

MINUTES

Ordinary Meeting of Council



We're With **YOU**

Wednesday 21 June, 2023

Council Chambers, Wingecarribee Shire Council Civic

Centre 68 Elizabeth Street, Moss Vale at 4.10pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 21 JUNE 2023 COMMENCING AT 4.10PM.

Present: Administrator Mr Viv May

In Attendance:

General Manager	Ms Lisa Miscamble
Director Corporate Strategy and Resourcing	Ms Carmel Foster
Director Communities and Place	Mr Adan Davis
Executive Manager Strategic Outcomes	Mr Michael Park
Executive Manager Business Transformation	Mr Pav Kuzmanovski
Executive Manager People and Culture	Ms Sally Sammut
Chief Financial Officer	Mr Carl Conrad
Manager Governance and Corporate Performance	Ms Danielle Lidgard
Manager Project Delivery	Mr Ned Tripkovic
Manager Business and Property	Mr Salomon Kloppers
Manager Assets	Mr Shaun Robinson
Manager Waste and Resource Management	Mr Clint McAlister
Co-ordinator Property Services	Ms Mandy McCullagh
Network and Systems Administrator	Mr Jon Campbell
Coordinator Governance	Ms Stephanie Salviejo
Governance Officer	Ms Paige Zelunzuk

1 OPENING OF THE MEETING

The Administrator, Mr Viv May PSM, opened the meeting and welcomed members of the public and the press.

2 ACKNOWLEDGEMENT OF COUNTRY

The Administrator, Mr Viv May PSM acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here or watching today.”

3 STATEMENT OF ETHICAL OBLIGATIONS

The Administrator, Mr Viv May PSM, stated:

“As Administrator I will undertake the duties of the Office of Administrator in the best interests of the people of the Wingecarribee Shire Council area and to act faithfully and impartially carry out the

MINUTES OF THE ORDINARY MEETING OF COUNCIL

functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

I am committed to the declaration of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting, in accordance with the Code of Conduct and Code of Meeting Practice.”

4 APOLOGIES

Nil.

5 ADOPTION OF MINUTES OF PREVIOUS MEETING

MN 2023/398

MOTION *moved by Administrator*

THAT the minutes of the Ordinary Meeting of Council held on 17 May, 2023 MN2023/384 to MN2023/396 inclusive, be adopted as a correct record of the proceedings of the meeting.

DECLARED CARRIED BY THE ADMINISTRATOR

6 DECLARATIONS OF INTEREST

Nil.

7 ADMINISTRATOR MINUTES

Administrator Minute - 21 June 2023

At the April meeting of Council, I advised that the Office of Local Government (OLG) was seeking the reimbursement of \$420,782.30 as its reasonable expenses incurred in relation to the Wingecarribee Public Inquiry. It was noted that the total cost of the Inquiry to the State was \$559, 575.88.

At the time, I indicated that in my view, charging the ratepayers of Wingecarribee for an action outside of their control was unreasonable, and sought to negotiate a reduction, having regard to both financial and indirect costs associated with the disfunction over a number of years. Support of this position was reflected in the fact that the Local Government Act allows the State to recover reasonable expenses of an Inquiry that is related to a continuing problem with a Council.

Whilst recognising the Council has a number of financial pressures, the Deputy Secretary, Local Government, Department of Planning and Environment holds the view that Council needs to make a contribution and has now agreed to only seek to recover the external costs (being the costs of the Commissioner and Council assisting) which was \$350,000.

Whilst not an ideal outcome, the negotiations were conducted in a spirit of taking Wingecarribee Shire Council forward and I recommend that \$200,000 be voted from the Election Reserve to Working Capital and the balance of funds be allocated from Councils' Unrestricted Working Capital Position.

I sought to negotiate a reduction of costs to assist in funding an Emergency Operations Centre at the Civic Centre and it will be noted from the 2023/24 Draft Budget, that an allocation of \$240,000 is provided and this is a priority project. Negotiations are continuing at both a State and Federal Level to secure funding for the provision of equipment and I am hopeful of an early outcome in that regard.

Friday, 2 June 2023 was a big night for the Wingecarribee Shire when Her Excellency, Margaret Beazley, Governor of NSW joined our Local Members the Hon. Stephen Jones MP and Judy Hannan MP in re-opening the Bowral Memorial Hall.

Former Presidents and Mayors of the Shire joined residents and during my short presentation I acknowledged those community members who championed the project and who wouldn't be silenced. It is appropriate in this Minute to acknowledge the hard work and extra yards given in the delivery of what is an outstanding outcome that will connect communities for generations to come.

The Council team were exceptional in both designing, overseeing development and delivery of what was a most complex project. The success of the night was in no small part assisted by the contributions of 2ST's Ian Holland, Adam Stokeld from Highlands FM, Southern Highlands Concert Band, Southern Highlands Orchestra, Darren Percival and Richelle Booth who all gave freely of their time, together with a number of volunteer Council staff.

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Emeritus Professor Clive Probyn was awarded the Order of Australia Medal in the Kings Birthday 2023 Honours for his distinguished service to the community. While not residing in the Shire (but very close) Ms Kim Hill was also awarded the Order of Australia Medal for service to the community through emergency response organisations. I have written to both recipients thanking them for their contributions and congratulating them on their recognition.

The Shire has been subjected to a number of severe weather events in recent years that have had a significant impact on infrastructure, in particular our roads and Wingecarribee has been declared a National Disaster Area on a number of occasions. The Canberra Regional Joint Organisation (CRJO) commissioned a report to the Inquiry into the Implication of Severe Weather Events, which has previously been reported to Council, and which is attracting attention at both levels of Government, particularly in relation to the betterment component of Emergency Grants. The importance of being an active member of the CRJO is no better demonstrated than by the invitation of the House of Representatives Standing Committee on Roads to the CRJO Bega Valley, Eurobodalla and Wingecarribee Councils to appear and present evidence.

Council was represented by our technical expert – the Manager of Shire Presentation Mr Greg Bray, and he is to be commended.

I attended the Annual meeting of the NSW Local Roads Congress held at Parliament House on Monday, 5 June 2023. Together with over 100 representatives of NSW Local Government, under the theme ‘Sustainable Investment’. It was a worthwhile investment of time with newly appointed Ministers, The Hon. John Graham MP and Jenny Atchison MP, together with Shadow Ministers, Natalie Ward and Sam Faraway making keynote addresses and there was a very interesting ministerial panel discussion. There was also considerable discussion in relation to the management and maintenance of the State’s local road network and the effects that recent natural disasters have had on same and the need for more Government funding and a better model for Storm Damage Grants. The Communique released in relation to the Congress is attached.

Potholes, and deterioration of both sealed and unsealed roads, whether they be under the control of Council or the State, are an issue across the Nation. Wingecarribee is not isolated from this problem – having incurred storm damaged infrastructure costs in the order of \$90M and Governments of all political persuasion in my view are listening. There is currently a consultation paper on the Independent Review of Commonwealth Disaster Funding and I have asked the General Manager to provide a submission and for it to be tabled at the July meeting.

Together with the General Manager, I joined more than 1100 representatives from the 537 Local Authorities across the Nation, in Canberra for the Australian Local Government Association (ALGA) 2023 National General Assembly on 14-15 June 2023.

The content of the Assembly was excellent with a good cross section of discussion on matters relevant to Local Government and provided an opportunity for both Government and Opposition members to make presentations. A number of motions were also considered relevant to Local Government that inform advocacy by ALGA at a Federal Level. A copy of the Communique will be placed on the Council’s website when received.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Prior to the Assembly, on Tuesday 13 June, the ALGA 2023 Regional Cooperation and Development Forum was held when a number of relevant issues were also discussed in a regional environment, including disaster mitigation, road safety and housing.

Friday, 16 June saw the return of the Australian Council of Local Government sponsored by the Prime Minister, when he made a major presentation and outlined an additional \$100M in funding for the Community Energy Upgrades for Local Governments. Over 10 Ministers joined panel discussions – including the Member for Whitlam and Assistant Treasurer and Minister for Financial Services, the Hon. Stephen Jones MP when it was emphasised that the Government wants to work in a respectful and positive way directly with Local Government.

During our time in Canberra, the General Manager and I were also afforded the opportunity of meeting with Mr Jones at his Parliament House office, where we had constructive discussions in relation to the Council's 2023/24 Budget, charges and fees and affordable and emergency housing and it would be appropriate to acknowledge his being so free with his valuable time during a demanding parliamentary session.

The General Manager will be updating at the next meeting of Council the staff's work in relation to the Development Application backlog and how transparency is being improved in the consideration of same.

Much work is being undertaken behind the scenes to improve the DA tracker to allow easier access to files and DA progressing. This is a work in progress and residents may be assured that I am determined to have an outcome that while consistent with Statutory obligations, is easily accessible and transparent – I even want phone calls in relation to matters, submissions received and internal communication documented and have asked the General Manager to ensure that a timeline for such is included in the July report. Such action in my view will substantially free up time of Council officers as residents will be able to simply look online to see progress.

MN 2023/399

MOTION *moved by the Administrator*

THAT *the minute be received and noted and the recommendation contained therein be adopted.*

DECLARED CARRIED BY THE ADMINISTRATOR

REPORT BROUGHT FORWARD

9.1 Mountain Biking in Natural Areas

Report Author: Manager Assets
Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council seek funding for the development of a Natural Areas Recreational Activities Strategy.
2. Council approve the engagement of a consultant through an open Request for Quotations to review the unauthorised Mount Gibraltar Heritage Reserve mountain bike trails.
3. Council schedules an annual audit of the Welby Mountain Bike Track and associated pump track and formalise a stewardship arrangement.
4. Council endorse the decommissioning of any new or extended unauthorised mountain bike trail that is constructed prior to adoption of the Natural Areas Recreational Activities Strategy.

The Administrator brought forward Item 9.1 for the benefit of the members of the public in attendance.

The Manager Assets introduced the item.

MN2023/400

MOTION moved by the Administrator

THAT Council, subject to the General Manager obtaining legal advice in relation to the continuing use of the unauthorised Mount Gibraltar Heritage Reserve mountain bike trails and associated exposure to risk, the General Manager be delegated authority to implement the following Officer's recommendations:

1. *Seek funding for the development of a Natural Areas Recreational Activities Strategy.*
2. *Approve the engagement of a consultant through an open Request for Quotations to review the unauthorised Mount Gibraltar Heritage Reserve mountain bike trails.*
3. *Schedule an annual audit of the Welby Mountain Bike Track and associated pump track and formalise a stewardship arrangement.*
4. *Endorse the decommissioning of any new or extended unauthorised mountain bike trail that is constructed prior to adoption of the Natural Areas Recreational Activities Strategy.*

DECLARED CARRIED BY THE ADMINISTRATOR

8 GENERAL MANAGER

8.1 Review of Low Density Residential Development Controls

Report Author: Senior Strategic Planner
Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT:

1. Council endorse the amended Draft Low Density Development Control Plan provisions.
2. The Draft Low Density Development Controls be publicly exhibited for a minimum period of four (4) weeks and reported back to Council at the completion of the exhibition period.

The Executive Manager Strategic Outcomes introduced the item.

MN 2023/401

MOTION *moved by the Administrator*

THAT:

1. ***Council endorse the amended Draft Low Density Development Control Plan provisions.***
2. ***The Draft Low Density Development Controls be publicly exhibited for a minimum period of four (4) weeks and reported back to Council at the completion of the exhibition period.***

DECLARED CARRIED BY THE ADMINISTRATOR

8.2 Planning Proposal to Amend Clause 4.2F - Subdivision of Land for Dual Occupancies in Zone R2 or R3

Report Author: Coordinator Strategic Policy

Authoriser: Executive Manager Strategic Outcomes

THIS MATTER WAS CONSIDERED BY THE WINGECARRIBEE LOCAL PLANNING PANEL ON 24 MAY 2023.

OFFICER'S RECOMMENDATION

THAT:

1. The attached Planning Proposal to amend Clause 4.2F - Subdivision of land for dual occupancies in Zone R2 or R3 of Wingecarribee Local Environmental Plan 2010 BE **SUPPORTED**, and
2. The Planning Proposal be submitted for a Gateway Determination in accordance with s.3.34 of the Environmental Planning & Assessment Act 1979.

The Executive Manager Strategic Outcomes introduced the item.

MN 2023/402

MOTION *moved by the Administrator*

THAT:

1. *The attached Planning Proposal to amend Clause 4.2F - Subdivision of land for dual occupancies in Zone R2 or R3 of Wingecarribee Local Environmental Plan 2010 BE **SUPPORTED**; and*
2. *The Planning Proposal be submitted for a Gateway Determination in accordance with s.3.34 of the Environmental Planning & Assessment Act 1979.*

DECLARED CARRIED BY THE ADMINISTRATOR

9 REPORTS

9.4 Mittagong Memorial Hall (Playhouse) - Update

Report Author: **Manager Project Delivery**
Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT Council receive and note this report.

The Administrator brought forward Item 9.4 for the benefit of a member of the public that was in attendance to hear this item.

The Manager Project Delivery introduced the item.
The Executive Manager Business Transformation addressed the meeting.
The General Manager addressed the meeting.

MN 2023/403

MOTION *moved by the Administrator*

THAT a further report be submitted by the General Manager on funding and grant opportunities to undertake the Mittagong Memorial Hall refurbishment.

DECLARED CARRIED BY THE ADMINISTRATOR

9.2 Draft Community and Recreation Facilities Strategy and Study for Public Exhibition

Report Author: Manager Assets
Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council receives and notes the contents of this report.
2. Council endorses the Draft Community and Recreational Facilities Strategy for public exhibition.
3. Council endorses the Draft Community and Recreational Facilities Study for public exhibition.
4. A further report be provided following the period of public exhibition.

MN 2023/404

MOTION moved by Administrator

THAT Standing Orders be suspended in order for Ms Tina Chappel of Astrolabe Group to address Council on Item 9.2 Draft Community and Recreation Facilities Strategy and Study for Public Exhibition.

DECLARED CARRIED BY THE ADMINISTRATOR

Ms Tina Chappel of Astrolabe Group addressed the meeting and made the [attached presentation](#).

MN 2023/405

MOTION moved by Administrator

THAT Standing Orders be resumed.

DECLARED CARRIED BY THE ADMINISTRATOR

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The Manager Assets introduced the item.

MN 2023/406

MOTION moved by the Administrator

THAT:

- 1. Council Endorse the Draft Community and Recreational Facilities Strategy for public exhibition and in support of same agrees with the draft Community and Recreation Facilities Study being concurrently exhibited and a further report be provided following the exhibition period.***
- 2. The General Manager report to Council on the strategic and infrastructure reports required to support the delivery of outcomes in the Local Strategic Planning Statement and Local Housing Strategy, and this report include timelines and funding to be included in the Delivery Program and Long-Term Financial Plan at the September 2023 review.***

DECLARED CARRIED BY THE ADMINISTRATOR

9.3 Children's Services Business Model Review

Report Author: Manager Business & Property

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT:

1. Council note the report and Council's continued commitment to the provision of Children's Services in the Wingecarribee Shire.
2. Council endorse the continuation of the provision of Out of School Hours Care by the Wingecarribee Shire Council.
3. Council endorse the expansion and resourcing of Out of School Hours Care.
4. Council submits to the New South Wales Department of Education a Notification of Surrender of Service Approval for the Wingecarribee Shire Council Family Day Care Scheme by 31 December 2023.

The Manager Business and Property Services introduced the item.

The General Manager addressed the meeting.

MN 2023/407

MOTION moved by the Administrator

THAT:

1. *Council note the report and Council's continued commitment to the provision of Children's Services in the Wingecarribee Shire.*
2. *Council endorse the continuation of the provision of Out of School Hours Care by the Wingecarribee Shire Council.*
3. *Council endorse the expansion and resourcing of Out of School Hours Care.*
4. *Council submits to the New South Wales Department of Education a Notification of Surrender of Service Approval for the Wingecarribee Shire Council Family Day Care Scheme by 31 December 2023.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.5 Wingecarribee Community Assistance Scheme Applications 2023/24 - Funding Recommendations

Report Author: Coordinator Community Development

Authoriser: Director Communities and Place

OFFICER'S RECOMMENDATION

THAT:

1. Council provide a 2023/24 Community Assistance Scheme Donation to the following community organisations for the following amount:
 - a. St Judes Music Association \$600
 - b. Southern Highlands Symphony Orchestra Inc. \$600
 - c. Colo Vale Men's Shed \$600
 - d. Colo Vale Community Association \$600
 - e. Gumnut Bowral Memorial Preschool Inc. \$600
 - f. Bowral-Mittagong Uniting Church \$600
 - g. Moss Vale Hockey Club \$600
 - h. Bundanoon Cricket Club \$600
 - i. Colo Vale Tennis Club \$600
 - j. Southern highlands Kennel & Obedience Club Inc. \$600

2. Council provide a 2023/24 Community Assistance Scheme Grant to the following community organisation for the following amount:
 - a. Bowral and District Art Society Inc \$3295
 - b. Wingecarribee Women Writers \$7000
 - c. Bundanoon Folk Festival Association Inc. \$6996
 - d. The Pop-Up Project \$1350
 - e. Bundanoon Community Garden Inc. \$5300
 - f. The Rotary Club of Moss Vale \$7000
 - g. CTC Robertson Inc. \$5800
 - h. Bundanoon History Group Inc. \$2670
 - i. Southern highlands Botanic Garden Limited \$7000
 - j. Legacy Club Services \$7000
 - k. Burrawang Easter Markets Association Inc. \$7000
 - l. Balmoral Village Association Inc. \$6244
 - m. Checked in Care \$7000
 - n. St Vincent de Paul Society NSW \$6839
 - o. C3 Destiny Church \$6523
 - p. Burrawang Wildes Meadow Community Association Inc. \$7000
 - q. Vocal Muster Academy \$6418
 - r. Southern Highlands Carriage Club Inc. \$7000
 - s. Bundanoon Croquet Club \$3900
 - t. Moss Vale Tennis Club Inc. \$2304

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3. It be noted that a total of \$119,639 has been provided to the scheme of the \$120,000 budget allocation.
4. Council provide a 2023/24 Community Assistance Scheme Grant for Environment and Sustainability projects to the following community organisation for the following amount:
 - a. Robertson Show Society \$2000
 - b. Grow Southern Highlands \$1976.40
 - c. WinZero \$1770
 - d. Bowral Public School, Bowral \$1600
 - e. Southern Highlands Plant Society \$1450
 - f. Berrima Public School, Berrima \$622.80
 - g. Southern Highlands Landcare Network \$580.80
5. It be noted that a total of \$10,000 has been provided to the Environment and Sustainability \$10,000 Budget allocation.
6. Successful applicants be advised in writing and invited to attend a formal cheque presentation held in Local Government week on Wednesday 2 August 2023.
7. Unsuccessful applicants be advised in writing of the outcome of their application and provided feedback for the next round of applications.

The Director Communities and Place introduced the item.

The General Manager addressed the meeting.

MN 2023/408

MOTION moved by the Administrator

THAT:

1. ***Council provide a 2023/24 Community Assistance Scheme Donation to the following community organisations for the following amount:***
 - a. ***St Judes Music Association \$600***
 - b. ***Southern Highlands Symphony Orchestra Inc. \$600***
 - c. ***Colo Vale Men's Shed \$600***
 - d. ***Colo Vale Community Association \$600***
 - e. ***Gumnut Bowral Memorial Preschool Inc. \$600***
 - f. ***Bowral-Mittagong Uniting Church \$600***
 - g. ***Moss Vale Hockey Club \$600***
 - h. ***Bundanoon Cricket Club \$600***
 - i. ***Colo Vale Tennis Club \$600***
 - j. ***Southern highlands Kennel & Obedience Club Inc. \$600***
2. ***Council provide a 2023/24 Community Assistance Scheme Grant to the following community organisation for the following amount:***
 - a. ***Bowral and District Art Society Inc \$3295***
 - b. ***Wingecarribee Women Writers \$7000***
 - c. ***Bundanoon Folk Festival Association Inc. \$6996***
 - d. ***The Pop-Up Project \$1350***
 - e. ***Bundanoon Community Garden Inc. \$5300***
 - f. ***The Rotary Club of Moss Vale \$7000***
 - g. ***CTC Robertson Inc. \$5800***
 - h. ***Bundanoon History Group Inc. \$2670***

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- i. *Southern highlands Botanic Garden Limited \$7000*
- j. *Legacy Club Services \$7000*
- k. *Burrawang Easter Markets Association Inc. \$7000*
- l. *Balmoral Village Association Inc. \$6244*
- m. *Checked in Care \$7000*
- n. *St Vincent de Paul Society NSW \$6839*
- o. *C3 Destiny Church \$6523*
- p. *Burrawang Wildes Meadow Community Association Inc. \$7000*
- q. *Vocal Muster Academy \$6418*
- r. *Southern Highlands Carriage Club Inc. \$7000*
- s. *Bundanoon Croquet Club \$3900*
- t. *Moss Vale Tennis Club Inc. \$2304*

3. It be noted that a total of \$119,639 has been provided to the scheme of the \$120,000 budget allocation.

4. Council provide a 2023/24 Community Assistance Scheme Grant for Environment and Sustainability projects to the following community organisation for the following amount:

- a. *Robertson Show Society \$2000*
- b. *Grow Southern Highlands \$1976.40*
- c. *WinZero \$1770*
- d. *Bowral Public School, Bowral \$1600*
- e. *Southern Highlands Plant Society \$1450*
- f. *Berrima Public School, Berrima \$622.80*
- g. *Southern Highlands Landcare Network \$580.80*

5. It be noted that a total of \$10,000 has been provided to the Environment and Sustainability \$10,000 Budget allocation.

6. Successful applicants be advised in writing and invited to attend a formal cheque presentation held in Local Government week on Wednesday 2 August 2023.

7. Unsuccessful applicants be advised in writing of the outcome of their application and provided feedback for the next round of applications.

DECLARED CARRIED BY THE ADMINISTRATOR

9.6 Draft Bus Shelter Advertising Policy

Report Author: Manager Assets

Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council receive and note this report.
2. Council adopt a provision level of service for new bus shelters to only be provided within town centres, village centres and along State roads that are serviced by a public bus route.
3. Council endorse the draft Bus Shelter Advertising Policy be placed on public exhibition for 28 days.

The Manager Assets introduced the item.

MN 2023/409

MOTION *moved by the Administrator*

THAT:

1. *Council receive and note this report.*
2. *Council adopt a provision level of service for new bus shelters to only be provided within town centres, village centres and along State roads that are serviced by a public bus route.*
3. *Council endorse the draft Bus Shelter Advertising Policy be placed on public exhibition for 28 days.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.7 Hardship Policy Repeal

Report Author: Coordinator Revenue

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT the Hardship Policy adopted by Council on the 8 November 2011 be repealed.

The Chief Financial Officer introduced the item.

MN 2023/410

MOTION *moved by the Administrator*

THAT the Hardship Policy adopted by Council on the 8 November 2011 be repealed.

DECLARED CARRIED BY THE ADMINISTRATOR

9.8 Southern Highlands Local Business Awards - Outgoing Sponsorship Opportunity

Report Author: Manager Environment and Sustainability

Authoriser: Director Communities and Place

OFFICER'S RECOMMENDATION

THAT:

1. Council authorise the sponsorship of the 2023 Southern Highlands Local Business Awards as a Support Partner.
2. Council write to Precedent Productions advising of Council's new Donations Grants and Sponsorship policy and outline the sponsorship process for future years.

The Manager Environment and Sustainability addressed the meeting.

MN 2023/411

MOTION moved by the Administrator

THAT:

1. Council authorise the sponsorship of the 2023 Southern Highlands Local Business Awards as a Support Partner.
2. Council write to Precedent Productions advising of Council's new Donations Grants and Sponsorship policy and outline the sponsorship process for future years.

DECLARED CARRIED BY THE ADMINISTRATOR

9.9 Highlands Fest - Post Event Review

Report Author: Executive Assistant to Director Corporate Strategy and Resourcing

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council note the report and survey feedback on the event.

The Director Corporate Strategy and Resourcing introduced the item.

The Administrator acknowledged the efforts of those Council staff who voluntarily assisted on the day of the event.

MN 2023/412

MOTION moved by the Administrator

THAT Council note the report and survey feedback on the event.

DECLARED CARRIED BY THE ADMINISTRATOR

9.10 General Manager Acting Arrangements

Report Author: Coordinator Governance

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council adopt a standing resolution that when the General Manager on leave (planned or unplanned) for periods of 5 days or more, one of the Directors will be temporarily appointed to the position. The appointment of the Acting General Manager will be made by the General Manager in consultation with the Mayor or Administrator.

The Manager Governance and Corporate Performance introduced the item.

MN 2023/413

MOTION *moved by the Administrator*

THAT *when the General Manager is absent as distinct to temporarily unavailable, one of the directors be temporarily appointed to the position based on the recommendation of the General Manager to the Mayor/Administrator.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.11 Wingecarribee Animal Shelter and SES Tender Evaluation

Report Author: Project Manager
Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council accepts the Tender from Puch Construction and Building Pty Ltd at a lump sum price of \$6,940,380.62 (inclusive of GST) to undertake the construction of the Wingecarribee Animal Shelter and the Moss Vale Branch SES.
2. Council note the tenders received ranged from \$6,940,380.62 to \$8,774,679.00.
3. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

The Manager Project Delivery introduced the item.

MN 2023/414

MOTION moved by the Administrator

THAT:

1. Council accepts the Tender from Puch Construction and Building Pty Ltd at a lump sum price of \$6,940,380.62 (inclusive of GST) to undertake the construction of the Wingecarribee Animal Shelter and the Moss Vale Branch SES.
2. Council note the tenders received ranged from \$6,940,380.62 to \$8,774,679.00.
3. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

DECLARED CARRIED BY THE ADMINISTRATOR

9.12 Bowral Tennis Club Court & Fence Replacement - Tender Rejection

Report Author: Co-Ordinator – Open Spaces, Buildings and Pools

Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council, in accordance with s178(1)(b) of the Local Government (General) Regulation decline to accept any of the tenders.
2. Council, in accordance with s178(3)(e) of the Local Government (General) Regulation resolves to enter into negotiations with suitable parties with a view to entering into a contract to Resurface Bowral Tennis Club Courts & Fence Replacement.
3. Council, in accordance with s178(4)(a) of the Local Government (General) Regulation note:
 - i. Tenders were called through an Open Tender Process.
 - ii. Council received interest in the tender from a pool of potential tenderers both previously known and unknown to Council.
 - iii. Re-tendering at this time would be unlikely to result in a more beneficial outcome.
4. Council notes that an external probity advisor will be appointed to oversee the negotiations of this contract.
5. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

MN 2023/415

MOTION *moved by the Administrator*

THAT:

1. *Council, in accordance with s178(1)(b) of the Local Government (General) Regulation decline to accept any of the tenders.*
2. *Council, in accordance with s178(3)(e) of the Local Government (General) Regulation resolves to enter into negotiations with suitable parties with a view to entering into a contract to Resurface Bowral Tennis Club Courts & Fence Replacement.*
3. *Council, in accordance with s178(4)(a) of the Local Government (General) Regulation note:*
 - i. Tenders were called through an Open Tender Process.*
 - ii. Council received interest in the tender from a pool of potential tenderers both previously known and unknown to Council.*
 - iii. Re-tendering at this time would be unlikely to result in a more beneficial outcome.*
4. *Council notes that an external probity advisor will be appointed to oversee the negotiations of this contract.*

MINUTES OF THE ORDINARY MEETING OF COUNCIL

5. *Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.13 Part 801, 890, 911 and 931 Range Road, Glenquarry - Acquisition of Land for Road Purposes

Report Author: Property and Project Officer

Authoriser: Manager Property and Business

OFFICER'S RECOMMENDATION

THAT:

1. The General Manager be delegated authority to negotiate with owners of:
 - Lot 100 in Deposited Plan 1134172 being 801 Range Road, Glenquarry;
 - Lot 12 in Deposited Plan 596095 being 890 Range Road, Glenquarry;
 - Lot 211 in Deposited Plan 812823 being 911 Range Road, Glenquarry; and
 - Lot 210 in Deposited Plan 812823 being 931 Range Road, Glenquarryfor the acquisition of part of those lots for the purpose of road AND THAT compensation be negotiated within 10% range of independent valuation.
2. If the acquisition referred to in Item 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* 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. Council affix the Common Seal of Council to any documents required to be sealed for the acquisition of land referred to in Item 1 AND THAT authority be delegated to the Mayor/Administrator and General Manager to execute those documents.
4. Authority be delegated to the Mayor/Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of the land referred to in Item 1 above that do not require the Common Seal of Council.
5. Upon acquisition the land be classified as Operational land.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

The Coordinator Property Services introduced the item.

MN 2023/416

MOTION moved by the Administrator

THAT:

1. *The General Manager be delegated authority to negotiate with owners of:*
 - *Lot 100 in Deposited Plan 1134172 being 801 Range Road, Glenquarry;*
 - *Lot 12 in Deposited Plan 596095 being 890 Range Road, Glenquarry;*
 - *Lot 211 in Deposited Plan 812823 being 911 Range Road, Glenquarry; and*
 - *Lot 210 in Deposited Plan 812823 being 931 Range Road, Glenquarry*

for the acquisition of part of those lots for the purpose of road AND THAT compensation be negotiated within 10% range of independent valuation.
2. *If the acquisition referred to in Item 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 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. *Council affix the Common Seal of Council to any documents required to be sealed for the acquisition of land referred to in Item 1 AND THAT authority be delegated to the Mayor/Administrator and General Manager to execute those documents.*
4. *Authority be delegated to the Mayor/Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of the land referred to in Item 1 above that do not require the Common Seal of Council.*
5. *Upon acquisition the land be classified as Operational land.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.14 70 Drapers Creek Road Colo Vale - Proposed Closure of Road Reserve

Report Author: Property and Project Officer

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT:

1. Pursuant to Part 4 Division 3 of the *Roads Act 1993* Council, as roads authority, formally approve the closure of the portion of Council public road reserve which runs through 70 Drapers Creek Road, Colo Vale **AND THAT** upon closure the newly created lot will be classified as Operational Land pursuant to the *Local Government Act, 1993*.
2. The General Manager and Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure and sale of the road reserve referred to in item 1 above.
3. Authority be delegated to the General Manager to execute on behalf of Council any other documents associated with the road closure and sale referred to in item 1 above which do not require the affixing of the Common Seal of Council.
4. That following the closure and sale of the portion of road reserve, the applicant be required to consolidate the newly created lot (being the former segment of road reserve) with the applicant's property.

The Coordinator Property Services introduced the item.

MN 2023/417

MOTION moved by the Administrator

THAT:

1. Pursuant to Part 4 Division 3 of the *Roads Act 1993* Council, as roads authority, formally approve the closure of the portion of Council public road reserve which runs through 70 Drapers Creek Road, Colo Vale **AND THAT** upon closure the newly created lot will be classified as Operational Land pursuant to the *Local Government Act, 1993*.
2. The General Manager and Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure and sale of the road reserve referred to in item 1 above.
3. Authority be delegated to the General Manager to execute on behalf of Council any other documents associated with the road closure and sale referred to in item 1 above which do not require the affixing of the Common Seal of Council.
4. That following the closure and sale of the portion of road reserve, the applicant be required to consolidate the newly created lot (being the former segment of road reserve) with the applicant's property.

DECLARED CARRIED BY THE ADMINISTRATOR

9.15 Suttor Road, Moss Vale - Classification of Land for Road Purposes

Report Author: Property and Project Officer

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT:

1. Council gives a minimum twenty-eight (28) days public notice of its intention to classify Lots 1 and 2 in Deposited Plan 1292881, Suttor Road, Moss Vale as Operational Land pursuant to the *Local Government Act 1993* **AND THAT** if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.
2. If there are no objections during the period of public exhibition, the land known as Lots 1 and 2 in Deposited Plan 1292881 be classified as Operational Land pursuant to the *Local Government Act, 1993*.

The Coordinator Property Services introduced the item.

MN 2023/418

MOTION moved by the Administrator

THAT:

1. Council gives a minimum twenty-eight (28) days public notice of its intention to classify Lots 1 and 2 in Deposited Plan 1292881, Suttor Road, Moss Vale as Operational Land pursuant to the *Local Government Act 1993* **AND THAT** if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.
2. If there are no objections during the period of public exhibition, the land known as Lots 1 and 2 in Deposited Plan 1292881 be classified as Operational Land pursuant to the *Local Government Act, 1993*.

DECLARED CARRIED BY THE ADMINISTRATOR

9.16 Investments Report as at 31 May 2023

Report Author: Accounting Officer - Banking & Investments
Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council receives and notes this Cash Investment Report as at 31 May 2023.

MN 2023/419

MOTION *moved by the Administrator*

THAT *Council receives and notes this Cash Investment Report as at 31 May 2023.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.17 Country Mayors Association Meeting Minutes - 26 May 2023

Report Author: Executive Assistant to General Manager
Authoriser: General Manager

OFFICER'S RECOMMENDATION

That Council notes the minutes from the Country Mayors Association Meeting held on 26 May 2023.

MN 2023/420

MOTION *moved by the Administrator*

THAT *Council notes the minutes from the Country Mayors Association Meeting held on 26 May 2023.*

DECLARED CARRIED BY THE ADMINISTRATOR

10 MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.31PM