



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 8 March 2017

The meeting commenced at 3.30 pm

File No. 100/2017

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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 8 MARCH 2017 COMMENCING AT 3.30 PM

Present: Clr K J Halstead (Mayor - in the Chair)
Clr G J Andrews
Clr T D Gair
Clr G McLaughlin
Clr G Markwart
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

In Attendance:	General Manager	Ms Ann Prendergast
	Deputy General Manager Operations, Finance and Risk	Mr Barry W Paull
	Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
	Group Manager Corporate and Community	Mr Nick O'Connor
	Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
	Chief Financial Officer	Mr Richard Mooney
	Group Manager Assets and Project Delivery	Mr Michael Herraman
	General Counsel (in part)	Ms Christine Cunningham
	Administration Officer	Ms Liz Johnson

1. OPENING OF THE MEETING

The Mayor Clr K J Halstead opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr L A C 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 prayer by Reverend Richard Mills of the Anglican Church, Mittagong.

4. APOLOGY

PERS

MN 59/17

MOTION moved by Clr T D Gair and seconded by Clr G M Turland

THAT the apology of Clr P W Nelson be noted.

PASSED

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY
22 FEBRUARY 2017

MN 60/17

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 22 February 2017 MN 28/17 to MN 58/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

1. ITEM 22.5 - LEGAL AFFAIRS – CLOSED REPORT

107/22

Clr G M Turland advised that he was not at last week's meeting and asked whether Council has commenced any debt recovery action against Mr O'Shanassy for the outstanding moneys yet? He stated that this is public money that is owed to Council and he does not understand why it is not made public.

The General Manager advised that this was discussed in Closed Council last week, and until somebody clears it to come out into Open Council it will be dealt with in Closed.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

101/3.1, 100/4, 5901/5, PN1682700, PN1705662

Clr T D Gair declared a less than significant non-pecuniary interest in Item 20.4 – Notice of Motion 06/2017- Chelsea Gardens/Coomungie Urban Release Area. He stated that there is a public perception that he may have some form of interest in this Item, and advised that he will be absent from the Chambers for consideration of that item.

8. MAYORAL MINUTES

There were no Mayoral Minutes at this Meeting.

9. PUBLIC FORUM

PN1757680

ITEM 12.1 – COMPULSORY ACQUISITION OF LAND, OFF RAILWAY PARADE, MITTAGONG

Mr Doug Reucassel requested and was granted approval to speak on this matter which is listed on the Agenda.

The Mayor Clr K J Halstead thanked Mr Reucassel for his comments and noted that the matter will be considered later in the meeting.

COMMITTEE OF THE WHOLE

107/10

MN 61/17

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

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

PASSED

10. VISITOR MATTERS

OPERATIONS

There were no Visitor Matters – Operations – at this Meeting.

CORPORATE & STRATEGY

There were no Visitor Items – Corporate & Strategy at this Meeting.

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE & RISK

12.1 Compulsory Acquisition of Land, off Railway Parade Mittagong

Reference: PN1757680
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to obtain Council approval to negotiate the compulsory acquisition of land off Railway Parade Mittagong (Lot 19 Deposited Plan 1108714) for the purpose of road, being fire trail and future shared pathway. The subject property is in the ownership of State Rail Authority, managed by John Holland Rail Group.

The Deputy General Manager Operations, Finance and Risk and General Manager and Deputy General Manager Corporate, Strategy and Development Services addressed Council on this matter.

MN 62/17

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

1. **THAT** the General Manager be delegated authority to negotiate with the owner of Lot 19 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 road.
2. **THAT** if the acquisition referred to in Resolution 1 cannot be negotiated by agreement within six (6) months, Council resolves to:
 - (a) acquire the Land by compulsory acquisition under Sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
 - (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 1993 (NSW) with respect to the Land;
 - (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 1993 (NSW) with respect to the Land.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for 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 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.
5. **THAT** further negotiations be undertaken in relation to the size of the acquisition taking into consideration car parking, larger vehicle manoeuvring areas and other issues as raised by the speaker in Public Forum.

PASSED

12.2 Proposed Easement for Electricity Supply - 40 Charles Street Hill Top

Reference: PN1296400
Report Author: Coordinator Property Services
Authoriser: Chief Financial Officer
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council approval for the granting of an Easement for electrical supply in respect of a Council property. The Council property is situated at 40 Charles Street Hill Top.

MN 63/17

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

1. **THAT** the General Manager be delegated authority to negotiate with New South Wales Telco Authority for the granting of a private service easement for electrical supply (1m wide) over Council property, 40 Charles Street Hill Top being Lot 187 Deposited Plan 704669, within 10% range of the formal valuation.
2. **THAT** the Common Seal of Council be affixed to any documents required to be sealed to grant the easements referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents.
3. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the grant of easements referred to in Resolution 1 above that do not require the Common Seal of Council.

PASSED

12.3 Proposed Lease - KU Childrens Services, Mann Crescent Moss Vale

Reference: PN1610302
Report Author: Property & Project Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council approval to enter into a further Lease with K.U Children's Services for occupation of the premises, known as Moss Vale Long Day Care, Mann Crescent, Moss Vale.

MN 64/17

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

1. **THAT** the General Manager be delegated authority to negotiate a new lease with KU Childrens Services for a maximum term of twenty one (21) years, on similar terms and conditions to the current lease for the property known as Moss Vale Long Day Care, Mann Crescent, Moss Vale.
2. **THAT** the proposed lease between Council and KU Children's Services is to be publicly exhibited for a period of a minimum of twenty eight (28) days **AND THAT** a further Report is to be forwarded to a future Ordinary Meeting of Council to advise the outcome of that public exhibition.

PASSED

12.4 Application for Transfer of Unmade Crown Road to Council - Part Mt Jellore Lane Woodlands

Reference: RD6000 0086
Report Author: Property & Projects Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council approval to make an application to Crown Lands to transfer a segment of unmade Crown Road, known as Mt Jellore Lane Woodlands, to Council.

MN 65/17

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

THAT Council make application to Crown Lands for the transfer of the unmade Crown segment of unmade road known as Mt Jellore Lane Woodlands from the Crown to the Council.

PASSED

12.5 Application for Transfer of Unmade Crown Road to Council - Part Walkers Lane, Avoca

Reference: RD1004
Report Author: Property & Projects Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council approval to make an application to Crown Lands to transfer a segment of unmade Crown Road, known as Part Walkers Lane, Avoca, to Council.

MN 66/17

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

THAT Council make application to Crown Lands for the transfer of the unmade Crown segment of unmade road known as Part Walkers Lane Avoca from the Crown to the Council.

PASSED

12.6 Road Closure - Part of Park Road Bowral

Reference: RD1591
Report Author: Property & Projects Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council's formal endorsement for the road closure of part of Park Road, Bowral. This road closure was approved "in-principle" by Council when considering outstanding property matters relating to land adjacent to the development known as Anthem Care, Bowral.

This report deals exclusively with the issue of road closure of part of Park Road Bowral (being the segment of road that located off Hansen Street, Bowral and adjoining the Anthem Care property at 25 Retford Road Bowral).

MN 67/17

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

THAT Council formally endorses the application for partial road closure of the unformed segment of Park Road, Bowral adjoining the property known as Anthem Care 25 Retford Road Bowral **AND THAT** upon closure, the newly created lot will be classified as Operational Land pursuant to the Local Government Act 1993.

PASSED

12.7 Asbestos Management Plan – Roads (see report later in the Meeting)

Note: This was a late report for this Meeting – refer to pages 40/41.

13. CORPORATE STRATEGY & DEVELOPMENT SERVICES

13.1 Development Applications Determined from 25 November 2016 to 22 January 2017 and from 23 January 2017 to 20 February 2017

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

Link to Delivery Program: Retain and make more distinctive the special qualities that make each town or village unique

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined in the following periods:

1. 25 November 2016 to 22 January 2017.
2. 23 January 2017 to 20 February 2017.

Note: Due to a computer error with the changeover of the calendar year, a number of Determined/Received DAs were inadvertently omitted from the report to Council of 8 February 2017. To reconcile the omissions, this report lists the applications which were previously omitted.

MN 68/17

MOTION moved by Cllr G M Turland and seconded by Cllr G McLaughlin

THAT the information relating to the lists of Development Applications Determined from 25 November 2016 to 22 January 2017 and from 23 January 2017 to 20 February 2017 be received and noted.

PASSED

13.2 Development Applications Received from 25 November 2016 to 22 January 2017 and from 23 January 2017 to 20 February 2017

Reference: 5302

Report Author: Team Leader Business Support (Development)

Authoriser: Group Manager Planning, Development & Regulatory Services

Link to Delivery Program: Retain and make more distinctive the special qualities that make each town or village unique

PURPOSE

The purpose of this report is to update Councillors on Development Applications Received in the following periods:

1. 25 November 2016 to 22 January 2017.
2. 23 January 2017 to 20 February 2017.

Note: Due to a computer error with the changeover of the calendar year, a number of Determined/Received DAs were inadvertently omitted from the report to Council of 8 February 2017. To reconcile the omissions, this report lists the applications which were previously omitted.

MN 69/17

MOTION moved by Cllr L A C Whipper and seconded by Deputy Mayor IS Scandrett

1. **THAT** the information relating to Development Applications Received from 25 November 2016 to 22 January 2017 and from 23 January 2017 to 20 February 2017 be received and noted.
2. **THAT** further information be provided to Councillors in the Weekly Circular in relation to the following Item:
 - (a) Item 3 (List 2) – Bundanoon Hall, 1-3 Railway Avenue, Bundanoon (Lot A DP 330415) – Section 96 Modification (amend site placements of stalls)
3. **THAT** the following Items be referred to Council for determination:
 - (a) Item 105 (List 1) - Vacant Land Ascot Road Bowral NSW 2576 (Lot 30 DP 22999, Lot 16 DP 21563, Lot 17 DP 21563, Lot 18 DP 21563 and 18 more) – Dwelling House
 - (b) Item 107 (List 1) - Vacant Land Ascot Road Bowral NSW 2576 (Lot 30 DP 22999, Lot 16 DP 21563, Lot 17 DP 21563, Lot 18 DP 21563 and 18 more) – Dwelling House
 - (c) Item 108 (List 1) - Vacant Land Ascot Road Bowral NSW 2576 (Lot 30 DP 22999, Lot 16 DP 21563, Lot 17 DP 21563, Lot 18 DP 21563 and 18 more) – Dwelling House
 - (d) Item 11 (List 2) - 1-9 Pikkat Drive, Braemar (Lot 91 DP 1187747) – Section 96 Modification (Extend use of VMS for additional 12 months)
 - (e) Item 20 (List 2) – 136 Sugarloaf Lane, Kangaloon (Lot 41 DP 751277), Road and Building Envelope

PASSED

13.3 Council Submission to the Draft Environmental Planning and Assessment Amendment Bill

Reference: 5609
Report Author: Acting Strategic Planning Team Leader/Coordinator
Authoriser: Group Manager Planning, Development & Regulatory Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to present Council's draft submission in response to the public exhibition of the Draft Environmental Planning and Assessment Bill.

MN 70/17

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

THAT Council endorses the submission in Attachment 1 to the report to the State Government's Draft Environmental Planning & Assessment Amendment Bill 2017.

PASSED

13.4 ANZAC Day 2017

Reference: 1671/1
Report Author: PA for Mayor
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Encourage and implement activities that strengthen community spirit

PURPOSE

Reporting on the Wreath Laying Ceremonies for ANZAC Day 2017.

MN 71/17

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

1. **THAT** subject to Councillor availability, Council be represented at the following services:

	SERVICE	2017 ATTENDANCE
BERRIMA	Dawn Service 5.30 am	Clr I M Scandrett
	Main Service 10.30 am	Clr G McLaughlin
BOWRAL	Dawn Service – March 5.45 am Service 6.00 am	The Mayor Clr K J Halstead and Clr G McLaughlin
	Main Service – March 10.35 am Service 11.00 am	Clr G M Turland
BUNDANOON	March 10.30 am – Service 11.00 am	Clr I M Scandrett
ROBERTSON/ KANGALOO	Wreath Laying 10.15 am	Clr L A C Whipper
BURRAWANG	Wreath Laying and Service - 11.00 am	Clr L A C Whipper
COLO VALE	Service – 8.00am	Clr I M Scandrett
EXETER	Service - 9.00 am	The Mayor Clr K J Halstead and Clr I M Scandrett
HILLTOP	Dawn Service 6.00 am	Mr Mark Pepping, Deputy General Manager Corporate, Strategy & Development Services
MITTAGONG	Dawn Service – March 5.15 am Service 5.30 am	Clr G J Andrews and Clr G M Turland
	Main Service – March 10.30 am Service 10.45 am	Clr G J Andrews
MOSS VALE	March 10.30 am - Service 11.00 am	Clr T D Gair and Clr P Nelson
SUTTON FOREST	March 7.50 am – Service 8.00 am	Clr T D Gair and Clr P Nelson

2. **THAT** the respective Sub-Branched be advised of Council representation as detailed in 1 above.
3. **THAT** Council purchase appropriate books for the Bowral, Bundanoon, Moss Vale and Berrima Memorial Services **AND THAT** wreaths be purchased for the remaining locations.

PASSED

13.5 Rural Fire Service Request for Construction Certificate Fees for Proposed Colo Vale Station

Reference: 2106, 6433
Report Author: Organisational Support Officer
Authoriser: Chief Financial Officer
Link to Delivery Program: Maintain strong public institutions and facilities in the district to match the evolving needs of the community

PURPOSE

The purpose of this report is to seek Council's financial support of the Construction Certificate Fees for the proposed Colo Vale Rural Fire Service Brigade Station.

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

MN 72/17

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

THAT Council provide financial support for the construction certificate fees for the Colo Vale Rural Fire Brigade Station in the sum of \$3,708.50 ***AND THAT*** it be funded from the Contingency Fund.

PASSED

14. GENERAL MANAGER

14.1 Request for Leave of Absence - Cllr Peter Nelson

Reference: Pers, 101/1
Report Author: PA for Mayor
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Reporting on a request from Councillor Peter Nelson for leave of absence

MN 73/17

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

THAT Councillor Peter Nelson be granted leave of absence from all Council commitments on Wednesday, 8 March and 15 March 2017, including the Ordinary Meeting of Council and Briefing Sessions to be held these days.

PASSED

14.2 Question with Notice 02/2017 - Lots 11 and 12 Range Road, Mittagong

Reference: 100/5, PN125700, PN125800
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

To consider a Question with Notice raised by Cllr Garry Turland, dealing with a legal issue related to Lots 11 and 12 Range Road, Mittagong.

Pursuant to Section 10A(2)(g) of the *Local Government Act 1993*, this issue is considered to be most appropriately dealt with in Closed Council.

MN 74/17

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

THAT the Question with Notice 02/2017 – Lots 11 and 12 Range Road, Mittagong – be dealt with in Open Council.

ON BEING PUT TO THE MEETING IN COMMITTEE OF THE WHOLE VOTING ON THE MOTION WAS TIED AT FOUR (4) VOTES ALL AND THEREFORE THE MATTER WAS DEFERRED TO THE FULL COUNCIL MEETING WITH THE MAYOR IN THE CHAIR

15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

16. PETITIONS

16.1 Petition 03/2017 - Drainage and Road Repairs - Colo-Hill Top Road, Hill Top

Reference: 100/8, RD2209, 8130, 7810/3
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to table a petition in relation to Drainage and Road Repairs – Colo-Hill Top Road, Hill Top. The petition has been signed by 26 people.

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

MN 75/17

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

THAT Petition 03/2017 – Drainage and Road Repairs – Colo-Hill Top Road, Hill Top - be received and the content of this report be noted.

PASSED

17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

There were no Committee Reports at this Meeting.

19. QUESTIONS WITH NOTICE

There were no Questions with Notice at this Meeting.

20. NOTICES OF MOTION

20.1 Notice of Motion 03/17 - Bowral Rugby Club - Long-term Tenure of the Clubhouse Facility

Reference: 100/4, 6610/3
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 March 2017:

THAT the General Manager investigate options that provide the Bowral Rugby Club with long term tenure of the clubhouse facility located in Eridge Park, Burradoo.

MN 76/17

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

THAT the General Manager investigate options that provide the Bowral Rugby Club with long term tenure of the clubhouse facility located in Eridge Park, Burradoo.

PASSED

20.2 Notice of Motion 04/17 - Illawarra Academy of Sport Representatives - Subsidy of Membership Fees for the MVWMAC

Reference: 100/4, 6600/5
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 March 2017:

THAT Council subsidise fifty percent (50%) of the membership fee for the Moss Vale War Memorial Aquatic Centre to enhance the training needs of the Wingecarribee Shire 2017 Illawarra Academy of Sport representatives AND THAT the balance is contributed by alternate external sources.

MN 77/17

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

THAT Notice of Motion 04/2017 – Illawarra Academy of Sport Representatives – Subsidy of Membership Fees for the Moss Vale War Memorial Aquatic Centre - be deferred for consideration, pending a report on the matter being brought before Council, as soon as practicable, on general subsidy policy options.

PASSED

20.3 Notice of Motion 05/17 - Legal Affairs Report

Reference: 100/4, 107/22
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 March 2017:

THAT the General Manager provide an additional column on the Legal Affairs report, noting the costings for consultants in relation to individual matters.

MN 78/17

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

THAT the General Manager provide an additional column on the Legal Affairs report, noting the costings for consultants in relation to individual matters.

PASSED

COUNCIL MATTERS

MN 79/17

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

THAT Council move from *Committee of the Whole* back into Council, the time being *4.34 pm* with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

PASSED

14. GENERAL MANAGER (CONT)

14.2 Question with Notice 02/2017 - Lots 11 and 12 Range Road, Mittagong

Reference: 100/5, PN125700, PN125800
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

To consider a Question with Notice raised by Clr Garry Turland, dealing with a legal issue related to Lots 11 and 12 Range Road, Mittagong.

Pursuant to Section 10A(2)(g) of the *Local Government Act 1993*, this issue is considered to be most appropriately dealt with in Closed Council.

This matter was resubmitted for further consideration by Council.

MN 80/17

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

THAT in relation to the Question with Notice submitted by Clr Garry Turland - 02/2017 – Lots 11 and 12 Range Road, Mittagong – the matter be heard in Open Council.

ON BEING PUT TO THE MEETING IN OPEN COUNCIL VOTING ON THE MOTION WAS TIED AT FOUR (4) VOTES ALL AND THE MAYOR USED HIS CASTING VOTE IN FAVOUR OF THE MOTION

22.1 Question with Notice 02/2017 - Lots 11 and 12 Range Road, Mittagong

Reference: 100/5, PN1257900, PN1257800
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: General Manager
From: Cllr Garry Turland
Received: 1 March 2017

Subject: Lots 11 and 12 Range Road, Mittagong

The General Manager addressed Council on this matter. She read the Questions and Responses that were provided in the Closed Council report.

Question 1:

Has Council contributed or is expecting to contribute any funds to the restoration or remediation works on either Lot 11 and Lot 12 Range Road Mittagong?

Response:

Apart from the cost of obtaining expert geotechnical and legal advice, the answer is no.

Question 2:

Are the previous owners of Lot 11 (Mr O'Shanassy) and Lot 12 (Ms Uliana) contributing to cost associated with restoration or remediation works required for the illegal works that have been undertaken?

Response:

No.

MN 81/17

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

THAT the information in relation to Question with Notice 02/2017 – Lots 11 and 12 Range Road, Mittagong - be noted.

PASSED

20. NOTICES OF MOTION (CONT)

20.4 Notice of Motion 06/2017 - Chelsea Gardens/Coomungie Urban Release Area

Reference: 100/4, 5901/5, PN1682700, PN1705662
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 March 2017:

1. THAT staff request a meeting, as soon as possible, with the NSW Minister for Planning, the Hon Anthony Roberts, MP, and the Departmental Secretary to discuss the removal of Chelsea Gardens/Coomungie from the:
 - (a) Future urban release area.
 - (b) Future residential estates sites list.
2. THAT the Mayor, Deputy Mayor, the Chair of the Demographics and Housing Advisory Committee and staff attend such meeting.
3. THAT a briefing paper for the meeting be prepared on the history of the proposal AND THAT such paper also be circulated to the Hon Pru Goward, MP, the Member for Goulburn and for courtesy to Mr Jai Rowell, MP, Member for Wollondilly.

Interest: Cllr T D Gair declared a less than significant non-pecuniary interest in this matter as, he stated, there is a public perception that he may have some form of interest in this matter. He left the chamber, the time being 4.40 pm, took no part in the debate and refrained from voting on the matter.

MN 82/17

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

1. **THAT** staff request a meeting, as soon as possible, with the NSW Minister for Planning, the Hon Anthony Roberts, MP, and the Departmental Secretary to discuss the removal of Chelsea Gardens/Coomungie from the:
 - (a) Future urban release area.
 - (b) Future residential estates sites list.
2. **THAT** the Mayor, Deputy Mayor, the Chair of the Demographics and Housing Advisory Committee and staff attend such meeting.
3. **THAT** a briefing paper for the meeting be prepared on the history of the proposal **AND THAT** such paper also be circulated to the Hon Pru Goward, MP, the Member for Goulburn and for courtesy to Mr Jai Rowell, MP, Member for Wollondilly.

AMENDMENT moved by Clr G M Turland and seconded by Clr G McLaughlin

THAT Notice of Motion 06/2017 – Chelsea Gardens/Coomungie Urban Release Area - be noted.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST.

THE MOTION WAS PUT TO THE VOTE AND PASSED.

Clr T D Gair returned to the meeting, the time being 5.03 pm.

SUSPENSION OF STANDING ORDERS

7810/24

The Mayor Clr K J Halstead advised that representations had been made to him from concerned residents/ratepayers in regard to the presence of asbestos under road pavements in the Shire and requested that at this juncture of the Meeting a late report in relation to the matter be considered, as a matter of urgency.

MN 83/17

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT Standing Orders be suspended in order to consider a late report – Item 12.7 Asbestos Management Plan - Roads AND THAT the matter be dealt with as a matter of urgency.

PASSED

12.7 Asbestos Management Plan – Roads

Reference: 7810/24
Report Author: Asset Coordinator - Roads & Water
Authoriser: Manager Assets
Link to Delivery Program: Provide safe and efficient road, cycle and where appropriate, walking paths between and within town and villages, and conveniently located parking areas for cars and bicycles. Ideally, all road reserves to include provision for safe walking and cycling

PURPOSE

The purpose of this report is to provide Council with an update on the adopted Asbestos Management Plan to address roads within the Shire that were sheeted with a recycled concrete material that was found to contain fragments of Chrysotile Asbestos.

The General Manager read the late report on this matter.

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

MN 84/17

MOTION moved by Deputy Mayor I M Scandrett and seconded by C/r L A C Whipper

1. THAT Council seal McEvelly Road to current width at an estimated cost of \$275,000 and engage a Hygienist to review the Asbestos Management Plan.
2. THAT Council undertakes bi-annual inspections of roads as per the Environmental Protection Authority (EPA) approved Asbestos Management Plan and present a bi-annual report to Council and the Audit, Risk & Improvement Advisory Committee.
3. THAT the EPA be invited to review the Asbestos Management Plan following the report from the Hygienist.

AMENDMENT moved by Cllr T D Gair and seconded by Cllr G M Turland

1. **THAT** Council approves the immediate engagement of a Hygienist to review and update the Asbestos Management Plan in conjunction with Council's Asset Engineers.
2. **THAT** subject to the report by the Hygienist and any further recommendations that Council act upon them expeditiously.
3. **THAT** Council undertakes bi-annual inspections of roads as per the Environmental Protection Authority (EPA) approved Asbestos Management Plan and present a bi-annual report to Council.
4. **THAT** the EPA be invited to review the Asbestos Management Plan following receipt of the report from the Hygienist.

THE AMENDMENT WAS PUT TO THE VOTE AND PASSED

THE AMENDMENT BECAME THE MOTION

THE MOTION WAS PUT TO THE VOTE AND PASSED



QUESTIONS FROM THE PUBLIC

100/10

There were no Questions from the Public for this Meeting.

21. GENERAL BUSINESS

1. MOTOR CYCLE PARKING IN MOSS VALE AND MITTAGONG 7460/25, 7460/26

Clr G McLaughlin referred to a question that he had asked previously about motor cycle parking in Mittagong and Moss Vale, with a view to creating some. He advised that motor cycle parking in Bowral is well used and appreciated by the riding community, and asked for a follow up on this question.

The General Manager asked Clr McLaughlin to resubmit the question.

2. BOWRAL RETURNED SERVICES 7150/2, 1865/21, 6527/13, 7810/5

Clr G M Turland referred to a letter that was received from the Bowral Returned Services, and asked whether the work will be done before ANZAC Day?

The General Manager advised that she has requested a response from relevant Council staff.

3. ALEXANDRA SQUARE 6545/1

Clr G M Turland asked when will Alexandra Square be completed and has it been completed under budget?

The General Manager advised this question will be taken on notice.

4. REPAIRS TO OXLEY DRIVE, MITTAGONG 7810/3, RD1589 0040

Clr G M Turland referred to an area that has washed out on Oxley Drive on the Mittagong side, noting that people are experiencing tyre problems. He asked about repair of this road.

The General Manager advised that this question will be taken on notice.

5. GARBAGE COLLECTION 7502/1

The Mayor Clr K J Halstead advised that recently the garbage truck missed his street, and that as nothing was done for a couple of days, he contacted Council's answering service and the complaint was registered. The Mayor noted that the rubbish was collected on the following Monday, several days after it was due for collection. He advised that in years past there was a staff member who went around in a utility and would make these missed collections, and asked if perhaps this could be reinstated.

The General Manager advised that the matter will be investigated to see if there is a solution.

6. SOUTHERN REGIONAL LIVESTOCK EXCHANGE

7170, 7170/1

The Mayor Clr K J Halstead referred to the operations of the Southern Regional Livestock Exchange (SRLX) and asked:

1. Could the Deputy General Manager Operations, Finance & Risk give a brief verbal report to Council with regard to the loss of power supply to the SRLX on Wednesday, 1 March 2017 for a considerable period of time, resulting in time loss and financial costs. In this report could the Deputy General Manager Operations, Finance and Risk outline the present position regarding the installation of a generator for the purposes of a power back-up.
2. Could the Deputy General Manager Operations, Finance and Risk prepare a comprehensive report on the operations of the Moss Vale Regional Saleyards since September 2016. It is understood that there have been 4 failures over the past 4 weeks. This report must embrace all issues including power supply back-up generator and associated compressors, etc. As part of this report it is expected that administrative procedures and processes be addressed. Likewise, could the report address management processes that are in place or will be introduced.

Clr L A C Whipper left the Chambers, the time being 5.57 pm and returned to the meeting, at 5.59 pm.

In response to the Mayor's questions, the Deputy General Manager Operations, Finance and Risk addressed Council on this matter. He advised that there was a power failure at the SRLX last Wednesday which caused disruption to the sale for about an hour. He advised that the issue relates to the 3-phase power at the SRLX, and that a similar issue had occurred in September last year where power was lost. He advised that the issue revolves around the 3-phase power connection on the pole out the front of the SRLX. He advised that one of the circuit breakers failed last year and it dropped down to 2 phases of power, which obviously impacted the operations at the SRLX as it cannot run on just the 2 phases.

The Deputy General Manager Operations, Finance & Risk advised that an instruction was given to staff after the event in September last year that a back-up generator was needed to deal with the issue if it happened again. He advised that discussions were held with Council's electrical contractor to get advice about the scale and type of generator that was required and an estimate of the cost, and that this happened in early to mid-October last year. He advised that the estimate of the cost for the installation indicated that Council needed to go through a request for quotation because of the actual dollars involved. He advised that a specification was issued and that 3 quotations were sought during late October/early November. He advised that a supplier was subsequently selected and an order was placed towards the middle of November.

The Deputy General Manager Operations, Finance & Risk advised that the generator arrived in Australia from China in the middle of January 2017, was delivered into the Highlands towards the end of January and was on-site at the SRLX at the end of January. He advised that arrangements were then required to be made for the installation of the generator. He advised that this required the installation of a concrete slab which was poured on 24 and 25 February, and that the electrical contractor was due to be on site on 26 February to do the installation. He advised that unfortunately this did not occur and since then there was another failure with the 3-phase power last Wednesday morning. He advised that because the generator was not in place, it was necessary to make urgent

arrangements to get the electrical contractor on site to reinstate the power and the sale recommenced after about an hour's delay.

The Deputy General Manager Operations, Finance & Risk advised that he was very concerned that the generator was not installed and gave instructions that it was to be installed by Friday afternoon. He advised that the generator was installed on Thursday and Friday last week and the equipment was tested on Monday this week, and staff are being inducted and trained in its use. He advised that unfortunately there was a couple of weeks delay from receipt of the generator until its final installation, which to him is not satisfactory.

The Mayor Clr K J Halstead advised that Councillors had received a briefing on this matter earlier in the afternoon but thought the public should be made aware of what had occurred.

The Mayor Clr K J Halstead advised that he will be forwarding a letter to the electrical supplier regarding the issue and requesting a response.

7. INSTALLATION OF MOSS VALE CANNON

6546/15, 7150/2

Clr I M Scandrett asked:

1. If staff can confirm, as soon as possible, the actual installation date and details of the restored Moss Vale Cannon into Leighton Gardens, which is to be completed by ANZAC Day 2017.
2. Can the slab be of a suitable size to accommodate future roof structure and history signage and reflection seating or adjoining paving be designed to accommodate this?

[It is noted that Clr Scandrett's questions were handed up at the Meeting but were not read out].

21. CLOSED COUNCIL

107/9

THERE WAS NO CLOSED SESSION AT THIS MEETING

It was noted that the following Item was considered earlier in the Meeting and therefore it was not necessary for Council to move into Closed Council:

Item 22.1 – Question with Notice 02/2017 – Lots 11 and 12 Range Road, Mittagong (*refer MN 80/17 on page 36*).

22. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 85/17

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT the recommendations of the Committee of the Whole held on Wednesday, 8 March 2017 being MN 62/17 to MN 79/17 be adopted.

PASSED

23. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.12 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 8 March 2017 numbered M/N 59/17 to M/N 85/17 were signed by me hereunder at the Council Meeting held on Wednesday, 22 March 2017.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 22 MARCH 2017

CHAIRMAN

PUBLIC OFFICER