

Clr I M Scandrett declared a significant pecuniary interest in Item 12.5 Compliance Investigation of Earthworks at 144 Mt Broughton Road Werai as he owns the property. Clr I M Scandrett left the meeting, the time being 05:56pm.

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

MN 173/20

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

THAT Council issue a Notice of Intention to Serve a Development Control Order No. 10 on the property owner/s of 144 Mt Broughton Road Werai pursuant to Schedule 5 of the Environmental Planning and Assessment Act 1979 to demolish and/or remove the unauthorised earthworks (pad); and restore the land to a condition in which it was before the land was unlawfully excavated, respectively.

The Notice will provide an initial twenty one (21) days to either complete the works in accordance with the proposed terms or provide representation in regards to the terms of the proposed Order. Failure to comply with the Order may result in further enforcement proceedings.

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, Deputy Mayor G M Turland and Clr L A C Whipper

Against the motion: Nil

13. GENERAL MANAGER

13.1 Legal Report

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

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 13 May 2020.

Clr I M Scandrett returned to the meeting, the time being 06:07pm.

MN 174/20

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

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 19.4.

PASSED

14. DELEGATE REPORTS

Nil.

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Traffic Committee Meeting held electronically on 22 April 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 provides the Minutes of the Traffic Committee Meeting electronically held on Wednesday 22 April 2020.

MN 175/20

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

THAT recommendation No **TC24/20** – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 22 April 2020 be adopted.

PASSED

16.2 Minutes of the Traffic Committee Meeting held electronically on 5 May 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 provides the Minutes of the Traffic Committee Meeting held electronically on Tuesday 5 May 2020.

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

THAT recommendation No TC25/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 5 May 2020 be adopted.

MN 176/20

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

THAT the matter be resubmitted.

MOTION PASSED

MN 177/20

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

THAT recommendation No TC25/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 5 May 2020 be adopted.

PASSED

17. QUESTIONS WITH NOTICE

17.1 Questions with Notice 14/2020 - Road Closures and Public Road Requirements

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 Turland

Received: 18 May 2020

Subject: Road Closures and Public Road Requirements

Question:

Will Council confirm that it will comply to road closure and working in a public road requirements as per Transport NSW and local government requirements and as confirmed the statements made to all councillors on 11 May business paper review zoom meeting.

Response:

Council staff operate in accordance with all relevant legislative requirements when undertaking roadworks.

MN 178/20

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

THAT the information in relation to Question with Notice 14/2020 – Road Closures and Public Road Requirements - be noted.

PASSED

17 .2 Question with Notice 15/2020 - Stage 2 Station Street, (Bowral) Upgrade Project

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: Cllr Scandrett
Received: 18 May 2020

Subject: Stage 2 of Bowral Bypass

The Deputy General Manager Operations Finance Risk addressed Council on this item.

Question:

Could the GM advise, in view of the various Gov and LGNSW announcements re the fast funding of supported projects*, how we could proceed now with Stage 2 of the Bowral Bypass from Bowral St to Links Road, and detail each of the various steps and timeline that would be required.

Response:

The “Bowral Parking Traffic and Transport Strategy” provides commentary on the “Extension of the Bowral Town Centre Distributor Road between Bowral Street and the junction of Moss Vale Road and Links Road (following Railway Parade and existing “Local Roads”) now known as Stage (2) Station Street Upgrade.

The Strategy states as follows:-

“This proposal is a long- term requirement. The Paramics Model indicates long term benefits in terms of providing overall system capacity”.

It is recommended that this is a low priority and must follow Stages 1 & 2 (now known as Stage 1) of the Bowral Town Centre Distributor Road.”

The proposed Stage 2 – Station Street (Bowral) Upgrade Project is not currently included in Council’s (4) Year forward capital works programme but is included in Council’s “Unfunded Infrastructure list – 2020/21 at a preliminary cost estimate of \$15million. It is highlighted also that there are also a number of key land acquisitions required to allow for detailed design and project scope to be finalised.

Council officers are currently focused on moving Stage 1 of the Station Street Upgrade Project forward in accordance with Council resolutions of February 2018 and March 2020.

Council continues to pursue all available funding opportunities for capital projects and a high priority has been given to the Moss Vale Bypass, Old South Road and Exeter/Bundanoon Road upgrades. Council has recently secured \$4.80million in grant funding for

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 May 2020



improvements to Old South Road, and \$3.35 million to upgrade several “Blackspots” across Council’s road network.

MN 179/20

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

THAT the information in relation to Question with Notice 15/2020 – Stage 2 Station Street, (Bowral) Upgrade Project - be noted.

PASSED

17.3 Question with Notice 17/2020 Infrastructure NSW, Sydney Trains and Transport NSW Heads of Agreement

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 Turland
Received: 18 May 2020

The Deputy General Manager Operations Finance Risk addressed Council on this item.

Subject: Infrastructure NSW, Sydney Trains and Transport NSW Heads of Agreement

Question:

Can Council confirm the statement made to councillors that Infrastructure NSW will not allow any works to commence until signed Heads of Agreements have been entered into between Sydney Trains and Transport NSW and Council.

Response:

The following recommendation is included in the "Bowral Town Centre Distributor Road (Station Street Upgrade Project) Deep Dive Review, May 2018: -

- SD-4 – Council to defer the release of tenders for any component of the Station St Upgrade Project (with the exception of Kirkham Rd works) pending agreement with Sydney Trains for the acquisition of the required station precinct land.

MN 180/20

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

THAT the information in relation to Question with Notice 17/2020 Infrastructure NSW, Sydney Trains and Transport NSW Heads of Agreement - be noted.

PASSED

18. NOTICES OF MOTION

18.1 Notice of Motion 16/2020 - Mittagong Playhouse and RRC Animal Shelter Request for Report

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

PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 May 2020:

Ms Deborah Barnes addressed Council in support of the Recommendation in Public Forum.

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

The General Manager left the meeting, the time being 6.35pm.

The General Manager returned to the meeting, the time being 6.43pm.

MN 181/20

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

THAT Council prepare a report, plans and budget estimate for the following projects if funds are made available from the Federal and State Government as per the Mayoral Minute 13 May 2020.

- **Playhouse Mittagong revaluation;**
- **new animal Shelter for the Shire**

as per the approved motion of December 2019.

PASSED

18.2 Notice of Motion 18/2020 Local Housing Strategy and Local Strategic Planning Statements

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

PURPOSE

Councillor Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 May 2020:

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

1. **THAT** Council make urgent and direct representations to the Premier, the Minister for Planning, the Member for Goulburn and the Member for Wollondilly to request the intervention of the Planning Minister and Premier to allow an extension of six months for both the Local Housing Strategy (LHS) and Local Strategic Planning Statement (LSPS).
2. **THAT** Council place a notice in the early General News section of the SMH calling on the Minister to extend the consultation time by six months in the interest of natural justice.
3. **THAT** Council write to all other councils seeking their support on this extension.

LOST

MN 182/20

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

THAT Council write to the President of Local Government New South Wales requesting their support regarding the possible extension for the time to finalise the Local Housing Strategy (LHS) and Local Strategic Planning Statement (LSPS).

THE AMENDMENT WAS PASSED AND BECAME THE MOTION

THE MOTION WAS VOTED ON AND WAS PASSED

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.09 pm, Council moved into Closed Council.

MN 183/20

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

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 Tender for Sewer Pump Station Electrical Panel Upgrade

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer Pump Station Electrical Panel Upgrade.

19.2 Tender for the replacement of Lackey Park and Australia Ave Sewer Pump Stations

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Replacement of Sewage Pump Stations BE-5 & MV-6.

19.3 Proposed Land Acquisition - Berrima

Relevant Legal Provisions

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

Brief description

The purpose of this report is to seek Council approval to acquire land for future road purposes. The subject land is known as part Lot 1016 DP 15995 and part Lot 1017 DP 15995 (being 125 Taylor Avenue, New Berrima) – collectively referred to as ‘the Land’.

19.4 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

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 13 May 2020.

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

PASSED

19.1 Tender for Sewer Pump Station Electrical Panel Upgrade

Reference:	6330/20.2
Report Author:	Electrical Engineer
Authoriser:	Group Manager Water & Sewer
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer Pump Station Electrical Panel Upgrade.

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

The Chief Financial Officer addressed Council on this item.

The Group Manager Water and Sewer Services addressed Council on this item.

The General Manager left the meeting, the time being 7.22pm.

The General Manager returned to the meeting, the time being 7.28pm.

MN 184/20

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

THAT Council accepts the tender from Star Electrical Co Pty Ltd at a lump sum of \$3,590,691.50 (GST Inclusive) to undertake the Sewer Pump Station Electrical Panel upgrades.

PASSED

AMENDMENT moved by Deputy Mayor G M Turland

THAT Concept Engineering be given the project.

THE AMENDMENT WAS LOST THROUGH WANT OF A SECONDER

MN 185/20

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

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 7.50PM

EXTENSION OF TIME PASSED

19.2 Tender for the replacement of Lackey Park and Australia Ave Sewer Pump Stations

Reference:	64099/64101
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Replacement of Sewage Pump Stations BE-5 & MV-6.

THIS ITEM WAS DEALT WITH ON PAGE 11 MN 162/20

19.3 Proposed Land Acquisition - Berrima

Reference:	PN 162700, PN 1715920, PN 1742050
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

CONFIDENTIAL ITEM

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

PURPOSE

The purpose of this report is to seek Council approval to acquire land for future road purposes. The subject land is known as part Lot 1016 DP 15995 and part Lot 1017 DP 15995 (being 125 Taylor Avenue, New Berrima) – collectively referred to as ‘the Land’.

The Chief Financial Officer addressed Council on this item.

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

MN 186/20

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

1. **THAT** the General Manager be delegated authority to negotiate with the owner of Lot 1016 DP 15995 and Lot 1017 DP 15995 (being 125 Taylor Avenue, New Berrima) for acquisition of part of the land for the purpose of future road.
2. **THAT** if the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
 - (a) acquire the Land by compulsory acquisition under Section 186 and 187 of the Local Government Act 1993 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 AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect of the Land.
3. **THAT** Council affix the Common Seal of Council to the Plan of Acquisition and any documents relating to that plan required to be sealed for acquisition of the Land referred to in Resolution 1 AND THAT authority be delegated to the Mayor and General Manager to execute those documents.
4. **THAT** authority be delegated to the Mayor and General Manager to execute on behalf of Council any documentations associated with the compulsory acquisition of the Land referred to in Resolution 1 that does not require the Common Seal of Council.

PASSED

19.4 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

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 13 May 2020.

General Counsel addressed Council on this item.

MN 187/20

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

THAT the information in the Legal Report be noted.

PASSED

20. RESUMPTION OF OPEN AGENDA

107/10

MN 188/20

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

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.

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

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.45 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 27 May 2020 numbered M/N 157/20 to M/N 188/20 were signed by me hereunder at the Council Meeting held on Wednesday 10 June 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 10 JUNE 2020

CHAIRMAN

PUBLIC OFFICER