



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 25 July 2018

The meeting commenced at 3.30 pm

File No. 100/2018

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
Nil	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 11 July 2018	
6. BUSINESS ARISING.....	4
7. DECLARATIONS OF INTEREST	5
8. MAYORAL MINUTES.....	6
9. PUBLIC FORUM	6

COMMITTEE OF THE WHOLE

10. VISITOR MATTERS	8
OPERATIONS	
Nil	8
CORPORATE AND STRATEGY	
10.1 Development Application 18/0442 - Two public events - Southern Highlands Food and Wine Festival (29-30 September 2018) and Highlands Beer and Cider Festival (23-24 February 2019)	9
11. EN BLOC MOTION	12

12. OPERATIONS FINANCE AND RISK	13
12.1 Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project.....	13
12.2 Tender for Watermains Replacement Works Colo Vale	14
12.3 Easement for Stormwater - 1 Ellsmore Road, Bundanoon and 3 Ellsmore Road, Bundanoon	15
12.4 Investment Report - June 2018.....	17
12.5 Traffic Management for Bundanoon Railway Sesquicentenary	18

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES	19
13.1 Water and Sewer Development Servicing Plans - Developer Charges Moratorium Period.....	19

COUNCIL MATTERS

Mayor resumes the chair	20
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QUESTIONS FROM THE PUBLIC

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES (CONTINUED)	22
13.2 Review of Governance and Management of Council's Children's Services Policy Version 1.3	22
13.3 Request for Financial Assistance from Bundanoon History Group to Celebrate Sesquicentenary of the Railway Line	23
14. GENERAL MANAGER	24
14.1 Legal Report	24
15. DELEGATE REPORTS	25
16. PETITIONS	26
16.1 Petition 06/2018 - Development in Bundanoon	26
17. CORRESPONDENCE FOR ATTENTION	27
Nil	27
18. COMMITTEE REPORTS	28
18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 June 2018	28
19. QUESTIONS WITH NOTICE	29
Nil	29
20. NOTICES OF MOTION	30
20.1 Notice of Motion 22/2018 Wingecarribee Shire Council - Investigation into Project Management Issues	30
21. GENERAL BUSINESS	31
22. CLOSED COUNCIL	33
Moving into Closed Session	33
22.1 Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project	36
22.2 Tender for Watermains Replacement Works Colo Vale	37
22.3 Legal Report - Closed Council	38
23. RESUMPTION OF OPEN AGENDA	39
Adoption of Closed Council	39
24. ADOPTION OF COMMITTEE OF THE WHOLE	39
25. MEETING CLOSURE	40

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 25 JULY 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
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.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr I M Scandrett acknowledged country:

"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The meeting was led in prayer by Reverend Jeremy Tonks of Exeter/Bundanoon Anglican.

4. APOLOGY

There were no apologies at this Meeting.

100/1

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 11 JULY 2018

MN 269/18

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 11 July 2018 MN 256/18 to MN 268/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

101/3, 5125

6. BUSINESS ARISING

Clr G M Turland referred to Business Arising on page 3 of the Minutes of the previous Council meeting of 11 July 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.

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, 18/0442

Clr G Markwart declared a less than significant non-pecuniary interest in Item 10.1 DA 18/0442 – Two events – Southern Highlands Food and Wine Festival (29-30 September 2018) and Highlands Beer and Cider Festival (23-24 February 2019) – as he and Mr Clive West, secretary of the Berrima Residents Association (an objector), are both members of the local branch of the Greens Party and attend the same meetings in this capacity. He stated that he would remain in the Chamber when this matter was considered, take part in the debate and vote on the matter.

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.

101/3.1, 107/22

Clr G M Turland declared a pecuniary interest in Item 22.3 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.

PRESENTATION TO COUNCIL

Clr G McLaughlin presented a certificate of appreciation to Council on behalf of DreamCricket, in recognition of Council's support of the DreamCricket program since its inception.

8. MAYORAL MINUTES

Nil

9. PUBLIC FORUM

Nil

COMMITTEE OF THE WHOLE

107/10

MN 270/18

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

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 I M Scandrett to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 Development Application 18/0442 - Two public events - Southern Highlands Food and Wine Festival (29-30 September 2018) and Highlands Beer and Cider Festival (23-24 February 2019)

Reference:	18/0442
Report Author:	Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Southern Highlands Food and Wine Association
Owner:	Wingecarribee Shire Council
Link to Community Strategic Plan:	Provide diversity in tourist attractions and experiences

PURPOSE

The application has been requested to be determined by full Council and accordingly this report is to provide Council with an assessment of the development application DA18/0442 involving two events proposed by the Southern Highlands Food and Wine Association at the Market Place reserve Berrima. The application is recommended for APPROVAL subject to conditions.

Interest: Cllr G Markwart declared a less than significant non-pecuniary interest in relation to this item as he and an objector are both members of the local branch of the Greens party. He remained in the Chamber and participated in discussion and voting on this matter.

Mr Julian Brophy addressed Council as an objector to this matter.

Mr Brophy was granted additional time for his address.

Mr Mark Bourne, the applicant, addressed Council.

Mr Bourne was granted additional time for his address.

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this item.

MN 271/18

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

THAT Development Application 18/0442 be APPROVED only for the proposed Beer and Cider Festival at Lot 1 DP 1152987, Public Square, Market Place, Berrima for 23 and 24 February 2019, subject to conditions as described in Attachment 1 to the report AND THAT this be a one-off event.

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

1. **THAT** Council defer consideration of DA 18/0442 - Two Public Events - Southern Highlands Food and Wine Festival (29-30 September 2018) and Highlands Beer and Cider Festival (23-24 February 2019) pending the provision of a detailed Heritage Impact Statement.
2. **THAT** the Heritage Impact Statement be required in accordance with the Berrima Village Heritage DCP to ensure that there is no potential for conflict or negative impacts upon the unique Heritage of the Berrima Village which is the last remaining intact Georgian Village in mainland Australia.

VOTING ON THE AMENDMENT

For the amendment: Clr G J Andrews, Mayor K J Halstead, Clr G Markwart, Clr G M Turland and Clr L A C Whipper

Against the amendment: Clr T D Gair, Clr G McLaughlin, Clr P W Nelson and Deputy Mayor I M Scandrett

AMENDMENT PASSED

FURTHER AMENDMENT moved by *Mayor K J Halstead* and seconded by *Clr G McLaughlin*

1. **THAT** *Development Application 18/0442 be APPROVED only for the proposed Beer and Cider Festival at Lot 1 DP 1152987, Public Square, Market Place, Berrima for 23 and 24 February 2019, subject to conditions as described in Attachment 1 to the report, pending the provision of a detailed Heritage Impact Statement AND THAT this be a one-off event.*
2. **THAT** *the Heritage Impact Statement be required in accordance with the Berrima Village Heritage DCP to ensure that there is no potential for conflict or negative impacts upon the unique Heritage of the Berrima Village which is the last remaining intact Georgian Village in mainland Australia.*

THE FURTHER AMENDMENT WAS PUT TO THE VOTE AND PASSED

VOTING ON THE AMENDMENT

For the amendment: Clr T D Gair, Mayor K J Halstead, Clr G McLaughlin, Clr P W Nelson, Deputy Mayor I M Scandrett and Clr G M Turland

Against the amendment: Clr G J Andrews, Clr G Markwart and Clr L A C Whipper

THE FURTHER AMENDMENT THEN BECAME THE SUBSTANTIVE MOTION

THE MOTION WAS PUT TO THE VOTE AND PASSED

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 25 July 2018



VOTING ON THE MOTION

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

Against the motion: Clr G Markwart and Clr L A C Whipper

There was a short recess to allow the public gallery to clear.

Clr G McLaughlin left the Chamber, the time being 05:16PM.

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project

Reference:	6330/18.2
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Sustainably manage natural resources for broader community benefit

PURPOSE

The purpose of this report is to present revised recommendations in relation to the Request for Tender for the Bundanoon Water Treatment Plant (WTP) and Wingecarribee WTP Clear Water Tank Baffles – Detailed Design, Fabrication & Site Installation.

The General Manager left the Chamber, the time being 5:15pm

MN 272/18

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

THAT in relation to the report concerning Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles, Council adopts the recommendations contained within the Closed Council report – Item 22.1:

1. **THAT** Council note that negotiations with Argyle Commercial Pty Ltd from Goulburn, NSW have ceased.
2. **THAT** Council enters into negotiations with Aqualift Pty Ltd from Wauchope NSW with a view to entering into a contract in relation to the clear water tank baffles at the Bundanoon and Wingecarribee Water Treatment Plants, in accordance with clauses 178(3)(e) and 178(4)(a) & (b) of the Local Government (General) Regulations 2005. Aqualift Pty Ltd has demonstrated capacity to manufacture and install fixed baffles within tank reservoirs to increase the detention time within tanks.

PASSED

12.2 Tender for Watermains Replacement Works Colo Vale

Reference:	6330/18.9
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Watermains Replacement Works, Colo Vale.

Clr G McLaughlin returned to the Chamber, the time being 05:18PM.

MN 273/18

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

THAT in relation to the report concerning the tender for Watermains Replacement Works, Colo Vale, Council adopts the recommendations contained within the Closed Council report – Item 22.2:

THAT Council accepts the tender from Beno Excavations Pty Ltd (t/a Benex Pipelines) at a lump sum cost of \$399,025.00 (ex GST) to undertake Watermains Replacement Works at Colo Vale.

PASSED

12.3 Easement for Stormwater - 1 Ellsmore Road, Bundanoon and 3 Ellsmore Road, Bundanoon

Reference: PN487500; PN487600; 8119
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 acquisition of an Easement for Stormwater purposes affecting the properties Lot 11 DP556018 (being 1 Ellsmore Road, Bundanoon) and Lot 25 & 26 Section 1 DP1307 (being 3 Ellsmore Road, Bundanoon).

MN 274/18

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

1. **THAT** the General Manager be delegated authority to negotiate with the owners of the properties being 1 Ellsmore Road, Bundanoon and 3 Ellsmore Road, Bundanoon for the acquisition of an Easement for Stormwater a minimum of 2 metres wide.
2. **THAT** if the acquisitions referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
 - (a) acquire the easements by compulsory acquisition under Sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
 - (b) approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1993 (NSW) with respect to the easement **AND THAT** Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1993 (NSW) with respect to the easement.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the acquisition of an Easement for Stormwater referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and General Manager to execute those documents.
4. **THAT** authority be delegated to the General Manager to execute on behalf of Council any documents associated with the acquisition of an Easement for Stormwater referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

PASSED

12.4 Investment Report - June 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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 30 June 2018.

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

MN 275/18

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

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

PASSED

12.5 Traffic Management for Bundanoon Railway Sesquicentenary

Reference: 7460/10
Report Author: Acting Traffic Engineer
Authoriser: Group Manager Infrastructure Services
Link to Community
Strategic Plan: Promote Southern Highlands' unique brand identity

PURPOSE

The purpose of this report is to seek Council's approval for the proposed traffic arrangements for the Bundanoon Railway Sesquicentenary celebration.

MN 276/18

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

THAT Council approve the Traffic Management Plan for the Bundanoon Railway Sesquicentenary celebration to be held on 5 August 2018.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Water and Sewer Development Servicing Plans - Developer Charges Moratorium Period

Reference:	7729/1
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to advise Council of the total revenue amount which has been foregone as a result of the approved moratorium period in relation to water and sewer developer charges.

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this item.

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

The General Manager returned to the Chamber, the time being 05:29pm.

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

MN 277/18

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

THAT the report on the Water Supply and Sewer Development Servicing Plan moratorium period be received for information.

PASSED

COUNCIL MATTERS

MN 278/18

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

THAT Council move from Committee of the Whole back into Council, the time being 5:35 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

PASSED

QUESTIONS FROM THE PUBLIC

100/10

QUESTION FROM MR CLIVE WEST:

DA 18/0442 Food and Wine Festival

18/0442

To avoid a debacle like the DA for the Food and Wine Festival arising 12 weeks after lodgement of the DA, could Council please reinstate the procedure followed by Council for many years of sending the Berrima Residents Association notification of DAs affecting the Berrima conservation area when they are received, as formally provided for in the Berrima Village DCP:

Clause A1.6.2. referral to local residents: "Council may provide the Berrima Residents Association with the opportunity to comment to Council at pre-design, pre-lodgement and development assessment stages. Their comment is to be provided only to Council to assist in their assessment of the application."

REPLY FROM DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES

Where it is determined that a development will have a significant potential permanent impact on the historic integrity of the Berrima Village, particularly through an application involving building works, Council staff would determine that a more extensive public notification is necessary including involving the Berrima Residents Association.

It is further noted that Council every month receives a staff report that lists all development applications received in the preceding month with the applications listed in locality order. This report is available to the public and therefore available to the Berrima Residents Association to review and make representations on any development in Berrima Village or anywhere else in the shire. Plans and documents associated with development applications are also available to the public on Council's website through DA Tracker.

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES (CONTINUED)

13.2 Review of Governance and Management of Council's Children's Services Policy Version 1.3

Reference: 1825/29.5, 104/7
Report Author: Family Day Care Children's Services Co-ordinator
Authoriser: Group Manager Corporate and Community
Link to Corporate Plan: Maintain strong public institutions and facilities in the district to match the evolving needs of the community

PURPOSE

This report seeks Council's adoption of the revised Governance and Management of Council's Children's Services Policy.

MN 279/18

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

THAT Council adopts the revised Governance and Management of Council's Children's Services Policy – Attachment 1 to the report.

PASSED

13.3 Request for Financial Assistance from Bundanoon History Group to Celebrate Sesquicentenary of the Railway Line

Reference: 1671/4.4
Report Author: Coordinator Community Development
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Provide and support a range of community events, festivals and celebrations

PURPOSE

The purpose of this report is to seek Council's position on a request from Bundanoon History Group to provide financial assistance to support Bundanoon Railway Sesquicentenary celebrations. Assistance is sought to cover the cost of traffic management and promotional banners for the event to be held on 5 August 2018.

MN 280/18

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

THAT in respect of the Bundanoon Railway Sesquicentenary celebrations to be held on Saturday 5 August 2018, an amount of \$1,574 be allocated to the Bundanoon History Group for financial assistance **AND THAT** such funds be allocated from Council's contingency fund.

PASSED

14. GENERAL MANAGER

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

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, 27 June 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 discussion, and voted on this item.

MN 281/18

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

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 22.3

PASSED

15. DELEGATE REPORTS

There were no Delegate reports at this meeting.

16. PETITIONS

16.1 Petition 06/2018 - Development in Bundanoon

Reference:	100/8; 7757
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

The purpose of this report is to table a petition calling for the introduction of more controls to preserve Australian natural habitat into the future, to combat climate change and reduce loss of species. The petition has received more than 500 signatures.

A copy of the covering letter and information has been provided at [Attachment 1](#).

MN 282/18

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

1. **THAT** petition number 06/2018 dated 9 July 2018 concerning the introduction of more planning controls so as to preserve Australian natural habitat and combat climate change to reduce loss of species in Bundanoon, which was signed by more than 500 signatures, be noted.
2. **THAT** it be noted that the Petition in 1 above was also lodged with the NSW State Legislative Assembly.
3. **THAT** the petition be forwarded to the Environment and Sustainability Advisory Committee for comment.

PASSED

17. CORRESPONDENCE FOR ATTENTION

There was no correspondence for attention at this meeting.

18. COMMITTEE REPORTS

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 June 2018

Reference:	2102/3
Report Author:	Internal Audit and Legal Support 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

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 June 2018.

MN 283/18

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

THAT recommendations Nos AR 12/18 to AR 24/18 – as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 22 June 2018 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

19. QUESTIONS WITH NOTICE

There were no Questions with Notice at this meeting.

20. NOTICES OF MOTION

20.1 Notice of Motion 22/2018 Wingecarribee Shire Council - Investigation into Project Management Issues

Reference:	100/4; 2120
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 I M Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 25 July 2018:

THAT an investigation be undertaken by the Audit Risk and Improvement Advisory Committee (which includes 3 community members and 2 Councillors) into the continuing occurrences of significant project cost overruns with particular emphasis on the Mittagong Pool, the Station Street Upgrade & the Moss Vale Pedestrian Overbridge projects.

The investigation should cover the following issues:

- *How was the project scoped?*
- *How were the cost estimates produced, and what was the methodology?*
- *What consultants were used and what were the briefs given to them?*
- *Was there any internal review after the preparation of the original estimates and if so how was it carried out and by whom?*
- *What monitoring processes were put in place at the commencement of the project to ensure that project managers & Council had up to date and accurate information on progress*
- *What was the input by the General Manager & Deputy General Manager Corporate Strategy and Development Services into the process on these 3 projects?*

THE MOTION LAPSED FOR WANT OF A SECONDER.

21. GENERAL BUSINESS

1826/14, PN700000

Clr L A C Whipper referred to Council's resolution of Wednesday 27 June to facilitate a consultation with the community about the proposed lease at 1A Rainbow Street Mittagong and bring a report back to Council in three months. Clr Whipper asked if Councillors could get an update on this.

The General Manager advised that this question will be taken on notice and Council will provide the update as requested.

100/8, 7757

Clr G Markwart asked a question relating to development in Bundanoon (in reference to petition 06/2018 at Item 16.1) – was the development in question approved under delegated authority, or by full Council, or was it determined by the Land and Environment Court?

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

RD3140

Clr G McLaughlin asked a question relating to Diamond Fields Road. We are currently in a drought situation, yet residents cannot get a water delivery as truck drivers claim they cannot take their trucks across the bridge. However, Council regularly takes heavy machinery over the bridge. Can this bridge be accessed by trucks for the purpose of water delivery to residents?

The General Manager advised that this question will be taken on notice and noted that Council is seeking professional advice regarding options available to Council.

The Mayor Clr K J Halstead spoke on this matter in support of Clr G McLaughlin's question and the issue raised by the residents.

RD3140

Clr G McLaughlin referred again to Diamond Fields Road – residents have no way of exiting the area in the event of a fire as the access road has been blocked off by the Water Board. How are these residents going to evacuate in the event of an emergency?

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

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 25 July 2018



5704/6

Clr G McLaughlin advised that he has been approached by Mr Roger Thompson, a resident of Mount Road, who stated that his neighbours have been notified of a development on Centennial Road, but he has not.

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

100/1

Clr P W Nelson referred to the possible unauthorised tape-recording of the meeting and sought confirmation from the Mayor and the General Manager that this matter would be followed up.

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

100/1, 100/7

Clr I M Scandrett asked that the original notice of motion from 2012 regarding recording of Council meetings be published in the weekly circular, and also as a response to this General Business question.

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

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6:06 pm, Council moved into Closed Council.

MN 284/18

MOTION moved by Cllr T D Gair 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 Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 revised recommendations in relation to the Request for Tender for the Bundanoon and Wingecarribee Water Treatment Plants (WTP) Clear Water Tank Baffles – Detailed Design, Fabrication & Site Installation.

22.2 Tender for Watermains Replacement Works Colo 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 present the evaluation of the Request for Tender for the Watermains Replacement Works, Colo Vale.

22.3 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

To update Council on the status of legal proceedings reported to Council at

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 25 July 2018



the meeting on 27 June 2018.

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

PASSED

22.1 Bundanoon and Wingecarribee Water Treatment Plant Clear Water Tank Baffles Project

Reference:	6330/18.2
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

This item was dealt with earlier in the Meeting (refer MN 272/18).

22.2 Tender for Watermains Replacement Works Colo Vale

Reference:	6330/18.9
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community	
Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

[This item was dealt with earlier in the Meeting \(refer MN 273/18\).](#)

22.3 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

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.

PURPOSE

To update Council on the status of legal proceedings reported to Council at the meeting on 27 June 2018.

Interest: Cllr G M Turland declared a pecuniary interest in this item as he has a legal matter with Council. As this particular legal matter was not discussed, he remained in the Chamber.

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

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this item.

MN 285/18

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

THAT the information in the Legal Affairs Report be noted.

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 286/18

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

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 287/18

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

THAT the motion of the Closed Council held on Wednesday, 25 July 2018 being MN 285/18 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 288/18

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 25 July 2018 being MN 271/18 to MN 277/18 be adopted.

PASSED



25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6:26 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 25 July 2018 numbered M/N 269/18 to M/N 288/18 were signed by me hereunder at the Council Meeting held on Wednesday 8 August 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 8 AUGUST 2018

CHAIRMAN

PUBLIC OFFICER