



# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss  
Vale

on

**Wednesday 22 August 2018**

The meeting commenced at 3.30 pm

*File No. 100/2018*

<b>1. OPENING OF THE MEETING</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. PRAYER</b>	
<b>4. APOLOGIES</b>	
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<b>5. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
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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 22 AUGUST 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	Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Chief Financial Officer	Mr Richard Mooney
Legal Counsel	Mr Ian Lacy
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Mrs Samantha Woods

## 1. OPENING OF THE MEETING

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

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## 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."*

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## 3. PRAYER

Clr G J Andrews delivered the Civic prayer.

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#### 4. APOLOGY

PERS

There were no apologies at this Meeting.

#### 5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 8 AUGUST 2018

**MN 310/18**

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

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday 08 August 2018 MN 289/18 to MN 309/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.***

**PASSED**

#### 6. BUSINESS ARISING

101, 101/5

Clr G M Turland referred to Item 6 on page 2 of the Minutes of the previous Council meeting of 8 August 2018, regarding the statutory declaration handed out to Councillors by Clr Turland, in relation to information handed out to members of the public and the media. He advised that Clr I M Scandrett hasn't yet signed the statutory declaration and asked Clr Scandrett if he is prepared to sign it now.

Clr I M Scandrett declined to answer and advised that this is not the business of Council.

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102/5, 5462, 2200/7, 101/3

Clr I M Scandrett referred to Mayoral Minute 8.1 - Rate Relief for Wingecarribee Shire Farmers, on page 4 of the Minutes from the Council meeting of 8 August 2018. He pointed out that his declaration of interest in that matter stated that if option one of the original recommendation was to be moved, he would absent himself from the chamber and not vote, as he is a farmer and could possibly derive financial benefit should such a motion be passed. However, if option two was to be moved – requiring properties to be farmland rated and applicants to show evidence of hardship – he would have liked to return to the Chamber and participate in voting. Clr Scandrett advised that regrettably, on the evening, this did not transpire and option two was moved and passed without his participation.

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 22 August 2018



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Clr I M Scandrett referred again to Mayoral Minute 8.1 - Rate Relief for Wingecarribee Shire Farmers and advised Council that since this resolution was passed, Council has issued a media release, on 17 August 2018, stating that Councillors unanimously supported this resolution. Clr Scandrett pointed out that this could not be the case, as he was absent from the chamber when this matter was voted on.

Clr I M Scandrett told the Chamber that a further release was issued on 21 August 2018 regarding the \$10,000 donated towards a fodder appeal, which also formed part of the resolution passed in relation to the Mayoral Minute. The media statement indicated that the resolution was supported by all Councillors; however Clr Scandrett stated that this is again inaccurate as he was not present in the Chamber at the time.

The General Manager advised Clr Scandrett that while it is correct that he was out of the Chamber at the time, the voting on this matter was unanimous among the Councillors who were in the Chamber at the time.

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## 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, 107/22

Clr G M Turland declared a less than significant non-pecuniary interest in Item 14.1 Legal Report, as he has a current legal matter with Council. He stated that he would remain in the Chamber when this matter was considered, take part in the debate and vote on the matter.

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101/3.1, 107/22

Clr G M Turland declared a pecuniary interest in Item 22.6 as he has a current legal matter with Council. He stated that he would leave the Chamber if this matter was discussed, take no part in the debate and refrain from voting on the matter.

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101/3, 6330/18.01

Clr P W Nelson declared a less than significant non-pecuniary interest in Items 12.4 and 22.4 (Closed) - Proposed lease, Highlands Golf Course, Old Hume Highway Mittagong, as he is a member of the Moss Vale Golf Club, but does not hold a board position. He stated that he will remain in the Chamber

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## 8. MAYORAL MINUTES

### 8.1 Mr Jai Rowell, MP - NSW State Member for Wollondilly

Reference: 102  
Report Author: Mayor  
Authoriser:  
Link to Community  
Strategic Plan:

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#### **PURPOSE**

Wingecarribee Shire Council would like to acknowledge the outstanding service and commitment to our community of Mr Jai Rowell MP.

The Mayor, Clr K J Halstead thanked Mr Rowell for his service and presented him with a gift of appreciation on behalf of Council.

Mr Jai Rowell, MP thanked Council for their words of appreciation.

#### **MN 311/18**

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

**THAT** Mr Jai Rowell, MP be formally thanked and acknowledged for his contribution to the community during his time as the NSW State Member for Wollondilly.

**PASSED**

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## 8.2 Public Library Funding

Reference: 102, 1708/2  
Report Author: Mayor  
Authoriser:  
Link to Community  
Strategic Plan:

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### **PURPOSE**

The purpose of this Mayoral Minute is to call on Councillors to support the NSW Public Libraries Association and Local Government NSW in their advocacy to State Government for additional funds for Public Libraries.

### **MN 312/18**

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

1. **THAT** Council endorses the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. **THAT** Council makes representation to the local State Member(s), *The Hon. Pru Goward, MP and Mr Jai Rowell, MP*, in relation to the need for additional funding from the NSW State Government for the provision of public library services.
3. **THAT** Council writes to the *Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts*, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
4. **THAT** Council takes a leading role in activating the campaign locally.
5. **THAT** Council endorses the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. **THAT** Council formally advises the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

**PASSED**

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## **9. PUBLIC FORUM**

There was no public forum at this meeting.

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COMMITTEE OF THE WHOLE

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107/10

**MN 313/18**

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

**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 L A C Whipper to take the Chair.

**PASSED**

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ACKNOWLEDGEMENT OF GUEST IN THE CHAMBER

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Clr G McLaughlin acknowledged the presence in the Chamber of Ms Jo-Ann Davidson, Labor candidate for Wollondilly.

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## **10. VISITOR MATTERS**

### **OPERATIONS**

Nil

### **CORPORATE AND STRATEGY**

Nil

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## **11. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

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## 12. OPERATIONS FINANCE AND RISK

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### 12.1 Tender Report Weed Control and Identification

Reference:	6330/18.01
Report Author:	Team Leader Open Spaces (Bushcare)
Authoriser:	A/Coordinator Open Spaces
Link to Community	
Strategic Plan:	Sustainably manage natural resources for broader community benefit

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#### **PURPOSE**

The purpose of this report is to present the evaluation of the Request for Weed Control and Identification Tender - Category 1 and Category 2.

#### **MN 314/18**

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

**THAT** in relation to the report concerning Tender Report Weed Control and Identification, Council adopts the recommendations contained within the Closed Council report – Item 22.1:

1. **THAT** Council engage Quality Weed Management on a standing offer to provide Weed Control Category 1 for a period of one (1) year with an option to extend the arrangement by a further one (1) year period.
2. **THAT** Council engage Grass Roots Horticultural on a standing offer to provide Weed Control Category 2 Weed Inspections on an ad hoc basis for a period of one (1) year with an option to extend the arrangement by a further one (1) year period.

**PASSED**

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## 12.2 Tender Report Mittagong Oval Lighting Renewal

Reference:	6330/18.10
Report Author:	Capital Works Project Officer
Authoriser:	A/Coordinator Open Spaces
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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### **PURPOSE**

The purpose of this report is to present the evaluation of the Request for Tender for the Mittagong Oval Lighting Renewal.

### **MN 315/18**

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

**THAT** in relation to the report concerning Mittagong Lighting Renewal, Council adopts the recommendations contained within the Closed Council report – Item 22.2:

**THAT** Council rejects all tenders received for the Mittagong Oval Lighting Renewal – Tender number 6330/18.10 – in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005.

**PASSED**

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## 12.3 Sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale

Reference:	PN30800
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

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### **PURPOSE**

The purpose of this report is to inform Council of legal advice received in respect of the sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale. The purpose of the legal advice is to enable Council to consider its position in respect of the sale of the subject lots and to determine the action to be taken.

### **MN 316/18**

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

**THAT the report concerning Sale of Proposed Lots 1263 & 1265 Anembo Street Moss Vale, be considered in Closed Council – Item 22.3.**

**PASSED**

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## 12.4 Proposed lease, Highlands Golf Course, Old Hume Highway Mittagong

Reference: PN1766240  
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

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### **PURPOSE**

The purpose of this report is to seek Council direction with respect to the terms and conditions of the future lease of the Highlands Golf Course premises at Old Hume Highway Mittagong.

Interest: Clr P W Nelson declared a less than significant non-pecuniary interest in this Item, as he is a member of the Moss Vale Golf Club, but does not hold a board position. He remained in the Chamber and took part in the discussion and voting on the matter.

### **MN 317/18**

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

**THAT** the report concerning Proposed lease, Highlands Golf Course, Old Hume Highway Mittagong – be considered in Closed Council – Item 22.4.

**PASSED**

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## 12.5 Post Tender Negotiations for the Upgrade of Braemar Avenue Culvert, Braemar

Reference:	6330/18.4
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

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### **PURPOSE**

The purpose of this report is to present the outcome from the Post Tender negotiations for the Upgrade of the Braemar Avenue Culvert, Braemar.

### **MN 318/18**

**MOTION** moved by Cllr T D Gair and seconded by Cllr G McLaughlin

**THAT** in relation to the report concerning Upgrade of the Braemar Avenue Culvert, Braemar, Council adopts the recommendations contained within the Closed Council report – Item 22.5:

1. **THAT** Council accepts the Civil Engineered Construction offer received for Tender number 6330/18.4 at a Lump Sum of \$1,228,315 to undertake the Upgrade of the Braemar Avenue Culvert, Braemar under 178(1)(b) of the Local Government (General) Regulation 2005.
2. **THAT** Council approve the additional funding of \$184,000, with the identification of \$114,000 from Council's General Fund Traffic facilities allocation and \$70,000 from Section 64 reserve.

**PASSED**

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## 12.6 Closure of unformed road - Corner of Bowral Street & Bendooley Street, Bowral

Reference:	PN1809540
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

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### **PURPOSE**

The purpose of this report is to seek Council approval to invite an application to close part of the road being corner of Bowral Street & Bendooley Street Bowral, adjoining 63 Bendooley Street Bowral.

### **MN 319/18**

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

1. **THAT** Council invite a formal application for Road Closure from the applicant (being the owner of 63 Bendooley Street, Bowral adjoining the segment of road on the corner of Bowral Street and Bendooley Street, Bowral) **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid for by the applicant.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the Council public road adjoining 63 Bendooley Street, Bowral.
3. **THAT** following public notice of the proposed closure, a further report be presented to Council to formally consider the application for closure of the segment of Council public road adjacent to 63 Bendooley Street, Bowral.
4. **THAT** if the closure is ultimately approved, the applicant be required to consolidate the newly created lot following road closure with their adjoining property at their own cost and expense within twelve (12) months.

**PASSED**

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## 12.7 2018/19 Pool Season

Reference:	6700
Report Author:	Pools and Facilities Supervisor
Authoriser:	Manager Open Space, Recreation and Building Maintenance
Link to Community	
Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

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### **PURPOSE**

The purpose of this report is for Council to consider recommendations for the operation for the Shire's public swimming centres for the 2018/19 pool season.

#### **MN 320/18**

**MOTION** moved by Cllr T D Gair and seconded by Cllr G McLaughlin

1. **THAT** Swim Clubs be permitted:
  - a) 50% discounted lane hire for swim clubs' squad training across Council's Outdoor Swimming Centres in 2018/19, **AND THAT** all other use and lane hire to be charged standard hire fees.
  - b) one (1) after-hours exclusive use per week where the exclusive hire and spectator fees and charges are waived
2. **THAT** Southern Highlands Water Polo (SHWP) be permitted:
  - a) Two x 3-hour after-hours sessions per week at Bowral Swimming Centre (Monday and Tuesday 6pm - 9pm), exclusive use of the 50m pool, where the exclusive hire fee is waived **AND THAT** all other use and lane hire to be charged standard hire fees.
  - b) Up to 12 referees and 4 administration volunteers where the spectator fee and charges are waived.
  - c) A 10% discount on standard fees and charges on pool hire when holding large tournaments for NSW Water Polo such as the Country Club Championships.
3. **THAT** the season length, duration and operating hours (and variations to those hours) will be actively promoted to the community.
4. **THAT** Council notes that the proposed opening hours for Mittagong Swimming Centre are subject to the completion of refurbishment works.

**PASSED**

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## 12.8 Investment Report - July 2018

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

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### **PURPOSE**

The purpose of this report is to present Council's Investment Portfolio held at 31 July 2018.

#### **MN 321/18**

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

**THAT** the information on Council's Investments as at 31 July 2018 be received and noted.

**PASSED**

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## 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

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### 13.1 Draft Neighbourhood Noise Policy

Reference:	5450/28.4
Report Author:	Environmental Policy Officer
Authoriser:	Manager Environment and Sustainability
Link to Community	
Strategic Plan:	Work collaboratively to reduce pollution and its impact on our environment

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#### **PURPOSE**

This report seeks approval to place the draft Neighbourhood Noise Policy, at **Attachment 1**, on public exhibition.

#### **MN 322/18**

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

**THAT** the draft Neighbourhood Noise Policy at Attachment 1 be placed on public exhibition for 28 days.

**PASSED**

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## 13.2 Bi-Annual Delivery Program Progress Report, January to June 2018

**Reference:** 501/2018  
**Report Author:** Group Manager Corporate and Community  
**Authoriser:** Deputy General Manager Corporate, Strategy and Development 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

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### **PURPOSE**

This report presents the Bi-Annual Delivery Program Progress Report for the period 1 January to 30 June 2018, which records Council's progress towards achieving the four year actions of the Delivery Program 2017-2021.

The Group Manager Corporate and Community addressed Council in relation to this report.

### ***MN 323/18***

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

**THAT** Council receives and adopts the *Bi-Annual Delivery Program Progress Report for the period 1 January 2018 to 30 June 2018*.

**PASSED**

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**QUESTIONS FROM THE PUBLIC**

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There were no questions from the Public at this meeting.

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## 14. GENERAL MANAGER

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### 14.1 Legal Report

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

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#### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday, 25 July 2018.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this item, as he has a current legal matter with Council. He remained in the Chamber, took part in the debate and voted on the matter.

#### **MN 324/18**

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

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.6.

**PASSED**

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## **15. DELEGATE REPORTS**

There were no delegate reports at this meeting.

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## **16. PETITIONS**

Nil

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## **17. CORRESPONDENCE FOR ATTENTION**

There was no correspondence for attention at this meeting.

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## 18. COMMITTEE REPORTS

### 18.1 Minutes of the Finance Committee Meeting held on Wednesday, 15 August 2018

Reference:	107/21
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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#### **PURPOSE**

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 15 August 2018.

#### **MN 325/18**

**MOTION** moved by Cllr T D Gair and seconded by Cllr G Markwart

**THAT** Council adopt recommendation numbers FC 15/18 to FC 24/18, as detailed in the Minutes of the Finance Meeting held on Wednesday, 15 August 2018.

**PASSED**

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## 19. QUESTIONS WITH NOTICE

### 19.1 Question with Notice 8/2018 - High Life Property Publication

Reference:	101/2, 5125
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

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**To:** General Manager  
**From:** Clr G M Turland  
**Received:** 15 August 2018

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**Subject:** High Life Property Publication

**Question:**

1. Can the GM report on why Council is taking action on the above publication and on what grounds this action is undertaken.
2. Can the GM report on the number of complaints that Council has received regarding the Shire-wide publication to residential properties in the last 12 months?

**Response:**

1. Council is undertaking punitive action as attempts to remedy the issue by way of negotiation in a conciliatory manner has failed to provide an outcome which complies with the *Protection of the Environment Operations Act 1997*. These negotiations have also failed to address complaints being received by the Council with respect to littering throughout the Wingecarribee Local Government Area. The depositing of advertising material on land in any place other than a receptacle for the deposit of mail or newspapers or under the door of any premises constitutes a breach of the provisions of section 146A of the *Protection of the Environment Operations Act 1997*. Council has issued formal correspondence outlining the substance of the complaints, has met with the owner of the magazine on a number of occasions to outline Council's concerns and attempt to seek a remedy, has issued Draft Prevention Notices under section 96 the *Protection of the Environment Operations Act 1997*, and has issued a Penalty Infringement Notice in relation to the issue. To date the owner continues to distribute the magazine in contravention of section 146A. Council continues to receive complaints and accordingly has issued a Court Attendance Notice to have the matter heard in the Local Court.
2. Council has received 40 complaints from the public in the past 12 months concerning the manner in which the publication is being delivered.

**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

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**MN 326/18**

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

**THAT** the information in relation to Question with Notice 8/2018 - High Life Property Publication, be noted.

**PASSED**

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## 19.2 Question with Notice 9/2018 - Southern Highlands Illawarra Academy of Sport Athletes

**Reference:** 101/2, 6600/5  
**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

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**To:** General Manager  
**From:** Clr G M Turland  
**Received:** 15 August 2018

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**Subject:** Southern Highlands Illawarra Academy of Sport Athletes

**Question:**

Can Wingecarribee Shire Council grant the Southern Highlands IAS athletes free access to the Moss Vale War Memorial Aquatic Centre gym facilities for training, as provided by other Councils to their IAS athletes, so as to not disadvantage our athletes? This will mean the WSC IAS athletes no longer have to travel to Wollongong University for training.

**Response:**

Now that Council has formalised the management arrangement for the Moss Vale War Memorial Aquatic Centre, a policy position regarding general subsidies will be expedited and a future briefing session will be arranged for Councillor input.

**MN 327/18**

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

**THAT** the information in relation to Question with Notice 9/2018 - Southern Highlands Illawarra Academy of Sport Athletes, be noted.

**PASSED**

## 20. NOTICES OF MOTION

### 20.1 Notice of Motion 25/2018 - Mount Gibraltar Walking Track

Reference:	100/4, 6690
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 Clr G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 22 August 2018:

1. THAT Council works with Mt Gibraltar land care and Council staff to identify a walking track from the Bowral water reservoir to the Bowral Lookout, to enable walkers to complete the walking track around Mt Gibraltar without walking on the dangerous Oxley Drive road.
2. THAT if a walking track can be agreed on, then Council apply for NSW Government grants to facilitate the completion of the project.

#### **MN 328/18**

**MOTION** moved by *Clr G M Turland* and seconded by *Clr G Markwart*

1. **THAT** *Council commences communication with Mt Gibraltar Land Care and Council staff to identify a possible walking track from the Bowral water reservoir to the Bowral Lookout, to enable walkers to complete the walking track around Mt Gibraltar without walking on the dangerous Oxley Drive.*
2. **THAT** *if a walking track can be agreed on, then Council apply for NSW Government grants to facilitate the completion of the project.*

**PASSED**

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## COUNCIL MATTERS

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**MN 329/18**

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

**THAT** Council move from Committee of the Whole back into Council, the time being 4.56pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

**PASSED**

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## 21. GENERAL BUSINESS

There was no General Business at this Meeting.

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## 22. CLOSED COUNCIL

### MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 4.56 pm, Council moved into Closed Council.

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**MN 330/18**

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

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 Report Weed Control and Identification (Closed)**

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 Weed Control and Identification Tender - Category 1 and Category 2.

**22.2 Tender Report Closed Mittagong Oval Lighting Renewal**

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 Mittagong Oval Lighting Renewal.

**22.3 Sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale**

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 inform Council of legal advice received in respect of the sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale. The purpose of the legal advice is to enable Council to consider its position in respect of the sale of the subject lots and to determine the action to be taken.

**22.4 Proposed lease, Highlands Golf Course, Old Hume Highway Mittagong**

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 seek Council's direction with respect to the terms and conditions of the future proposed lease of the Highlands Golf Course premises at Old Hume Highway Mittagong to the current Lessee.

**22.5 Post Tender Negotiations for the Upgrade of Braemar Avenue Culvert, Braemar (Closed)**

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 outcome from the Post Tender negotiations for the Upgrade of the Braemar Avenue Culvert, Braemar.

**22.6 Legal Report - Closed Council**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 25 July 2018.

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

**PASSED**

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## 22.1 Tender Report Weed Control and Identification (Closed)

<b>Reference:</b>	<b>6330/18.01</b>
<b>Report Author:</b>	<b>Team Leader Open Spaces (Bushcare)</b>
<b>Authoriser:</b>	<b>A/Coordinator Open Spaces</b>
<b>Link to Community</b>	
<b>Strategic Plan:</b>	<b>Sustainably manage natural resources for broader community benefit</b>

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This matter was dealt with earlier in the meeting (refer MN 314/18)

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## 22.2 Tender Report Closed Mittagong Oval Lighting Renewal

<b>Reference:</b>	<b>6330/18.10</b>
<b>Report Author:</b>	<b>Capital Works Project Officer</b>
<b>Authoriser:</b>	<b>A/Coordinator Open Spaces</b>
<b>Link to Community</b>	
<b>Strategic Plan:</b>	<b>Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another</b>

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This matter was dealt with earlier in the meeting (refer MN 315/18)

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## 22.3 Sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale

Reference:	PN30800
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

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### CONFIDENTIAL ITEM

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

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### PURPOSE

The purpose of this report is to inform Council of legal advice received in respect of the sale of Proposed Lots 1263 and 1265 Anembo Street Moss Vale. The purpose of the legal advice is to enable Council to consider its position in respect of the sale of the subject lots and to determine the action to be taken.

### **MN 331/18**

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

**THAT Council resolves to approach the second party to the contract for the sale of Lot 1263 and Lot 1265 with the view to transfer the whole of the purchasers' interests for the Contracts for Sale of Land of both Proposed Lot 1263 and Lot 1265 to the second party.**

**PASSED**

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## 22.4 Proposed lease, Highlands Golf Course, Old Hume Highway Mittagong

Reference:	PN1766240
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

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### CONFIDENTIAL ITEM

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

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### PURPOSE

The purpose of this report is to seek Council's direction with respect to the terms and conditions of the future proposed lease of the Highlands Golf Course premises at Old Hume Highway Mittagong to the current Lessee.

Interest: Cllr P W Nelson declared a less than significant non-pecuniary interest in this Item, as he is a member of the Moss Vale Golf Club, but does not hold a board position. He remained in the Chamber and took part in the discussion and voting on the matter.

The Chief Financial Officer addressed Council in relation to this matter.

The Deputy General Manager Operations, Finance and Risk addressed Council in relation to this matter.

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**MN 332/18**

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

1. **THAT** Council reconfirms its intention to enter into a new Lease of the Highlands Golf Course premises with the current Lessee for a term of 21 years.
2. **THAT** the rental to be charged in respect of the Lease of the Highlands Golf Course, Old Hume Highway Mittagong, will be the amount as discussed in Closed Council in the first year, with annual increases of 4% or CPI whichever is greater.
3. **THAT** pursuant to Section 47(1) and (2) of the *Local Government Act 1993*, Council publicly exhibit the draft proposed lease to Highlands Golf Club Limited of the Highlands Golf Course, Old Hume Highway Mittagong for a minimum twenty eight (28) day period **AND THAT** if no objections are received, the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of the Council.
4. **THAT** if there is any written objection/s to the proposed lease, Council will refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5)(a) of the *Local Government Act 1993* **AND THAT** if the Minister does not grant consent to the lease a further report will be forwarded to a future Ordinary Meeting of Council for consideration.

**PASSED**

Cllr I M Scandrett asked that his dissenting vote be recorded.

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## **22.5 Post Tender Negotiations for the Upgrade of Braemar Avenue Culvert, Braemar (Closed)**

**Reference:** 6330/18.4  
**Report Author:** Project Manager  
**Authoriser:** Manager Project Delivery  
**Link to Community Strategic Plan:** Manage and plan for future water, sewer and stormwater infrastructure needs

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This matter was dealt with earlier in the meeting (refer MN 318/18)

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## 22.6 Legal Report - Closed Council

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

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### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and 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.*

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### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 25 July 2018.

Interest: Clr G M Turland declared a pecuniary interest in this Item as he has a current legal matter with Council. He remained in the Chamber for general discussion on this Item until it came time to discuss his legal matter, at which time he left the Chamber and refrained from voting on the Item.

Clr G M Turland retired from the meeting, the time being 06:01PM.

Legal Counsel addressed Council in relation to this item.

**MN 333/18**

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

**THAT** *the information in the Legal Report be noted.*

**PASSED**

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## 23. RESUMPTION OF OPEN AGENDA

107/10

### **MN 334/18**

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

**THAT** Council moves from Closed Council into Open Council.

**PASSED**

No members of the public were present in the Chamber.

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## ADOPTION OF CLOSED COUNCIL

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107/9

### **MN 335/18**

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

**THAT** the recommendations of the Closed Council held on Wednesday, 2018 being MN 331/18 to MN 333/18 be adopted.

**PASSED**

## 24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

### **MN 336/18**

**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, 22 August 2018 being MN 314/18 to MN 328/18 be adopted.

**PASSED**

## **25. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.09 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 22 August 2018 numbered M/N 310/18 to M/N 336/18 were signed by me hereunder at the Council Meeting held on Wednesday 12 September 2018.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 12 SEPTEMBER 2018**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER