



# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss  
Vale

on

**Wednesday 24 October 2018**

The meeting commenced at 3.30 pm

*File No. 100/2018*

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**

Wednesday 24 October 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 24 OCTOBER 2018 COMMENCING AT 3.30 PM**

**Present:** Clr T D Gair (Mayor in the Chair)  
Clr G J Andrews  
Clr K J Halstead  
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  
Acting Deputy General Manager Corporate Strategy and Development Services and Group Manager Planning, Development and Regulatory Services Mr Nicholas Wilton  
Senior Strategic Land Use Planner Mr Michael Park (part)  
Chief Financial Officer Mr Richard Mooney  
Legal Counsel Mr Ian Lacy (part)  
Coordinator Media and Communications Mr David Sommers  
Administration Officers Mrs Samantha Woods  
Ms Michelle Richardson

## 1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

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## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr K J Halstead 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

The meeting was led in prayer by Reverend Graham Thomas of Robertson Anglican.

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#### 4. APOLOGY

It was noted that an apology had been received from Clr G McLaughlin.

PERS

**MN 428/18**

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

**THAT** the apology of **Clr G McLaughlin** be accepted and leave of absence granted.

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

**PASSED**

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#### 5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 10 OCTOBER 2018

**MN 429/18**

**MOTION** moved by Clr G Markwart and seconded by Clr G J Andrews

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 10 October 2018 MN 406/18 to MN 427/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

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

**PASSED**

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#### 6. BUSINESS ARISING

107

Clr I M Scandrett referred to page 31 of the Minutes from the meeting of 10 October 2018, Item 13.7 – Election Of Office Bearers To Committees. Clr Scandrett expressed concern regarding the process by which Councillor representatives were elected to Committees of Council. He is of the opinion that procedurally the vote to fill the two available positions on the Audit, Risk and Improvement Committee was not conducted fairly, in that all three councillors who had nominated for membership on the committee (Clrs Nelson, Markwart and Scandrett), should have been included in the show of hands. Clr Scandrett pointed out that Clr Nelson was appointed without a show of hands, while the second position was filled by a show of hands to select between Clrs Scandrett and Markwart.

Clr G M Turland indicated that Clr Scandrett incorrectly recalled the proceedings in question.

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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.

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101/3.1, 17/1365

Clr G J Andrews declared a less than significant non-pecuniary interest in Item 20.1 Rescission of Motion – Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre – 104 -106 Bowral Street, Bowral. He stated he would remain in the Chambers when this matter was discussed and take part in the debate and voting thereon.

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101/3, 09/1157

Clr I M Scandrett declared a pecuniary interest in Item 13.1 Section 4.55 Application to Modify Development Consent DA09/1157 - Proposed Alterations and Additions to Existing Dwelling – as this is his property. Clr Scandrett will be absent from the Chambers for consideration of that item.

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101/3.1,502/139, 16/1079

Clr G M Turland declared a less than significant non-pecuniary interest in Item 14.1 Legal Report – as he has a legal matter with Council. He stated that if Councillors asked any questions of staff on that matter he would be absent from the Chambers for consideration of that item.

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101/3.1, 107/22

Clr G M Turland declared a less than significant non-pecuniary Item 22.2 – Legal Report – Closed - as he has a legal matter with Council. He stated that if Councillors asked any questions of staff on that matter he would be absent from the Chambers for consideration of that item.

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101/3.1, PN 1786560, PN1757220

Clr P W Nelson declared a less than significant non pecuniary interest Item 12.6 – Request for Easement Over Council property being Community Oval at 68 Elizabeth Street, Moss Vale – as he spent a small amount of time on the Moss Vale Golf Club Board some years ago with the owner. Clr Nelson stated he would remain in the Chambers when this matter was discussed and take part in the debate and voting thereon because the owner was only on the Golf Club Board for a short time and he has no social interaction with the owner.

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## **8. MAYORAL MINUTES**

Nil

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## 9. PUBLIC FORUM

### 20.1 Notice of Rescission Motion 01/2018 - Demolition of Existing Dwellings and Erection of Health Services Facility Including Hospice, 104-106 Bowral Street, Bowral

Mr Dennis McManus addressed Council.

Mr McManus sought and was granted an extension of two minutes.

Dr Margaret Rosenthal addressed Council.

Dr Rosenthal sought and was granted an extension of two minutes.

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COMMITTEE OF THE WHOLE

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107/10

**MN 430/18**

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

**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 K J Halstead to take the Chair.

**PASSED**

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## 10. VISITOR MATTERS

### OPERATIONS

#### 10.1 Presentation of the Audited Annual Financial Statements for the Period Ended 30 June 2018

Reference:	2105
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 audited Annual Financial Statements for the year ended 30 June 2018 and to receive comments from Council's Auditors' representative, Mr David Nolan.

Mr David Nolan addressed Council in relation to this Item.

#### **MN 431/18**

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

1. **THAT** Council adopts the Audited Annual Financial Statements for the year ended 30 June 2018.
2. **THAT** Council adopt the Auditors Report for the year ended 30 June 2018.
3. **THAT** Council's Auditor Mr David Nolan be thanked for his comments and the information be noted.

**PASSED**

## CORPORATE AND STRATEGY

### 10.2 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong

Reference:	PN578200, 5901/52
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns

#### PURPOSE

The purpose of this report is to enable Council to consider the resolution of 12 July 2017 to amend WLEP 2010 to reduce the minimum lot size of land at Gibraltar Road Mittagong and confirm its decision specifically with regard to Lot 107 DP15496, 15 Gibraltar Road Mittagong.

Ms Melissa Meredith addressed Council in relation to this item.

Ms Meredith sought and was granted a two minute extension for her address.

The Senior Strategic Land Use Planner addressed Council in relation to this item.

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

THAT Council amend WLEP 2010 to enable an application for a three (3) lot subdivision on the subject land to be considered to enable each of the three (3) habitable buildings to be located on its own lot.

#### VOTING ON THE MOTION

**For the motion:** Clr G J Andrews, Clr K J Halstead, Deputy Mayor G M Turland and Clr L A C Whipper

**Against the motion:** Mayor T D Gair, Clr G Markwart, Clr P W Nelson and Clr I M Scandrett

**On being put to the meeting, the vote was tied at four (4) votes all, and therefore the matter was deferred to the full Council with the Mayor in the chair.**

## **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 Investment Report - September 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 30 September 2018.

#### **MN 432/18**

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

**THAT** the information on Council's Investments as at 30 September 2018 be received and noted.

**PASSED**

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## 12.2 Orchard Road Private Water Supply

Reference:	7781, PN1724730
Report Author:	Manager Water & Sewer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

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### **PURPOSE**

This purpose of this report is to seek Council's direction regarding the Private Water Supply infrastructure located on 9 Orchard Road Bowral - Property No 1724730 and an outstanding water account.

This matter is referred to Closed Council pursuant to Section 10A(2) of the *Local Government Act, 1993*, clause 10A(2)(b) as it contains discussion in relation to the personal hardship of a resident or ratepayer.

### **MN 433/18**

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

**THAT** Council consider the report in relation to the Orchard Road Private Water Supply in Closed Council – Item 22.1.

**PASSED**

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## 12.3 Lease, Southern Highlands Botanic Gardens, East Bowral

Reference:	PN1809610; 6500/22
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### **PURPOSE**

The purpose of this report is to advise Council of a request received from Southern Highlands Botanic Gardens Limited in respect of its lease from Council of the Southern Highlands Botanic Gardens site at East Bowral.

### **MN 434/18**

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

1. **THAT** authority be delegated to the General Manager to negotiate the terms and conditions of a lease with Southern Highlands Botanic Gardens Limited for the Council property known as Botanic Gardens, 1 Old South Road Bowral AND THAT it be noted that the term of the proposed lease be thirty (30) years, subject to the consent of the Minister for Local Government to that term.
2. **THAT** upon the execution of the new lease referred to in Resolution 1 above, the Lessee simultaneously execute a Surrender of Lease in registrable form to enable the existing lease to be terminated and the new lease registered on the title to the Council property.
3. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to enter into the lease of the Council property referred to in Resolution 1 above.
4. **THAT** if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above under the Common Seal of the Council (if required) AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination, noting that an application will be required to be made to the Minister for Local Government for the Minister's consent to the grant of the lease.

**PASSED**



## 12.4 Proposed Lease of Council Property to Southern Highlands Bridge Club Inc

Reference:	PN1807820
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council approval to enter into negotiations with the Southern Highlands Bridge Club Inc. (SHBC) for a proposed lease of a portion of the Council property known as David Wood Playing Fields located at East Bowral.

### **MN 435/18**

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

1. **THAT** Council confirms its intention to enter into a lease of part of the Council property known as David Wood Playing Fields (being Part Lot 146 Deposited Plan 1231974) Boardman Road East Bowral to Southern Highlands Bridge Club Incorporated for a term of 21 years.
2. **THAT** Council's General Manager gives owner's consent in respect of a Development Application by the Southern Highlands Bridge Club Inc. for the construction of a clubhouse on the Council property referred to in Resolution 1 above.
3. **THAT** pursuant to Section 47(1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed lease referred to in Resolution 1 above 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 referred to in Resolutions 2 & 3 above, 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**

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## 12.5 Proposed Licence Agreement to Southern Highlands Croquet Club Inc - Part Exeter Park, 16 Exeter Road, Exeter

Reference: PN1794840  
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 grant a Licence Agreement for the continued use of Council property within Exeter Park, Exeter by Southern Highlands Croquet Club Inc.

### **MN 436/18**

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

1. **THAT** Council publicly notify and exhibit for a minimum twenty eight (28) days the proposed five (5) year Licence Agreement to Southern Highlands Croquet Club Inc for the use of part Exeter Park, Exeter.
2. **THAT** the licence fee be set at the rate of \$1 per annum, in accordance with Council's Policy for the Lease & Licence of Council Property (Not-for-Profit organisations).
3. **THAT** if any objections are received during the period of public notice, a further report will be presented to a future Ordinary Meeting of Council for determination.
4. **THAT** if there are no objections to the Licence Agreement received during the period of public notice, the General Manager and Mayor be delegated authority to execute the Licence Agreement referred to in resolution 1 above and to affix the Common Seal of the Council, if required.

**PASSED**

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## 12.6 Request for Easement Over Council property being Community Oval at 68 Elizabeth Street, Moss Vale

Reference:	PN 1786560, PN 1757220
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council approval to negotiate the grant of a property right over Council property. The property right being sought is an Easement for Stormwater (2 metres wide) over part of the outlying area of the Community Oval at 68 Elizabeth Street, Moss Vale.

The owner/developer of 43 Valetta Street, Moss Vale requires the grant of the Easement for Stormwater in order to comply with a condition of development consent.

### **MN 437/18**

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

1. **THAT** The General Manager be delegated authority to negotiate with the owner/developer of 43 Valetta Street, Moss Vale in respect of compensation payable to Council for the grant of an Easement for Stormwater (2 metres wide) over Council property Lot 3 in Deposited Plan 1108992 being part of the Community Oval at 68 Elizabeth Street, Moss Vale AND THAT the compensation negotiated be within a 10% range of formal valuation to be obtained by Council.
2. **THAT** it be noted that all costs of creation of the Easement for Stormwater (referred to in resolution 1 above) are borne by the owner/developer of 43 Valetta Street, Moss Vale.
3. **THAT** Council gives a minimum 28 days public notice of its intention to grant an Easement for Stormwater over Council property (referred to in Resolution 1 above) as authorised within the Plan of Management for Sportsgrounds & Associated Sites adopted by Council on Wednesday 10 December 2014.
4. **THAT** Council affix the Common Seal of Council to any document required to be sealed in respect of the Easement for Stormwater referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and General Manager to execute those documents.
5. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the Easement for Stormwater referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

**PASSED**

## 12.7 Transfer of Crown Road to Council, Known as 'Park Road' at Burradoo

Reference:	RD1591, PN338500
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### **PURPOSE**

The purpose of this report is to seek Council approval to make an application to the NSW Department of Industry (Crown Lands and Water) for the transfer of a Crown road to Council as roads authority. The road which is the subject of this report is known as 'Park Road' Burradoo and is located between Apex Park and Harbison Care, 2 Charlotte Street Burradoo.

### **MN 438/18**

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

1. **THAT Council make an application to NSW Department of Industry – Crown Lands & Water for the transfer of Crown road to Council as roads authority AND THAT it is noted that Crown road is known locally as 'Park Road' Burradoo**
2. **THAT if the Minister approves the Council application referred to in Resolution 1 above, it be noted that Council's "Unmaintained Roads Policy" applies to the road upon transfer.**
3. **THAT it be noted that in accordance with Council's "Unmaintained Roads Policy", the owner of 2 Charlotte Street, Burradoo will be required to make application to Council to construct the road and that the construction and upgrade will be carried out by the owner at the owner's cost and expense and to Council's standards.**
4. **THAT it be noted that the road which is the subject of this report will not be included in Council's road segment ledger AND THAT the costs of all future maintenance and upgrades will be at the cost of the owner of 2 Charlotte Street, Burradoo and the works are to be completed to Council's standards.**

**PASSED**

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**12.8 Proposed Transfers of Crown Roads - Boxvale Road, Welby, Old Bowral Road, Mittagong, Lyell Street, Mittagong, Sir Charles Moses Lane, Welby and Nattai Road, Welby**

Reference:	RD3807, RD3174, RD3164, RD600 0102
Report Author:	Property and Projects Officer
Authoriser:	Coordinator Property Services
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 make an application to NSW Department of Industry (Land and Water) to endorse the transfer of the following Crown Roads to Council as roads authority:

- Old Bowral Road, Mittagong
- Lyell Street, Mittagong
- Box Vale Road, Welby
- Sir Charles Moses Lane, Welby
- Nattai Road, Welby

**MN 439/18**

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

**THAT Council make an application to NSW Department of Industry – Lands & Water for the transfer of Crown roads being Old Bowral Road, Mittagong, Lyell Street, Mittagong, Boxvale Road, Welby, Sir Charles Moses Lane, Welby and Nattai Road, Welby to Council as roads authority.**

**PASSED**

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## 12.9 Draft Water Extraction Policy

Reference:	7690/1
Report Author:	Operations Technical Officer - Quality and Projects
Authoriser:	Manager Water & Sewer
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 seek Council endorsement of the draft Water Extraction Policy being placed on public exhibition for a period of 28 days.

The policy is an essential document of Wingecarribee Shire Council's commitment to providing safe, reliable and good quality drinking water to the community. It will enable Council to improve its visibility and management of urban filling stations and take more consistent affirmative actions in cases of water theft and/or the unauthorised use of standpipes within Wingecarribee Shire.

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

### **MN 440/18**

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

1. **THAT** the draft Water Extraction Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

**PASSED**

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## 12.10 Bong Bong Picnic Races 2018

Reference: 7420/3  
Report Author: Traffic Engineer (Acting)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

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### **PURPOSE**

Reporting on the traffic arrangements for the Bong Bong Picnic Races.

### **MN 441/18**

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

**THAT** there is no objection to the traffic and parking arrangements proposed for the Bong Bong Picnic Races event on Friday 23 November 2018 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

**PASSED**

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## 12.11 Southern Highlands Outdoor Recreation and Adventure Show 2018

Reference: 7420/3  
Report Author: Traffic Engineer (Acting)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

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### **PURPOSE**

Reporting on the traffic arrangements for the Southern Highlands Outdoor Recreation and Adventure Show 2018.

### **MN 442/18**

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

***THAT there is no objection to the traffic and parking arrangements proposed for the Southern Highlands Outdoor Recreation and Adventure Show 2018 event on Friday 9 November to Sunday 11 November 2018 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.***

**PASSED**

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## 12.12 2018 Remembrance Day Services Mittagong and Bundanoon

Reference: 1671/14, 7460/25, 7460/10  
Report Author: Traffic Engineer (Acting)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

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### **PURPOSE**

Reporting on the traffic management arrangements for commemorative services on Remembrance Day in 2018 at Mittagong and Bundanoon.

### **MN 443/18**

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

**THAT** there is no objection to the 2018 Remembrance Day traffic arrangements at Mittagong and Bundanoon subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

**PASSED**

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## 12.13 Wingecarribee Adult Day Care Centre (WADCC) - Request for Loan Facility

Reference:	1827/5
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
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 seek Council's direction regarding a request from the Wingecarribee Adult Day Care Centre's (WADCC) for an interest free loan to fund the current budget shortfall for The Carribee Centre – Alterations and Additions project.

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

Clr P W Nelson left the chambers, the time being 05:12PM.

Clr P W Nelson returned to the meeting, the time being 05:12PM.

The General Manager left the meeting, the time being 5:19PM.

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**MN 444/18**

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

1. **THAT** Council confirm its support for the request from the Wingecarribee Adult Day Care Centre (WADCC) for an interest free loan of up to \$270,000 to fund the budget shortfall for The Carrabee Centre – Alterations and Additions project.
2. **THAT** Council urgently write to the Department of Premier and Cabinet requesting that the \$223,000 currently uncommitted from the Stronger Country Communities Fund be allocated as additional funding for Wingecarribee Adult Daycare Project.
3. **THAT** should Council's application for the reallocation of \$223,000 from the Stronger Country Communities Fund be successful, the amount of the loan be reduced to \$47,000.
4. **THAT** a further report be presented to a future meeting of Council to confirm the amount of the loan and the terms and conditions.

**PASSED**

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COUNCIL MATTERS

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**MN 445/18**

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

**THAT** Council move from Committee of the Whole back into Council, the time being 5:28pm with the Mayor **Clr T D Gair** resuming the Chair to conduct the remainder of Council Business.

**PASSED**

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## 10.2 Review of Resolution to Amend the Minimum Lot Size of 15 Gibraltar Road, Mittagong

**Reference:** PN578200, 5901/52  
**Report Author:** Senior Strategic Land Use Planner  
**Authoriser:** Coordinator Strategic Land Use Planning  
**Link to Community Strategic Plan:** Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns

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### **PURPOSE**

The purpose of this report is to enable Council to consider the resolution of 12 July 2017 to amend WLEP 2010 to reduce the minimum lot size of land at Gibraltar Road Mittagong and confirm its decision specifically with regard to Lot 107 DP15496, 15 Gibraltar Road Mittagong.

This item is resubmitted for council's determination after being deferred from earlier in the meeting.

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

THAT Council amend WLEP 2010 to enable an application for a three (3) lot subdivision on the subject land to be considered to enable each of the three (3) habitable buildings to be located on its own lot.

### VOTING ON THE MOTION

**For the motion:** Clr G J Andrews, Clr K J Halstead, Deputy Mayor G M Turland and Clr L A C Whipper

**Against the motion:** Mayor T D Gair, Clr G Markwart, Clr P W Nelson and Clr I M Scandrett

**The Mayor used his casting vote against the motion.**

**THE MOTION WAS LOST.**

In the absence of a further motion, this item will be reconsidered at a future ordinary meeting of council.

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## QUESTIONS FROM THE PUBLIC

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100/10

In accordance with the Code of Meeting Practice, the Acting Deputy General Manager Corporate Strategy and Development Services, read the Questions from the Public and the Replies

**Mr Peter Edwards asked:**

1. **STATION STREET UPGRADE PROJECT, BOWRAL**

Council has called and closed tenders for trees for the 'Station Street Upgrade'. Why has Council defied a key recommendation of Infrastructure NSW's Deep Dive Report's (quote): "Council not to proceed with tenders for project construction (with the exception of Kirkham Rd works) until agreement is reached with Sydney Trains"?

If such an agreement has been reached with Sydney Trains, when was it achieved and what is it?

**REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS FINANCE & RISK**

Council has not commenced any construction works on the Station Street Upgrade Project.

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## 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Section 4.55 Application to Modify Development Consent DA09/1157 - Proposed Alterations and Additions to Existing Dwelling - "Mount Broughton", 144 Mt Broughton Road, Werai

Reference:	PN1702240, DA09/1157.05
Report Author:	Senior Accredited Certifier
Authoriser:	Accredited Certifier
Applicant:	Kathy Barnsley Architect
Owner:	I. Scandrett & J. Scandrett
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

#### **PURPOSE**

The purpose of this report is to consider a Section 4.55 modified development application 09/1157.05, which seeks consent to carry out alterations and additions to an existing dwelling at "Mount Broughton" 144 Mt Broughton Road, Werai. The application has been referred to Council for determination as the property owner is a Councillor. Consequently this report is prepared for determination and recommends APPROVAL.

Clr I M Scandrett left the chambers, the time being 05:33PM.

Clr G M Turland sought to have the item considered in Closed Council

Clr I M Scandrett returned to the meeting, the time being 05:34PM.

This item was deferred to a time later in the meeting pending appropriate justification, as per the Code of Meeting Practice, for this matter to be heard in Closed Council.

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#### **RECOMMENDATION**

THAT modified development application DA 09/1157.05 for the carrying out of alterations and additions at Lot 1 DP 804846, "Mount Broughton" 144 Mt Broughton Road Werai be APPROVED subject to conditions as described in Attachment 1 to the report.

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## 13.2 Consultation on the Draft Pesticide Notification Plan

Reference:	5450/28.11
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 seeks the adoption of the draft Pesticide Notification Plan at **Attachment 1**. Information on alternative weed control is also provided in response to MN 297/18.

### **MN 446/18**

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

**THAT** the draft Pesticide Notification Plan at Attachment 1 be adopted AND THAT the information on alternative weed control methods be noted.

**PASSED**

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### 13.3 Appointment of Community Representatives to the Community Development Advisory Committee

Reference:	1800/58
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

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#### **PURPOSE**

To fill a casual vacancy for two community representatives on the Community Development Advisory Committee.

#### **MN 447/18**

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

1. **THAT** Council appoint Ms Jan Campbell to the Community Development Advisory Committee as a community representative.
2. **THAT** Council appoint Ms Annabel Julian Brown to the Community Development Advisory Committee as a community representative.
3. **THAT** Ms Jennifer Blinkhorn and Ms Nicole Freeman be thanked for their nomination and interest in the Committee.

**PASSED**

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## 13.4 Provision of Expenses and Facilities to Councillors

Reference:	101/4, 101/5
Report Author:	Senior Governance 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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### PURPOSE

To report on the provision of expenses and facilities to Councillors for the year ended 30 June 2018.

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

The General Manager returned to the Chambers, the time being 5:36PM.

### **MN 448/18**

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

**THAT** the information in the report in relation to the provision of expenses and facilities to Councillors for the year ended 30 June 2018 be received and noted.

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

THAT the information in this report including Attachment 1 and similar information in a report from last year be tabled at a future Council meeting.

**THE AMENDMENT WAS PUT TO THE VOTE AND LOST.**

**THE MOTION WAS PUT TO THE VOTE AND PASSED.**

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

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## 13.5 Gifts and Benefits Policy

Reference:	800/25
Report Author:	Senior Governance 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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### **PURPOSE**

This report seeks approval for the public exhibition of the draft Gifts and Benefits Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

### **MN 449/18**

**MOTION** moved by Deputy Mayor G M Turland and seconded by Cllr G J Andrews

1. **THAT** the draft Gifts and Benefits Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following the conclusion of the public exhibition period.

**PASSED**

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## 13.6 Public Interest Disclosures Policy

Reference:	1460/8
Report Author:	Senior Governance 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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### **PURPOSE**

This report seeks approval for the public exhibition of the draft Public Interest Disclosures Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

#### **MN 450/18**

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

1. **THAT** the draft Public Interest Disclosures Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following the conclusion of the public exhibition period.

**PASSED**

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## 13.7 Fraud and Corruption Control Policy

Reference:	700/11
Report Author:	Senior Governance 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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### **PURPOSE**

This report seeks approval for the public exhibition of the draft Fraud and Corruption Control Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

### **MN 451/18**

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

1. **THAT** the draft Fraud and Corruption Control Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following the conclusion of the public exhibition period.

**PASSED**

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## 13.8 Statement of Business Ethics

Reference:	700/11
Report Author:	Senior Governance 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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### **PURPOSE**

This report seeks adoption of the amended Statement of Business Ethics (the Statement).

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

**MN 452/18**

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

**THAT** the revised Statement of Business Ethics included as Attachment 1 be adopted by Council.

**PASSED**

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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, 26 September 2018.

#### **MN 453/18**

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

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.2.

#### **PASSED**

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## **15. DELEGATE REPORTS**

Nil.

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## **16. PETITIONS**

Nil

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## **17. CORRESPONDENCE FOR ATTENTION**

Nil

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## 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. Canyonleigh Hall Management Committee Annual General Meeting held on Tuesday, 7 August 2018.
2. Canyonleigh Hall Management Committee held on Tuesday, 7 August 2018.
3. Robertson Community Centre Management Committee held on Tuesday, 11 September 2018.
4. Robertson Community Centre Management Committee Annual General Meeting held on Tuesday, 11 September 2018.
5. Burrawang Park Management Committee held on 23 August 2018.

#### **MN 454/18**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr Turland

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

1. ***Canyonleigh Hall Management Committee Annual General Meeting held on Tuesday, 7 August 2018.***
2. ***Canyonleigh Hall Management Committee held on Tuesday, 7 August 2018.***
3. ***Robertson Community Centre Management Committee held on Tuesday, 11 September 2018.***
4. ***Robertson Community Centre Management Committee Annual General Meeting held on Tuesday, 11 September 2018.***
5. ***Burrawang Park Management Committee held on August 2018.***

**PASSED**

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## 18.2 Minutes of the Finance Committee Meeting held on Wednesday, 17 October 2018

Reference:	107/21
Report Author:	Administration Officer
Authoriser:	Chief Financial Officer
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 provides the Minutes of the Finance Committee Meeting held on Wednesday, 17 October 2018.

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

Clr P W Nelson left the chambers, the time being 06:04PM.

Clr P W Nelson returned to the meeting, the time being 06:06PM.

### **MN 455/18**

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

**THAT** recommendations Nos FC 25/18 to FC 29/18 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 17 October 2018 be adopted.

**THAT** the information as presented in the Completed Projects Report to the Finance Committee, detailing 119 projects completed in twelve months, budgeted at \$17.5 million, completed with a total capital expenditure of \$17.21 million - \$334,821 under budget - be noted as part of the report.

**PASSED**

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**19. QUESTIONS WITH NOTICE**

Nil

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## CORPORATE STRATEGY AND DEVELOPMENT SERVICES

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### 13.1 Section 4.55 Application to Modify Development Consent DA09/1157 - Proposed Alterations and Additions to Existing Dwelling - "Mount Broughton", 144 Mt Broughton Road, Werai

Reference:	PN1702240, DA09/1157.05
Report Author:	Senior Accredited Certifier
Authoriser:	Accredited Certifier
Applicant:	Kathy Barnsley Architect
Owner:	I. Scandrett & J. Scandrett
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

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#### PURPOSE

The purpose of this report is to consider a Section 4.55 modified development application 09/1157.05, which seeks consent to carry out alterations and additions to an existing dwelling at "Mount Broughton" 144 Mt Broughton Road, Werai. The application has been referred to Council for determination as the property owner is a Councillor. Consequently this report is prepared for determination and recommends APPROVAL.

This item is resubmitted for further consideration by Council after appropriate justification was sought, per the Code of Meeting Practice, for this matter to be heard in Closed Council.

Clr I M Scandrett left the chambers, the time being 06:12PM.

Clr I M Scandrett returned to the meeting, the time being 06:19PM.

#### **MN 456/18**

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

***THAT the report in relation to Section 4.55 Application to Modify Development Consent DA 09/1157 be DEFERRED to a future Ordinary Meeting of Council, pending provision of legal advice to Council to determine the reasoning for this Item to be determined in Closed Council.***

#### **PASSED**

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## 20. NOTICES OF MOTION

### 20.1 Notice of Rescission Motion 01/2018 - Demolition of Existing Dwellings and Erection of Health Services Facility Including Hospice, 104-106 Bowral Street, Bowral

Reference:	100/5, 17/1365
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

Councillors Ian Scandrett, Larry Whipper and Garry Turland have given notice that it is their intention to move at the Ordinary Meeting of Council on 24 October 2018 that the following resolution from the Ordinary Meeting of Council held on 10 October 2018 be rescinded:

#### ***MN 409/18***

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

***THAT*** Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical Centre at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral be ***REFUSED*** for the following reasons:

- (a) The height does not comply with the Heritage Conservation Development Control Plan.***
- (b) The front setback is not compliant with the Bowral Town Plan Development Control Plan.***
- (c) The rear setback is not compliant with the Bowral Town Plan Development Control Plan.***
- (d) The proposed development is incompatible with the Bowral Conservation Area Development Control Plan.***
- (e) Traffic congestion in the Bowral and St Jude Streets precinct.***

The General Manager left the meeting, the time being 6:42PM

The General Manager returned to the meeting, the time being 6:59PM

**MN 457/18**

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

**THAT** Council rescind resolution MN 409/18 of the ordinary meeting of Council held on 10 October 2018, which reads:

**THAT** Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical Centre at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral be **REFUSED** for the following reasons:

- (a) **The height does not comply with the Heritage Conservation Development Control Plan.**
- (b) **The front setback is not compliant with the Bowral Town Plan Development Control Plan.**
- (c) **The rear setback is not compliant with the Bowral Town Plan Development Control Plan.**
- (d) **The proposed development is incompatible with the Bowral Conservation Area Development Control Plan.**
- (e) **Traffic congestion in the Bowral and St Jude Streets precinct.**

**VOTING ON THE MOTION**

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

**Against the motion:** Cllr K J Halstead and Cllr G Markwart

**PASSED**



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

1. **THAT** Council approve development application DA 17/1365 subject to the conditions of consent recommended by staff in the report to Council of 10 October 2018 at Item 10.1.
2. **THAT** such approval require that the trees in the front setback, if not affected by new works, be retained where possible, in consultation with Council's tree officer and planning department.

**AMENDMENT** moved by Clr L A C Whipper and seconded by Clr K J Halstead

1. **THAT** Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical Centre at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral be DEFERRED to allow further discussions between the Applicant and Council around the issues concerning the impact on the heritage streetscape and architectural elements.
2. **THAT** a report be submitted to the Council meeting of 12 December 2018, taking into account the issue raised in 1 above.

**THE AMENDMENT WAS PUT TO THE VOTE AND LOST**

**VOTING ON THE AMENDMENT**

**For the amendment:** Clr G Markwart, Clr K J Halstead and Clr L A C Whipper

**Against the amendment:** Clr G J Andrews, Mayor T D Gair, Clr I M Scandrett, Clr P W Nelson and Deputy Mayor G M Turland

**THE MOTION WAS PUT TO THE VOTE AND PASSED**

**VOTING ON THE MOTION**

**For the motion:** Clr G J Andrews, Mayor T D Gair, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor G M Turland

**Against the motion:** Clr K J Halstead, Clr G Markwart and Clr L A C Whipper

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## 21. GENERAL BUSINESS

### 1. SALE OF FRANKLAND STREET MITTAGONG

PN 556900

Clr I M Scandrett requested the GM and Council staff to provide an update on the forthcoming sale of Frankland Street (the former Mittagong Sewerage Works) and include details of the progress of subdivision for the sale.

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### 2. COMMUNITY OVAL

6546/7

Clr I M Scandrett requested the GM detail any discussions Council has had regarding any developments on or including the community oval, and the adjoining Council lands, and education lands.

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### 3. FUNDING OF COMMUNITY CONSULTATION FOR PROPOSED LEASE OF ABORIGINAL CULTURAL CENTRE

1826/14, PN700000

Clr L A C Whipper noted that he and Councillor Markwart attended the first community consultation on the Aboriginal Cultural Centre lease. However, Clrs Whipper and Markwart were asked to leave the meeting shortly after it commenced. As a result, Clr Whipper requested clarification on whether Council will be present at the next consultation meeting on 5 November 2018, in the interests of equity and transparency.

---

**22. CLOSED COUNCIL**

**MOVING INTO CLOSED SESSION**

107/9

At this juncture, the time being 7:24PM, Council moved into Closed Council.

**MN 458/18**

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

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 Orchard Road Private Water Supply**

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)(b) as it contains discussion in relation to the personal hardship of a resident or ratepayer and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

This purpose of this report is to seek Council's direction regarding the Private Water Supply infrastructure located on 9 Orchard Road, Bowral - Property No 1724730 and an outstanding water account.

**22.2 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 26 September 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 Orchard Road Private Water Supply

Reference:	7781, PN1724730
Report Author:	Manager Water & Sewer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

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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)(b) as it contains discussion in relation to the personal hardship of a resident or ratepayer.*

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### PURPOSE

This purpose of this report is to seek Council's direction regarding the Private Water Supply infrastructure located on 9 Orchard Road, Bowral - Property No 1724730 and an outstanding water account.

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

### **MN 459/18**

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

**THAT Council resolves to write off the arrears of \$10,832.26 for the Water account of 9 Orchard Road Bowral, PN 1724730, subject to the property owner signing a deed of release.**

### **PASSED**

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## 22.2 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 26 September 2018.

Clr K J Halstead left the chambers, the time being 07:40PM.

Clr K J Halstead returned to the meeting, the time being 07:42PM.

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

**MN 460/18**

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

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

**PASSED**

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## 23. RESUMPTION OF OPEN AGENDA

107/10

**MN 461/18**

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

**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 462/18**

**MOTION** moved by Clr K J Halstead and seconded by Clr G Markwart

**THAT** the recommendations of the Closed Council held on Wednesday, 2018 being MN 459/18 to MN 460/18 be adopted.

**PASSED**

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## 24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

**MN 463/18**

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

**THAT** the recommendations of the Committee of the Whole held on Wednesday, 2018 being MN 431/18 to MN 444/18 be adopted.

**PASSED**

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## **25. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:50PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 24 October 2018 numbered M/N 428/18 to M/N 463/18 were signed by me hereunder at the Council Meeting held on Wednesday 14 November 2018.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 14 NOVEMBER 2018**

\_\_\_\_\_  
CHAIRMAN

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