



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 14 February 2018

The meeting commenced at 3.30 pm

File No. 100/2018

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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 14 FEBRUARY 2018 COMMENCING AT 3.30 PM

Present: Clr K J Halstead (Mayor)
Clr G J Andrews
Clr T D Gair
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

In Attendance:	General Manager	Ms Ann Prendergast
	Deputy General Manager Operations, Finance and Risk	Mr Barry W Paull
	Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
	Group Manager Corporate and Community	Mr Nick O'Connor
	Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
	Chief Financial Officer	Mr Richard Mooney
	Manager Projects and Contracts (in part)	Mr Robert Lewis
	Traffic and Transport Planning Engineer (in part)	Mr Frank Iacono
	Coordinator Community Engagement (in part)	Ms Charmaine Cooper
	Coordinator Media and Communications	Mr David Sommers
	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 Pastor Paul Crossman of Highlands Christian Church, Mittagong.

4. APOLOGY

There were no apologies at this Meeting.

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY
13 DECEMBER 2017

MN 1/18

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 13 December 2017 MN 561/17 to MN 597/17 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 8.1 – 2018 [sic 2017] LOCAL GOVERNMENT NSW (LGNSW) CONFERENCE
204/2017, 102/5

Cllr G M Turland referred to this item on page 5 of the Minutes, and noted that Shoalhaven Council has the same issue as Wingecarribee which is the waste levies boundaries. He advised that Shoalhaven are paying what Wingecarribee is in a metropolitan area of \$132.90/tonne while Wollondilly Shire Council pays the rural fee (although closer to the metropolitan area) of \$79.00/tonne. He noted that it was interesting that this matter was brought up at the Local Government Conference.

2. ITEM 20.1 – NOTICE OF MOTION 32/2017 – ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE 100/4, 107/24

Clr G M Turland referred to this item on page 53 of the Minutes, and noted that recommendation No 1, which was approved on 13 December 2017, was that Clr I M Scandrett should stand down as the Chair of the Economic Development and Tourism Advisory Committee (Committee) and asked if Clr Scandrett will stand down and allow Council to select a new Chair for the Committee. He asked what Council would do about this.

The Mayor Clr K J Halstead advised that it is up to Councillors which way they proceed.

Clr Turland asked if he should put something up to be voted on at this Meeting, or should it be put up to the Meeting of 28 February 2018, noting that there would be one Councillor absent from that Meeting.

The Mayor advised that it is up to the Council whether the matter is dealt with tonight or the next available Meeting.

Clr Turland advised that he would recommend the second part of the motion and chose Clr G Markwart as Chair of the Committee.

Clr I M Scandrett advised that in February last year Council voted in all the Committee Chairs for a period of two years, and that in February next year those Committee Chairmanships will be reviewed. He advised that it is his belief that the confidence of the Council was given at that time for a period of two years and unless there is some Code of Conduct or other material issue involved in this, that his role and that of the alternate deputy Clr Markwart and the Councillor Representative Clr Whipper, should continue for the duration of that term. He advised that if it is his understanding of procedure, Council would need to rescind the appointment and any other appointments that were on the table at the time.

Clr P W Nelson and Clr T D Gair suggested it would be appropriate to hear from Council staff at this point to see whether the matter will progress.

The Group Manager Corporate and Community addressed Council on this matter. He advised that the resolution is unclear as to its intent, and that it depends on the reading of the resolution. He advised that if it is ruled by the Chair that it is a request to Clr Scandrett to stand down then it is his interpretation that it would be new business and therefore it would be necessary to have a Notice of Motion for the next meeting. He advised that if it was the Chair's ruling that it is very clear that the intent of the resolution was to remove Clr Scandrett as the Chair [of the Committee] then the matter could potentially be dealt with as Business Arising.

The General Manager advised that at this point Council was adopting the Minutes of the Meeting and that the matter would need to be business on the Agenda by way of a Notice of Motion. The General Manager advised that she is giving the advice in terms of process, but there is no business on the Council Agenda for this Meeting that refers to or addresses how the selection of a new Chair for the Committee would proceed.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

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The Mayor Clr K J Halstead advised that a Notice of Motion would be the correct way of proceeding.

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3. ITEM 10.2 – DA 17/0794 – TOURIST AND VISITOR ACCOMMODATION AND FUNCTION FACILITY AT LOT 1 DP 10658, 42 OLDBURY ROAD, SUTTON FOREST
17/0794

Clr G M Turland referred to the development application for Southern Highlands Wines on page 11, and foreshadowed that he would move a motion at the next Council Meeting, which would include a request for the Owner to re-lodge the application and for the holding of one public presentation by the Owner or the Owner's Applicant to give a full presentation of his vision of the project.

The Mayor Clr K J Halstead advised that it was good of Clr Turland to give Council notice of this matter.

Clr P W Nelson advised that he would support Clr Turland on this issue.

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, 6330/17.27

Clr G M Turland declared a less than significant non-pecuniary interest in Items 13.5 and 22.5 - Tender for Legal Services Panel - as he has over the past years employed some of the tenderers for the Legal Services Panel. He stated that he would be absent from the Chambers for consideration of those items.

101/3, 17/0454

Clr G M Turland declared a less than significant non-pecuniary interest in Item 13.3 - DA17/0454 - Section 82A Review of the Refusal of Development Application for the Erection of a Detached Dual Occupancy, 45 School Lane, Exeter - as he has been involved with the consultants used by the Owner over the past few years. He stated that he would be absent from the Chambers for consideration of that item.

101/3.1, 7457

Clr G M Turland declared a less than significant non-pecuniary interest in Item 12.1 – Station Street Upgrade – Project Update – as he owns and is a Director of a company that owns property in Station Street. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3, 6330/17.27

Clr P W Nelson declared a pecuniary interest in Items 13.5 and 22.5 – Tender for Legal Services Panel - as his niece is a lawyer with one of the legal firms that have tendered for the Legal Services Panel. He stated that he would be absent from the Chambers for consideration of those items.

101/3, 6350/17.2

Clr P W Nelson declared a pecuniary interest in Items 13.6 and 22.6 – Expressions of Interest for Code of Conduct Reviewer Panel - as his niece is a lawyer with one of the legal firms that have tendered for the Code of Conduct Reviewer Panel. He stated that he would be absent from the Chambers for consideration of those items.

101/3.1, 7457

Clr I M Scandrett advised that it is quite clear from the Bowral Distributor Road document that there were economic benefits of an improved transport strategy throughout the town, and he stated that he is uncomfortable with Clr Turland owning two properties in that space.

101/3, 17/0454

Mr Nick Wilton, Group Manager Planning, Development and Regulatory Services declared a less than significant non-pecuniary interest in Item 13.3 - DA/17/0454 - Section 82A Review of the Refusal of Development Application for the Erection of a Detached Dual Occupancy, 45 School Lane, Exeter - as one of the Owners was a former staff member within the Planning, Development and Regulatory Services group. He stated that he would be absent from the Chambers for consideration of that item.

101/3, 17/0454

Mr Mark Pepping, Deputy General Manager Corporate, Strategy and Development Services declared a significant non-pecuniary interest in Item 13.3 - DA/17/0454 - Section 82A Review of the Refusal of Development Application for the Erection of a Detached Dual Occupancy, 45 School Lane, Exeter - as one of the Owners was engaged by him to do work on his residence. He stated that he would be absent from the Chambers for consideration of that item.

8. MAYORAL MINUTES

8.1 Condolences - Mr Anthony (Tony) Fountain

Reference:	102/5
Report Author:	Mayor
Authoriser:	
Link to Community	
Strategic Plan:	Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

The purpose of this Mayoral Minute is to formally acknowledge the passing of Mr Tony Fountain and extend Council's prayers and condolences to his family and friends.

MN 2/18

MOTION moved by Mayor K J Halstead and seconded by Deputy Mayor I M Scandrett

THAT Council formally offers its prayers and condolences to the family and friends of Mr Tony Fountain

PASSED

9. PUBLIC FORUM

1. ITEM 12.1 – STATION STREET UPGRADE – PROJECT UPDATE

7457

Mr Alan Olsen, representing Highlands Matters, requested and was granted approval to speak on this matter which was listed on the Agenda.

17/0454

2. ITEM 13.3 – DA17/0454 – SECTION 82A REVIEW OF THE REFUSAL OF DEVELOPMENT APPLICATION FOR THE ERECTION OF A DETACHED DUAL OCCUPANCY, 45 SCHOOL LANE, EXETER

Mr Scott Lee, representing the owners, requested and was granted approval to speak on this matter which was listed on the Agenda.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he has been involved with the consultants used by the Owners over the past few years. He left the chamber during Mr Lee's address to Council, the time being 3.57 pm.

Interest: Mr Nick Wilton, Group Manager Planning, Development and Regulatory Services declared a less than significant non-pecuniary interest in this matter as one of the Owners is a former staff member within the Planning, Development and Regulatory Services group. He left the chamber during Mr Lee's address to Council.

Interest: Mr Mark Pepping, Deputy General Manager Corporate, Strategy and Development Services declared a significant non-pecuniary interest in this matter as one of the Owners was engaged by him to do work on his residence. He left the chamber during Mr Lee's address to Council.

The Mayor Clr K J Halstead thanked Mr Olsen and Mr Lee for their comments and noted that these matters would be considered later in the Meeting.

Clr G M Turland returned to the meeting, the time being 4.00 pm.

The Deputy General Manager Corporate, Strategy and Development Services and Group Manager Planning, Development and Regulatory Services returned to the meeting at this juncture.

COMMITTEE OF THE WHOLE

107/10

MN 3/18

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr T D Gair

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 Cllr G Markwart to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

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



CORPORATE AND STRATEGY

There were no Visitor Matters – Corporate and Strategy – at this Meeting.

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Station Street Upgrade - Project Update

Reference:	7457
Report Author:	Manager Projects and Contracts
Authoriser:	Group Manager Assets and Project Delivery
Link to Community	
Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

To report on suggested design changes for the proposed Station Street Upgrade following Council's community engagement process and review of various design elements and to determine to future direction of the project.

The Manager Projects and Contracts and General Manager addressed Council on this matter.

MN 4/18

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

1. **THAT** Council endorses the proposed modifications for the Station Street Upgrade concept design from the exhibited design.
2. **THAT** Council proceeds with construction of the proposed works in Kirkham Road as soon as possible.
3. **THAT** Council proceeds with a tender to acquire mature trees to suit the proposed future design of the Station Street Upgrade.
4. **THAT** following the finalisation of the detailed designs, based on the amended concept designs as per recommendation 1, Council proceeds to tender for construction of the Station Street Upgrade.
5. **THAT** a report be provided to the Finance Committee confirming the updated funding strategy for the Station Street project.
6. **THAT** Council make representations to its local Members of Parliament, State and Federal, seeking additional financial assistance to develop Stage 2 of the Station Street Upgrade project.

PASSED

AMENDMENT moved by Deputy Mayor I M Scandrett and seconded by

THAT a report be provided to the Finance Committee confirming the updated funding strategy for the Station Street project.

THE AMENDMENT LAPSED THROUGH THE WANT OF A SECONDER

There was a short break at this juncture of the Meeting while members of the public departed the gallery.

12.2 Investment Report - December 2017

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 31 December 2017.

Deputy Mayor I M Scandrett left the chambers, the time being 5.14 pm.

MN 5/18

MOTION moved by Clr P W Nelson and seconded by Clr G M Turland

THAT the information on Council's Investments as at 31 December 2017 be received and noted.

PASSED

12.3 Tender for Plant and Equipment Hire

Reference:	6330/17.12
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 evaluation of the Request for Tender for Plant & Equipment Hire.

The General Manager read the recommendation as contained within the Closed Council report.

MN 6/18

MOTION moved by Cllr T D Gair and seconded by Cllr L A C Whipper

THAT in relation to the report concerning Tender for Plant and Equipment Hire - Council adopts the recommendations contained within the Closed Council report – Item 22.1, as follows:

THAT Council accept tender 6330/17.12 Plant & Equipment Hire and all the below associated categories and listed tenderers to form a panel arrangement for the period of one (1) year with the option to extend for another one (1) year.

Category: Wet Hire (33 Contractors)

Contractor Name
A and K Earthmoving Pty Ltd
Ab-Wil Excavations
Aqua Assets Pty Ltd
Coopers Earthmoving & Haulage Pty Ltd
Daryl Turner's Transport
Divalls Earthmoving & Bulk Haulage
Dyson Earthmoving Pty Ltd
Earth Plant Hire Pty Limited
First Choice Earthworks Pty Ltd
GR & J White Earthmoving
J A Wellington Bulk Haulage
John Roman Earthmoving Pty Ltd
Leroy Excavations Pty Limited
Mark Kracht
Mulreadys
Page Earthmoving Pty Ltd
Parrish & Son Pty Ltd
Patriot Group
PMK Services Pty Ltd
Richards Haulage
Roadworx Surfacing Pty Ltd
Rollers Australia Pty Ltd
Sharpe Bros. Aust
Smiths Land Maintenance
Specialised Pavement Services Pty Ltd
Stabilcorp Pty Ltd
Universal Mobile Tower Hire
Stefanutti Construction
Total Drain Cleaning Services Pty Ltd
Total Vegetation Management Pty Ltd
Turners Backhoe Hire
Welby Bulk Haulage Pty Ltd
Worners Haulage

Category: Dry Hire (16 Contractors)

Contractor Name
<i>Action Hire</i>
<i>Allcott Hire Pty Ltd</i>
<i>Brooks Hire Service Pty Ltd</i>
<i>Camden Hire</i>
<i>Conplant Pty Ltd</i>
<i>Earth Plant Hire Pty Limited</i>
<i>Kennards Hire</i>
<i>M.V. Hire Pty Ltd</i>
<i>Porter Excavations PTY LTD</i>
<i>PremiAir Hire</i>
<i>Rollers Australia Pty Ltd</i>
<i>Sharpe Bros. Aust</i>
<i>Sherrin Rentals Pty Ltd</i>
<i>Stabilcorp Pty Ltd</i>
<i>Universal Mobile Tower Hire</i>
<i>Welby Bulk Haulage Pty Ltd</i>

Category: Haulage for Material Cartage (3 Contractors)

Contractor Name
<i>Coopers Earthmoving & Haulage Pty Ltd</i>
<i>J A Wellington Bulk Haulage</i>
<i>Mulreadys</i>

Category: Haulage for Plant Floatage (8 Contractors)

Contractor Name
<i>Action Hire</i>
<i>Coopers Earthmoving & Haulage Pty Ltd</i>
<i>Divalls Earthmoving & Bulk Haulage</i>
<i>Dyson Earthmoving Pty Ltd</i>
<i>Sherrin Rentals Pty Ltd</i>
<i>Stefanutti Construction</i>
<i>Total Vegetation Management Pty Ltd</i>
<i>Welby Bulk Haulage Pty Ltd</i>

Category: Minor Works (7 Contractors)

Contractor Name
<i>Coopers Earthmoving & Haulage Pty Ltd</i>
<i>Divalls Earthmoving & Bulk Haulage</i>
<i>First Choice Earthworks Pty Ltd</i>
<i>Leroy Excavations Pty Limited</i>
<i>Mark Kracht</i>
<i>Richards Haulage</i>
<i>Stefanutti Construction</i>

PASSED

12.4 Tender for Construction of Inter-allotment Drainage, Caalong Street, Robertson

Reference:	RFT6330/17.21
Report Author:	Project Manager
Authoriser:	Manager Projects and Contracts
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 Construction of Inter-allotment Drainage, Caalong Street, Robertson.

Deputy Mayor I M Scandrett returned to the meeting, the time being 5.18 pm.

The General Manager read the recommendation as contained within the Closed Council report.

MN 7/18

MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper

THAT in relation to the report concerning Construction of Inter-allotment Drainage, Caalong Street, Robertson - Council adopts the recommendations contained within the Closed Council report – Item 22.2, as follows:

1. **THAT** Council accept the tender from Shore Contracting at a Lump Sum of \$377,851.09 to undertake the Construction of Inter-allotment Drainage, Caalong Street, Robertson.
2. **THAT** Council approve the additional funding of \$135,851 from the Stormwater Management Charge Reserve in the 2017/18 Budget.

PASSED

12.5 Tender for Water Meters and Manhole Replacement Works

Reference:	6330/17.25
Report Author:	Project Engineer
Authoriser:	Manager Projects and Contracts
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

PURPOSE

The purpose of this report is to provide Council with information and the subsequent recommendation regarding the tenders received for Water Meters and Manhole Replacement Works for 2017/18 following the withdrawal of two of the tenderers for aspects of the work following Council's acceptance.

The General Manager read the recommendation as contained within the Closed Council report.

MN 8/18

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

THAT in relation to the report concerning the Tender for Water Meters and Manhole Replacement Works - Council adopts the recommendations contained within the Closed Council report – Item 22.3, as follows:

1. **THAT** Council accepts the Schedule of rates and Lump Sum tender in the sum of \$236,907, plus GST, submitted by Carve Earthworks and Construction Pty Ltd for Water Meters Replacement (previously identified at Schedule 2 of the Water Main Renewal and Water Meter Replacement Tender).
2. **THAT** Council accepts the Schedule of rates and Lump Sum tender in the sum of \$85,547, plus GST, submitted by Carve Earthworks and Construction Pty Ltd for Manhole Replacement (previously identified at Schedule 2 of the Sewer Mains and Manhole Replacement Tender).

PASSED

12.6 Tender - Bridges Condition Assessment

Reference:	6330/17.5
Report Author:	Asset Engineer (Roads)
Authoriser:	Asset Coordinator - Roads & Water
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Bridge Condition Assessment.

The General Manager read the recommendation as contained within the Closed Council report.

MN 9/18

MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper

THAT in relation to the report concerning the Tender – Bridges Condition Assessment - Council adopts the recommendations contained within the Closed Council report – Item 22.4, as follows:

THAT Council accept the tender from Opus International Consultants at a Lump Sum of \$238,590.90 to undertake the specific works.

PASSED

12.7 The Bundanoon Club Limited Request for Financial Assistance

Reference:	6606/2, 2155/1
Report Author:	Organisational Support Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Promote business and industry development opportunities suited to our distinct region

PURPOSE

The purpose of this report is to seek Council's position in relation to a request for funding for maintenance materials for the upkeep of the Bundanoon Club Limited's building as it resumes trading following a declaration of solvency.

MN 10/18

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

THAT Council invite representatives of The Bundanoon Club Limited to attend a briefing session with Councillors to discuss the request for funding.

PASSED

12.8 Dedicated Car Parking for Staff - Privately Owned Public Car Park at Coles Supermarket, Bowral

Reference: PN1760140
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 for Council to consider a request by Coles Group Property Developments Pty Ltd to dedicate car parking for staff within the car park at the Coles supermarket premises in Bowral.

MN 11/18

MOTION moved by Cllr T D Gair and seconded by Mayor K J Halstead

THAT Council consents to the dedication of five (5) car parking spaces for staff within the Coles' car park and requires, as consent authority, that those car parking spaces are line marked and identified for Coles' staff use only.

PASSED

12.9 Insurance Matter (Legal)

Reference:	502/146
Report Author:	Manager Organisational Development
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Develop leadership skills and build networks through a range of formal and informal opportunities

PURPOSE

Reporting on an Insurance Matter (Legal) involving Council and a Councillor.

MN 12/18

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

THAT the Insurance Matter (Legal) be considered in Closed Council 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. (Refer Item 22.7).

PASSED

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

There was no objection from members of the public.

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 29 November 2017 to 28 January 2018

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

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

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 23 October 2017 to 28 November 2017.

MN 13/18

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

THAT the information relating to the lists of Development Applications Determined for the period 29 November 2017 to 28 January 2018 be received and noted.

PASSED

13.2 Development Applications Received from 29 November 2017 to 28 January 2018

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 29 November 2017 to 28 January 2018.

MN 14/18

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

1. **THAT** the information relating to Development Applications Received from 29 November 2017 to 28 January 2018 be received and noted.
2. **THAT** the following item be referred to Council for determination:
 - (a) Item 83 – Child Care Centre, 71-73 Colo Road, Colo Vale (Application 17/1794 Lot 1 DP 79251)

PASSED

COUNCIL MATTERS

MN 15/18

MOTION moved by *Clr T D Gair* and seconded by *Clr L A C Whipper*

THAT Council move from Committee of the Whole back into Council, the time being 5.31 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

PASSED



QUESTIONS FROM THE PUBLIC

100/10

There were no Questions from the Public at this Meeting.

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES (CONT)

13.3 DA/17/0454 - Section 82A Review of the Refusal of Development Application for the Erection of a Detached Dual Occupancy, 45 School Lane, Exeter

Reference:	17/0454
Report Author:	Consultant Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	T Carney and L Dibley-Westwood
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

This is a report on a Section 82A review of the refusal of development application DA17/0454. The DA seeks consent for the erection of a detached dual occupancy at 45 School Lane, Exeter. The application has been requested to be determined at a Council meeting and as such this report has been prepared. The report recommends that Council reaffirms its decision of **REFUSAL**.

The General Manager left the Chambers at this juncture, the time being 5.32 pm.

Interest: Cllr G M Turland declared a less than significant non-pecuniary interest in this matter he has been involved with the consultants used by the Owners over the past few years. He left the chamber, the time being 5.33 pm, took no part in the debate and refrained from voting on the matter.

Interest: Mr Nick Wilton, Group Manager Planning, Development and Regulatory Services declared a less than significant non-pecuniary interest in this matter as one of the Owners is a former staff member within the Planning, Development and Regulatory Services group. He left the chamber and took no part in deliberations on this matter.

Interest: Mr Mark Pepping, Deputy General Manager Corporate, Strategy and Development Services declared a significant non-pecuniary interest in this matter as one of the Owners was engaged by him to do work on his residence. He left the chamber and took no part in deliberations on this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 16/18

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

1. **THAT** development application 17/0454 for a proposed detached dual occupancy at Lot 4 DP 621821, No 45 School Lane, Exeter be **APPROVED** subject to standard conditions of consent and including the following specific conditions:
 - (a) Orientation of building altered to enable the narrow façade to front School Lane, Exeter.
 - (b) Eave height of the dwelling be reduced to ensure the dormer windows are within the roof space and the appearance of the dwelling is single storey.
 - (c) Materials and treatments be amended to reflect the heritage advisors comments.
 - (d) Gable roof to be provided to narrow façade fronting School Lane with a maximum eave height of 4 metres.
 - (e) The setback to School Lane be a minimum of 15 metres.

2. **THAT** subject to the above conditions being satisfied, the application be **APPROVED**.

PASSED

VOTING ON THE MOTION

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

Against the Motion: Nil

Cllr G M Turland returned to the meeting, the time being 5.43 pm.

Mr Mark Pepping, Deputy General Manager Corporate, Strategy and Development Services and Mr Nick Wilton, Group Manager Planning, Development and Regulatory Services returned to the meeting at this juncture.

13.4 Planning Proposal for 104-106 Bowral Street & 21 St Jude Street Bowral

Reference: PN230400, PN230500, PN1299000, 5901/52
Report Author: Senior Strategic Land Use Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Plan and deliver appropriate and accessible local services for the community

PURPOSE

To consider not proceeding with this Planning Proposal.

The General Manager returned to the Meeting at this juncture.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 17/18

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

THAT Council not proceed with the Planning Proposal to rezone Lot 1 DP 323163 (104 Bowral Street, Bowral), Part Lot 13 Section C DP 11838 (106 Bowral Street, Bowral) and Lot 12 Section C DP 11838 (21 St Jude Street, Bowral) to R3 Medium Density Residential.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

13.5 Tender for Legal Services Panel

Reference:	6330/17.27
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 present the evaluation of the Request for Tender for the Legal Services Panel.

Interest: Clr P W Nelson declared a pecuniary interest in this matter as his niece is a lawyer with one of the legal firms that have tendered for the Legal Services Panel. He left the chamber, the time being 5.48 pm, took no part in the debate and refrained from voting on the matter.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he has over the past years employed some of the tenderers for the Legal Services Panel. He left the chamber, the time being 5.48 pm, took no part in the debate and refrained from voting on the matter.

The General Manager read the recommendations contained within the Closed Council report.

MN 18/18

MOTION moved by *Clr T D Gair* and seconded by *Clr L A C Whipper*

THAT *in relation to the report concerning Tender for Legal Services - Council adopts the recommendations contained within the Closed Council report – Item 22.5, as follows:*

THAT *Council accept Tender 6330/17.27 Legal Services Panel and the five (5) listed tenderers to form a panel arrangement for a period of three (3) years, with an option to renew for a further two (2) years:*

- *Marsdens Law Group*
- *Shaw Reynolds Lawyers*
- *Lindsay Taylor Lawyers*
- *RMB Lawyers*
- *Sparke Helmore Lawyers*

PASSED

Clr G M Turland returned to the meeting, the time being 5.49 pm.

13.6 Expressions of Interest for Code of Conduct Reviewer Panel

Reference:	6350/17.2
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 present the evaluation of the Expressions of Interest for the Code of Conduct Reviewer Panel.

Interest: Clr P W Nelson declared a pecuniary interest in this matter as his niece is a lawyer with one of the legal firms that have tendered for the Code of Conduct Reviewer Panel. He left the chamber, took no part in the debate and refrained from voting on the matter.

The General Manager read the recommendations contained within the Closed Council report.

MN 19/18

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

THAT in relation to the report concerning Expressions of Interest for the Code of Conduct Reviewer Panel - Council adopts the recommendations contained within the Closed Council report – Item 22.6, as follows:

THAT Council accept Expressions of Interest 6350/17.2 Code of Conduct Review Panel and the five (5) listed submissions to form a panel arrangement for a period of two (2) years:

- **O’Connell Workplace Relations Pty Ltd**
- **Centium Group Pty Ltd**
- **Mediate Today Pty Ltd**
- **Locale Consulting Pty Ltd**
- **SINC Solutions Pty Ltd**

PASSED

Clr P W Nelson returned to the meeting, the time being 5.50 pm.

13.7 Council Nominations for the Southern Joint Regional Planning Panel

Reference:	5605, 5300
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Group Manager Planning, Development and Regulatory Services
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 seek nominations for the Southern Joint Regional Planning Panel (JRPP) as the memberships of the previous Councillor nominations expired on 18 September 2017 and to seek Council's direction on setting rates of remuneration for any selected member in accordance with the Joint Regional Planning Panel's Operational Procedures 2016. The appointment of any new or existing member will serve on the panel for a period not exceeding three (3) years.

Clr I M Scandrett advised that he would like to nominate the Mayor Clr K J Halstead as the Councillor Member to the JRPP for the three (3) year period.

Clr I M Scandrett advised that he would like to nominate himself as the Alternate Member.

Clr T D Gair advised that he would like to nominate himself to be the Councillor Member with Clr G J Andrews as the Alternate Member.

The Mayor advised that he would like to opt out of the nomination as Councillor Member. He noted the other nomination was Clr Gair with Clr Andrews.

Clr Scandrett advised that he will withdraw the nominations.

The Mayor Clr K J Halstead advised that he would like to nominate Clr I M Scandrett for the Alternate Member, and noted that Clr Andrews has already been nominated.

Clr Scandrett advised that he was supportive of Clr Andrew's nomination as Alternate Member.

The matter was then put to the vote.

MN 20/18

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

1. **THAT** Council nominate Councillor T D Gair as a member of the Joint Regional Planning Panel Southern Region for a period not exceeding 3 years from the date of notification of the appointment to the Panel Secretariat.
2. **THAT** Council nominate Councillor G J Andrews as an alternate member of the Joint Regional Planning Panel Southern Region for a period not exceeding 3 years from the date of notification of the appointment to the Panel Secretariat.
3. **THAT** Council remunerate members at a rate of \$600 including GST and travel expenses per meeting for the 2017/2018 financial year and subsequent financial years.
4. **THAT** Council formally write to the New South Wales Department of Planning and Environment Secretary and request that changes be made to Schedule 4A of the Environmental Planning and Assessment Act 1979 to enable Council appointed members and community members, be appointed for a period not exceeding 4 years, with appointments made immediately following the NSW Local Government Elections.

PASSED

13.8 Councillor Representative on the NSW Public Libraries Association

Reference:	1720/6
Report Author:	Manager Information Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Provide a diversity of formal, informal and innovative hubs for learning and skill development for all stages of life

PURPOSE

Council is a member of the NSW Public Libraries Association (NSWPLA). The NSWPLA is the peak body for public libraries in NSW.

Council has received an invitation from the NSWPLA to appoint a Councillor representative as one of Council's three representatives.

MN 21/18

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

1. **THAT** Council nominated Clr P W Nelson as Council representative to the NSW Public Libraries Association.
2. **THAT** Clr P W Nelson be granted approval to attend the Switch 2018 Conference at Coffs Harbour.

PASSED

13.9 Regional Joint Organisation Nomination

Reference:	200/11, 5614
Report Author:	Corporate Strategy and Governance Coordinator
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Develop leadership skills and build networks through a range of formal and informal opportunities

PURPOSE

The *Local Government Amendment (Regional Joint Organisations) Act 2017* commenced on 15 December 2017 permitting councils to voluntarily join the new Joint Organisation in their planning region. Councils are required to submit their nomination by 28 February 2018 to form a Joint Organisation. All nominations require a Council resolution and, as such, the purpose of this report is for Council to determine its position regarding voluntary participation in the Joint Organisation for the South East and Tablelands State planning region.

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

Clr G Markwart left the chambers, the time being 6.04 pm and returned to the meeting at 6.05 pm.

MN 22/18

MOTION moved by Cllr T D Gair and seconded by Deputy Mayor I M Scandrett

1. **THAT** in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 the Wingecarribee Shire Council (Council) resolves as follows:
 - (a) To inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the Joint Organisation for the South East and Tablelands (Joint Organisation) in accordance with this resolution.
 - (b) To approve the inclusion of the Council's area in the Joint Organisation's area.
 - (c) That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
 - i. Bega Valley Council
 - ii. Eurobodalla Shire Council
 - iii. Gouburn-Mulwaree Council
 - iv. Hilltops Council
 - v. Queanbeyan-Palerang Council
 - vi. Snowy-Monaro Regional Council
 - vii. Upper Lachlan Shire Council
 - viii. Yass Valley Council
2. **THAT** before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.
3. **THAT** on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.

PASSED

Dissenting vote: Cllr L A C Whipper requested that his dissenting vote be recorded in respect of this motion.

13.10 Local Orders Policy Public Consultation

Reference:	201/5.1
Report Author:	Environmental Policy Officer
Authoriser:	Environment and Health Systems Coordinator
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report details the outcomes of the public exhibition of the draft Local Orders Policy (Order 21) and seeks adoption of the new policy.

MN 23/18

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

THAT the *Local Orders Policy (Order 21)* at Attachment 1 to the report be adopted.

PASSED

13.11 Request to Create a Restrictive Covenant on Council's Carpark at Kirkham Road Moss Vale

Reference:	7472/3
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this Report is to update Council on the creation of a restriction on the title to the Council property, being car park at 4 Kirkham Street Moss Vale which was deferred by Council at its meeting held on 27 September 2017.

The General Manager addressed Council on this matter.

MN 24/18

MOTION moved by Mayor K J Halstead and seconded by Clr T D Gair

THAT Council note the update on the request to Create a Restrictive Covenant on Council's Carpark at Kirkham Road, Moss Vale **AND THAT** no further action be taken.

PASSED

13.12 2017 Tulip Time Festival Outcomes

Reference:	1671/8
Report Author:	Manager Tourism & Events
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Provide diversity in tourist attractions and experiences

PURPOSE

The purpose of this report is to provide Council with information regarding the outcomes of the 2017 Tulip Time Festival, the dates of the 2018 Tulip Time Festival and seek endorsement for the 2018 charity partners Wingecarribee Adult Day Care Centre and Dementia Australia.

MN 25/18

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

1. **THAT the 2017 Tulip Time Festival Outcome Report be noted.**
2. **THAT the 2017 Tulip Time Festival resulted in a deficit of \$47,758 AND THAT this deficit be funded from Council's Tulip Time reserve.**
3. **THAT Council note the 2018 Tulip Time Festival will be held a week later and run for 14 days from Tuesday 18 September to Monday 1 October which includes the October Labour Day Holiday Monday.**
4. **THAT Council endorse Wingecarribee Adult Day Care Centre and Dementia Australia as the 2018 Tulip Time Charity Partners.**

PASSED

13.13 Appointment of Community Representative to the Arts and Culture Advisory Committee

Reference: 1660/1.1
Report Author: Cultural Development Officer
Authoriser: Group Manager Corporate and Community
Link to Corporate Plan: Facilitate and support leadership within the community by removing barriers to participation

PURPOSE

To fill a casual vacancy for a community representative on the Arts and Culture Advisory Committee.

MN 26/18

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

1. **THAT** Council appoint Ms Kristie Phelan to the Arts and Culture Advisory Committee as a community representative.
2. **THAT** Ms Gina Fairley and Mr Scott Pollock be placed on the reserve list for any future community representative vacancies on the Arts and Culture Advisory Committee.
3. **THAT** if further community representative vacancies occur on the Arts and Culture Advisory Committee during its current term that the position be offered to Ms Gina Fairley in the first instance followed by Mr Scott Pollock.
4. **THAT** Ms Robyn Karakasch and Mr Philip Walker be thanked for their nomination and continuing interest in the Committee.

PASSED

13.14 Correction - Station Street Upgrade Community Engagement Report

Reference:	7457/4
Report Author:	Coordinator Community Engagement
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

PURPOSE

To record a correction required for the report previously considered by Council on 22 November 2017 regarding submissions received during public exhibition of detailed concept designs for the upgrade of Station Street, Bowral.

MN 27/18

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

THAT Council notes a correction required for report 12.4 Station Street Upgrade - Community Engagement 22/11/2017 being that 43 (not 54) individuals submitted supportive letters and submission forms.

PASSED

Dissenting vote: Clr I M Scandrett requested that his dissenting vote be recorded in respect of this motion.

14. GENERAL MANAGER

14.1 Confidential Correspondence - Code of Conduct Matter

Reference:	101/15, 107/9
Report Author:	Group Manager Corporate and Community
Authoriser:	General Manager
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report seeks a Council decision to consider in Closed Council confidential correspondence received from the Office of Local Government relating to a Code of Conduct matter determined by Council at its 13 December 2017 meeting.

MN 28/18

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

THAT confidential correspondence received from the Office of Local Government relating to a Code of Conduct matter be considered in Closed Council pursuant to Clause 8.45 of the Wingecarribee Shire Council Procedures for the Administration of the Code of Conduct and Section 10A(2)(i) of the Local Government Act 1993 – Item 22.8.

PASSED

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

There were no objections from members of the public.

14.2 Request for Leave of Absence - Cllr Peter Nelson

Reference:	PERS, 101/1
Report Author:	Administration Officer
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

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

MN 29/18

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

THAT Councillor Peter Nelson be granted leave of absence from all Council commitments on Wednesday, 28 February 2018, including the Ordinary Meeting of Council and Briefing Sessions to be held that day.

PASSED

15. DELEGATE REPORTS

100/10

There were no Delegate Reports at this Meeting.

16. PETITIONS

16.1 Petition 01/2018 - Station Street Bowral Roadworks

Reference:	100/8, 7457
Report Author:	Administration Officer
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

At the time of preparation of the Council Agenda, a Petition signed by approximately 154 people has been submitted to Council. We understand that Highlands Matters has a separate Petition which, at the time of preparation of the Council Agenda, has not been made available to Council for publication on the Agenda.

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

MN 30/18

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

THAT the received Petition 01/2018 – Station Street Bowral Roadworks – be noted.

PASSED

17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference:	107/1
Report Author:	Committee Coordinator
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

1. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 16 October 2017.
2. Hill Top Community Centre Committee held on Thursday, 19 October 2017.
3. Robertson Community Centre Management Committee held on Monday, 13 November 2017.
4. Canyonleigh Hall Management Committee held on Tuesday, 14 November 2017.
5. Mittagong Memorial Hall Management Committee held on Friday, 1 December 2017.
6. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 11 December 2017.
7. Bong Bong Common Management Committee held on Tuesday, 12 December 2017.

MN 31/18

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

THAT the information contained in the following Committee Reports be noted:

1. ***Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 16 October 2017.***
2. ***Hill Top Community Centre Committee held on Thursday, 19 October 2017.***
3. ***Robertson Community Centre Management Committee held on Monday, 13 November 2017.***
4. ***Canyonleigh Hall Management Committee held on Tuesday, 14 November 2017.***
5. ***Mittagong Memorial Hall Management Committee held on Friday, 1 December 2017.***
6. ***Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 11 December 2017.***
7. ***Bong Bong Common Management Committee held on Tuesday, 12 December 2017.***

PASSED

18.2 Minutes of the Heritage Advisory Committee held on Friday, 25 August, 2017

Reference:	107/16
Report Author:	Strategic Land Use Planner - Heritage
Authoriser:	Senior Strategic Land Use Planner
Link to Community Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday, 25 August 2017.

MN 32/18

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

1. **THAT** recommendations Nos HAC 18/17 to HAC 26/17 – as detailed in the Minutes of the Heritage Advisory Committee Meeting held on Friday, 25 August 2017 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.
2. **THAT** it was noted by Clr McLaughlin that in Item 6.4 – Submissions made by the Heritage Advisory Committee since the Last Meeting on page 181 of the Agenda – at the bottom of page 6 of the Minutes – the name of the member of the Heritage Committee who made the comment to staff “I would appreciate it if my comments could be forwarded to Council’s legal counsel prior to tomorrow’s Court proceedings” was Sarah Farnese, who is the National Trust Representative on the Committee.

PASSED

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 December 2017

Reference: 1660/1.1
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

This report provides the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 December 2017.

MN 33/18

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

THAT recommendations Nos ACC 24/17 to ACC 30/17 – as detailed in the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 December 2017 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

18.4 Minutes of the Heritage Advisory Committee held on Friday, 8 December, 2017

Reference:	107/16
Report Author:	Strategic Land Use Planner - Heritage
Authoriser:	Senior Strategic Land Use Planner
Link to Community Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday, 8 December 2017.

MN 34/18

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

1. **THAT** recommendations Nos HAC 27/17 to HAC 34/17 – as detailed in the Minutes of the Heritage Advisory Committee Meeting held on Friday, 8 December 2017 be adopted, with the exception of recommendation No 4 of HAC 29/17 – Item 6.1 Discussion of Recent Development Applications and other Heritage Matters.
2. **THAT** any items which have budgetary implications and which are unfunded, be referred to the Finance Committee for consideration.

PASSED

Dissenting vote: Clr I M Scandrett requested that his dissenting vote be recorded in respect of this motion.

18.5 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 February 2018

Reference:	107/35
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 February 2018.

MN 35/18

MOTION moved by Cllr P W Nelson and seconded by Cllr G M Turland

THAT recommendations Nos WCSC 1/18 to WCSC 9/18 – as detailed in the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 February 2018 be adopted.

PASSED

19. QUESTIONS WITH NOTICE

There were no Questions with Notice at this Meeting.

20. NOTICES OF MOTION

20.1 Notice of Motion 01/2018 - Provision of Affordable / Social / Community Housing

Reference:	100/4, 5600/7, 1823, 5320/67
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

PURPOSE

Councillor Larry Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 14 February 2018:

1. THAT Council, through the Demographics and Housing Advisory Committee, investigate the development of a policy that requires major subdivisions incorporate a minimum percentage of land for the purposes of Affordable/Social/Community Housing.
2. THAT once this policy is developed, exhibited and endorsed by Council, Council then establish dialogue with social housing providers to develop appropriate partnerships to manage, develop and provide housing accessibility and affordable rental opportunities for residents of the Shire.

MN 36/18

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

1. **THAT** Council, working in conjunction with the Demographics and Housing Advisory Committee, investigate the development of a policy that requires major subdivisions incorporate a minimum percentage of land, and/or other options, for the purposes of Affordable/Social/Community Housing.
2. **THAT** once this policy is developed, exhibited and endorsed by Council, Council then establish dialogue with social housing providers to develop appropriate partnerships to manage, develop and provide housing accessibility and affordable rental opportunities for residents of the Shire.

PASSED

20.2 Notice of Motion 02/2018 - NSW National Parks

Reference:	100/4, 6840
Report Author:	Administration Officer
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 Gordon Markwart has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 14 February 2018:

THAT Council:

1. Acknowledges that there are more than forty million visits to NSW National Parks each year with an overwhelming 94 per cent of visitors being satisfied or very satisfied with their experience.
2. Notes that within this shire, we are home to components of many national parks including Bangadilly National Park, Budderoo National Park, Macquarie Pass National Park, Morton National Park and the Nattai National Park.
3. Notes that the local Fitzroy Falls visitor centre is a successful award winning attraction and educational facility extremely popular with tourists and locals alike.
4. Notes with concern the budget and staff cuts, and restructures currently taking place within the NSW National Parks and Wildlife Service (NPWS) and the risk this places to the economy, visitor safety, public amenity and the environment.
5. Calls on the NSW Government to treat NPWS staff with the respect they deserve and to stop the undermining of national parks.
6. Writes to the NSW Premier, The Hon Gladys Berejiklian, MP; the NSW Minister for the Environment, The Hon Gabrielle Upton, MP; the Member for Goulburn, The Hon Pru Goward, MP; the Member for Wollondilly, Mr Jai Rowell, MP; the Shadow Minister for the Environment, Ms Penny Sharpe, MLC; and the Greens NSW Environment Spokesperson, Dr Mehreen Faruqi MLC expressing the concerns raised in this resolution.

MN 37/18

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

THAT Council makes representations to the NSW Premier, The Hon Gladys Berejiklian, MP; the NSW Minister for the Environment, The Hon Gabrielle Upton, MP; the Member for Goulburn, The Hon Pru Goward, MP; the Member for Wollondilly, Mr Jai Rowell, MP; the Shadow Minister for the Environment, Ms Penny Sharpe, MLC; and the Greens NSW Environment Spokesperson, Dr Mehreen Faruqi MLC expressing its concern in relation to the proposed restructure of the National Parks and Wildlife Service, noting particularly the following:

- (a) ***That Council acknowledges that there are more than forty million visits to NSW National Parks each year with an overwhelming 94 per cent of visitors being satisfied or very satisfied with their experience.***
- (b) ***That this Shire is home to components of many National Parks including Bangadilly National Park, Budderoo National Park, Macquarie Pass National Park, Morton National Park and the Nattai National Park.***
- (c) ***That the local Fitzroy Falls Visitor Centre is a successful award winning attraction and educational facility extremely popular with tourists and locals alike.***
- (d) ***That Council expresses concern with the budget and staff cuts, and restructures currently taking place within the NSW National Parks and Wildlife Service (NPWS) and the risk this places to the economy, visitor safety, public amenity and the environment.***
- (e) ***That Council calls on the NSW Government to treat NPWS staff with the respect they deserve.***

PASSED

21. GENERAL BUSINESS

1. UPDATE ON DOUDLES FOLLEY CREEK 17/0074, 5508/1, 5457

Clr I M Scandrett asked for an update on Doudles Folley Creek, including the decision by Council and action required by the landowner and the referrals to Water NSW and agencies, etc.

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

2. CONTAINER DEPOSIT SCHEME 5509, 5457/1

Clr I M Scandrett asked for a briefing on the Container Deposit Scheme in this Shire, to include:

- (a) Active sites
- (b) Status of approvals for these sites and whether approvals are necessary
- (c) Traffic, parking and pedestrian issues
- (d) Our own Container Deposit Scheme items that are currently collected as general waste in our town and village CBDs, sportsgrounds and the like
- (e) Any impact on our yellow bin service and its economics

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

3. REMOVAL OF CAR BODIES FROM MITTAGONG CREEK 203/4, 7530/6, 7502

Clr I M Scandrett asked for a report to Council on the removal of car bodies from Mittagong Creek (rock pools, etc) as previously raised with staff.

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

4. WHITES CREEK MOSS VALE 5457/5

Clr T D Gair asked if Council staff can inspect Whites Creek from Lackey Road to St Pauls College boundary to investigate and plan for removal of foreign growth, debris and other issues. Clr Gair requested that this matter be referred to the Environment and Sustainability Advisory Committee for comment and that any other issues be brought back to Council.

The General Manager advised that this matter will be referred to the Environment and Sustainability Advisory Committee Meeting for consideration.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.08 pm, Council moved into Closed Council.

MN 38/18

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

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

22.1 Tender for Plant and Equipment Hire

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 Plant and Equipment Hire.

22.2 Tender for Construction of Inter-allotment Drainage, Caalong Street, Robertson

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 Construction of Inter-allotment Drainage, Caalong Street, Robertson.

22.3 Tender for Water Meters and Manhole Replacement Works

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 provide Council with information and the subsequent recommendation regarding the tenders received for Water Meters and Manhole Replacement Works for 2017/18 following the withdrawal of two of the tenderers for aspects of the work following Council's acceptance.

22.4 Tender - Bridges Condition Assessment

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 Bridge Condition Assessment.

22.5 Tender for Legal Services Panel

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 Legal Services Panel.

22.6 Expressions of Interest for Code of Conduct Review Panel

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 Expressions of Interest for the Code of Conduct Review Panel.

22.7 Insurance Matter (Legal)

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

Reporting on an Insurance Matter (Legal) involving Council and a Councillor.

22.8 Confidential Correspondence - Code of Conduct Matter

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)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440 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 formally table confidential correspondence received from the Office of Local Government relating to a Code of Conduct matter determined by Council at its 13 December 2017 meeting.

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

PASSED

22.1 Tender for Plant and Equipment Hire

Reference:	6330/17.12
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

This matter was considered earlier in the Meeting (refer MN 6/18 on pages 17 to 19).

22.2 Tender for Construction of Inter-allotment Drainage, Caalong Street, Robertson

Reference: 6330/17.21
Report Author: Project Manager
Authoriser: Manager Projects and Contracts
Link to Community Strategic Plan: Manage and plan for future water, sewer and stormwater infrastructure needs

This matter was considered earlier in the Meeting (refer MN 7/18 on page 20).

22.3 Tender for Water Meters and Manhole Replacement Works (Closed)

Reference:	6330/17.25
Report Author:	Project Engineer
Authoriser:	Manager Projects and Contracts
Link to Community	
Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

This matter was considered earlier in the Meeting (refer MN 8/18 on page 21).

22.4 Tender - Bridges Condition Assessment

Reference:	6330/17.5
Report Author:	Asset Engineer (Roads)
Authoriser:	Asset Coordinator - Roads & Water
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

This matter was considered earlier in the Meeting (refer MN 9/18 on page 22).

22.5 Tender for Legal Services Panel

Reference:	6330/17.27
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

This matter was considered earlier in the Meeting (refer MN 18/18 on page 34).

22.6 Expressions of Interest for Code of Conduct Review Panel

Reference:	6350/17.2
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

This matter was considered earlier in the Meeting (refer MN 19/18 on page 35).

22.7 Insurance Matter (Legal)

Reference:	502/146
Report Author:	Manager Organisational Development
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Develop leadership skills and build networks through a range of formal and informal opportunities

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

Reporting on an Insurance Matter (Legal) involving a Statement of Claim against Council and a Councillor alleging defamation against Mr Paul O'Shanassy.

Interest: Clr G M Turland declared a significant non-pecuniary interest in this matter as he is the Councillor named in the Statement of Claim. He left the chamber, the time being 7.14 pm, took no part in the debate and refrained from voting on the matter.

The General Manager addressed Council on this matter.

MN 39/18

MOTION moved by Clr T D Gair and seconded by Clr P W Nelson

THAT *the report in relation to the Insurance Matter (Legal) be received and noted.*

PASSED

Clr G M Turland returned to the meeting, the time being 7.21 pm.

Clr G McLaughlin left the chambers, the time being 7.21 pm, and retired from the Meeting.

22.8 Confidential Correspondence - Code of Conduct Matter

Reference:	10011
Report Author:	Group Manager Corporate and Community
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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440.

PURPOSE

The purpose of this report is to formally table confidential correspondence received from the Office of Local Government relating to a Code of Conduct matter determined by Council at its 13 December 2017 meeting.

The General Manager addressed Council on this matter.

MN 40/18

MOTION moved by Cllr T D Gair and seconded by Cllr L A C Whipper

THAT Council formally receive and note the confidential correspondence received from the Office of Local Government (as attached) relating to a Code of Conduct matter determined by Council at its 13 December 2017 meeting.

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 41/18

MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 42/18

MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper

THAT the recommendations of the Closed Council held on Wednesday, 14 February 2018 being MN 4/2018 to MN 15/2018 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 43/18

MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper

THAT the recommendations of the Committee of the Whole held on Wednesday, 14 February 2018 being MN 39/18 and MN 40/18 be adopted.

PASSED



25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.25 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 14 February 2018 numbered M/N 1/18 to M/N 43/18 were signed by me hereunder at the Council Meeting held on Wednesday 28 February 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 28 FEBRUARY 2018

CHAIRMAN

PUBLIC OFFICER