



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 27 June 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	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 13 June 2018	
6. BUSINESS ARISING.....	2
7. DECLARATIONS OF INTEREST	3
8. MAYORAL MINUTES.....	4
8.1 Pie Time	4
8.2 Recognition of Ms Elizabeth Johnson - Retiring Staff Member.....	5
9. PUBLIC FORUM	6
COMMITTEE OF THE WHOLE	
10. VISITOR MATTERS	8
OPERATIONS	
10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road Mittagong.....	8
CORPORATE AND STRATEGY	
10.2 Development Application 17/1284 Renwick Community Centre Lots 202 and 203 DP1174912, Langley Avenue and Renwick Drive, Renwick.....	11
11. EN BLOC MOTION	12
12. OPERATIONS FINANCE AND RISK	13
12.1 Investment Report - May 2018.....	13
12.2 Proposed Sale of 5 Kirkland Road, East Kangaloon	14
12.3 Moss Vale & District Basketball Association - Request for Variation to Terms of Loan.....	15
13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES	17
13.1 Wingecarribee Community Assistance Scheme Recommendations for Funding	17
13.2 Request for Financial Assistance from Winterfest Bundanoon	18
13.3 Local Government Conference 2018	19

COUNCIL MATTERS

Mayor resumes the chair21

QUESTIONS FROM THE PUBLIC

Questions from the Public and Replies22

14. GENERAL MANAGER.....23

14.1 Legal Report23

15. DELEGATE REPORTS24

Nil24

16. PETITIONS.....25

Nil25

17. CORRESPONDENCE FOR ATTENTION.....26

Nil26

18. COMMITTEE REPORTS27

18.1 Management and Advisory Committee Reports27

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 201829

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 201830

19. QUESTIONS WITH NOTICE31

Nil31

20. NOTICES OF MOTION.....32

Nil32

21. GENERAL BUSINESS33

22. CLOSED COUNCIL.....35

Moving into Closed Session.....35

22.1 Legal Report - Closed Council36

23. RESUMPTION OF OPEN AGENDA.....37

Adoption of Closed Council.....37

24. ADOPTION OF COMMITTEE OF THE WHOLE.....37

25. MEETING CLOSURE38

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 27 JUNE 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: Acting General Manager and 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
Manager Tourism (part) Mr Steve Rosa
Legal Counsel Mr Ian Lacy
Coordinator Media and Communications Mr David Sommers
Administration Officer Ms Liz Johnson
Ms 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 L A C Whipper acknowledged country:

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

3. PRAYER

The meeting was led in prayer by Reverend Gavin Perkins of Bowral Anglican Church.

4. APOLOGY

It was noted that an apology was received from the General Manager.

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY
13 JUNE 2018

MN 234/18

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 13 June 2018 MN 212/18 to MN 233/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

PERS 101

BUSINESS ARISING

Clr I M Scandrett referred to Item 6, question 1 of General Business questions in the minutes from the Council meeting held 13 June 2018, and asked the General Manager again if there had been a response yet from the Office of Local Government regarding the Facebook post which had been referred to them.

The Acting General Manager advised that he is not aware if Council has received a response.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

101/3.1, 107/1

Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 13.1 – Community Assistance Scheme Recommendations for Funding, as he is a member of an organisation who has applied for a grant.

101/3.1, 107/22

Clr G M Turland declared a significant non-pecuniary interest in Item 14.1 – Legal Report, as he has a current legal matter with council. He stated that he would remove himself from the chamber when this matter was discussed and not take part in the debate and voting thereon.

101/3, 107/22

Clr G M Turland declared a pecuniary interest in Item 22.1 – Legal Report – Closed Council, as he currently has a legal case with Council. He stated that he would be absent from the Chambers for consideration or discussion of that matter.

8. MAYORAL MINUTES

8.1 Pie Time

Reference: 102, 1900
Report Author: Mayor

PURPOSE

The purpose of this Mayoral Minute is to present a report on the celebration of Pie Time in the Southern Highlands.

MN 235/18

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

THAT Manager Tourism and Events, Mr Steve Rosa and the Destination Southern Highlands team be congratulated on the success of the 2018 Pie Time campaign.

PASSED

8.2 Recognition of Ms Elizabeth Johnson - Retiring Staff Member

Reference: 102, PERS
Report Author: Mayor

PURPOSE

The purpose of this report is to recognise and acknowledge the contribution of long term Council employee, Ms Elizabeth (Liz) Johnson.

MN 236/18

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

1. **THAT** Council acknowledge the contribution that Ms Elizabeth Johnson has given to Wingecarribee Shire.
2. **THAT** Council extend their thanks and best wishes to Ms Elizabeth Johnson on her retirement.

PASSED

9. PUBLIC FORUM

There was no Public Forum at this meeting

COMMITTEE OF THE WHOLE

107/10

MN 237/18

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 G Markwart to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Road Mittagong

Reference:	PN700000, 1826/14
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 the submissions received during the period of public notice of intention to issue a Lease for 1A Rainbow Road, Mittagong. The period of public notification was from 24 April to 25 May 2018.

Mr Peter Swain addressed Council on behalf of the Wingecarribee Aboriginal Community Centre Committee.

Aunty Val Mulcahy addressed Council on behalf of Yamanda Aboriginal Association Inc.

The Acting General Manager addressed Council on this matter.

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

1. **THAT** Council confirm the resolution of 14 March 2018 and enter into a long term lease with the Illawarra Aboriginal Land Council (ILALC) for the property known as the Aboriginal Community Cultural Centre, Rainbow Street, Mittagong.
2. **THAT** Authority be granted to the General Manager and Mayor to negotiate the terms and conditions of the lease with the ILALC for the property known as 1A Rainbow Street, Mittagong **AND THAT** it be noted that the term of the lease be for 99 years at a peppercorn rental of \$1 per annum.
3. **THAT** the lease includes a provision to appoint a management committee consisting of local Aboriginal residents to ensure that the interests of the Wingecarribee Aboriginal Community are protected.
4. **THAT** Council acknowledge and thank all residents who made submissions on this matter.
5. **THAT** the General Manager and Mayor be delegated authority to execute the lease referred to in resolution 2 above, under the Common Seal of Council (if required).

MN 238/18

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

1. **THAT** any decision regarding the leasing to the Illawarra Local Aboriginal Land Council, of property known as 1A Rainbow Street, Mittagong be deferred for a period of three months to permit consultation between key local Aboriginal organisations with the aim of reaching a mutually agreed position, if possible on the future lease for the property referred to above.
2. **THAT** representatives of the Yamanda Aboriginal Association, Wingecarribee Reconciliation Group (WRC), the Illawarra Local Aboriginal Land Council, the S355 Committee for the Aboriginal Cultural Centre, local elders and other key Aboriginal people be invited to take part in the consultative process.
3. **THAT** Council support, administer and fund the consultative process, employing an independent facilitator who has comprehensive knowledge of Aboriginal issues to manage the consultation process.
4. **THAT** the General Manager (or her delegate) and Cllr L A C Whipper and Cllr G Markwart be delegates to attend meetings as observers only, unless invited to participate into discussions by the facilitator.
5. **THAT** subsequent to the conclusion of the consultation period, a written report on the conclusion drawn by the facilitator be forwarded to a future Ordinary Meeting of Council for determination.

Cllr I M Scandrett advised that he was foreshadowing an amendment

THE AMENDMENT WAS PUT TO THE VOTE AND WAS PASSED

THE AMENDMENT BECAME THE MOTION

Clr I M Scandrett requested that his dissenting vote be recorded

AMENDMENT moved by Deputy Mayor I M Scandrett

1. THAT the Aboriginal Cultural Community Centre premises at 1A Rainbow Road Mittagong not be leased to the Illawarra Local Aboriginal Land Care Council.
2. THAT all correspondents who made submissions be thanked for their submissions.

THE AMENDMENT LAPSED THROUGH WANT OF A SECONDER

THE MOTION WAS PUT TO THE VOTE AND WAS PASSED

VOTING ON THE MOTION

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

Against the motion: Deputy Mayor I M Scandrett

It was noted that a 5 minute adjournment was called to allow members of the public gallery to depart the Chamber.

CORPORATE AND STRATEGY

10.2 Development Application 17/1284 Renwick Community Centre Lots 202 and 203 DP1174912, Langley Avenue and Renwick Drive, Renwick

Reference:	17/1284
Report Author:	Consultant Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	UrbanGrowth NSW
Owner:	UrbanGrowth NSW
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 an assessment of a Crown Development Application for the Community Centre, town square, landscaping, lot consolidation and car park at Lots 202 and 203 DP1174912 Langley Avenue, Whitfield Lane and Renwick Drive, Renwick. The application is presented to Council for determination. The application is recommended for **APPROVAL** subject to conditions of consent as nominated in **Attachment 1**.

Clr T D Gair left the chambers, the time being 04:58PM.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 239/18

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

THAT *Development Application 17/1284 for lot consolidation, community facility, village square and ancillary car parking and landscaping at Lots 202 and 203 DP 1174912 Langley Avenue, Whitfield Lane and Renwick Drive, Renwick be APPROVED subject to conditions as described in Attachment 1 to the report.*

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Investment Report - May 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 31 May 2018. Clr T D Gair returned to the Chamber, the time being 05:02PM.

MN 240/18

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

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

PASSED

12.2 Proposed Sale of 5 Kirkland Road, East Kangaloon

Reference:	PN1803240, 7120
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 obtain Council approval to market and sell the Council property being vacant land at Lot 244 DP 751277 known as 5 Kirkland Road, East Kangaloon (“the property”).

MN 241/18

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

1. **THAT** authority be delegated to the General Manager to negotiate with any prospective purchaser for the sale of 5 Kirkland Road, East Kangaloon within 10% range of the formal valuation.
2. **THAT** in respect of the proposed sale of 5 Kirkland Road, East Kangaloon, authority be delegated to the General Manager and Mayor to execute the Contract for Sale of Land, Transfer and any other associated real property dealings under the Common Seal of the Council.

PASSED

12.3 Moss Vale & District Basketball Association - Request for Variation to Terms of Loan

Reference:	6605/3
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 for Council to consider a request made by the Moss Vale & District Basketball Association to vary the terms of the approved loan which was provided to fund stage 1 of the centre improvement strategy.

This report was initially submitted to the Finance Committee meeting held on 16 May 2018.

MN 242/18

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

1. **THAT Council authorise the redraw of \$60,000 from the approved loan with the Moss Vale & District Basketball Association, to be sourced from the Property Development Reserve.**
2. **THAT Council vary the approved loan agreement to reflect the extension of the loan maturity for a period of three years.**
3. **THAT the Mayor and General Manager be authorised to sign and affix the common seal of Council to the documents required to vary the terms of the approved loan.**

AMENDMENT moved by Deputy Mayor I M Scandrett and seconded by Cllr P W Nelson

1. **THAT Council authorise the redraw of \$116,667 from the approved loan with the Moss Vale & District Basketball Association, to be sourced from the Property Development Reserve.**
2. **THAT Council vary the approved loan agreement to reflect the extension of the loan maturity to 25 October 2032.**
3. **THAT the Mayor and General Manager be authorised to sign and affix the common seal of Council to the documents required to vary the terms of the approved loan.**

THE AMENDMENT WAS PUT TO THE VOTE AND WAS LOST

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 June 2018



THE MOTION WAS PUT TO THE VOTE AND WAS PASSED

Clr I M Scandrett requested that his dissenting vote be recorded

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Wingecarribee Community Assistance Scheme Recommendations for Funding

Reference:	1870/2018, 1732/3
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

PURPOSE

The purpose of this report is to seek Council's approval of the final recommendations from the Community Assistance Scheme Advisory Committee for financial assistance under the 2018/2019 Wingecarribee Community Assistance Scheme.

Interest: Clr I M Scandrett declared a less than significant non-pecuniary interest in this matter as he is a member of one of the organisations that has applied for a grant. He remained in the Chamber, took part in the debate and voted on the matter.

MN 243/18

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

1. **THAT** Council adopts the recommendations of the Community Assistance Scheme Advisory Committee as detailed in Attachment 1 to the report.
2. **THAT** successful applicants be advised and invited to attend a formal presentation to receive Certificates of Entitlement.
3. **THAT** this presentation ceremony be conducted during Local Government Week on Wednesday 1 August 2018 commencing at 5.30pm in the Civic Centre Theatre.
4. **THAT** correspondence is forwarded to the unsuccessful applicants advising them of the outcome.

PASSED

13.2 Request for Financial Assistance from Winterfest Bundanoon

Reference: 1671
Report Author: Coordinator Community Development
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

The purpose of this report is to seek Council's position on a request from organisers of Bundanoon Winterfest celebrations for Council's financial assistance to cover the cost of waste management at the opening night event on 7 July 2018.

MN 244/18

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

THAT Council supports the request for financial assistance from Winterfest Bundanoon in the sum of \$365 AND THAT it be funded from Council's Contingency Fund.

PASSED

13.3 Local Government Conference 2018

Reference: 102 204/2018
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Provide opportunities to participate in futures thinking and nurture ideas

PURPOSE

The purpose of this report is to determine attendance arrangements for the 2018 Local Government New South Wales (LGNSW) conference, to be held from Sunday 21 October to Tuesday 23 October 2018 at the Entertainment Centre, Albury.

MN 245/18

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

1. **THAT Council confirms four (4) delegates will be authorised to attend the Local Government NSW Annual Conference to be held at the Entertainment Centre, Albury, 21 - 23 October 2018**
2. **THAT the following delegates are nominated to attend the 2018 Local Government NSW Annual Conference:**
 - a. **Mayor of the Day**
 - b. **Clr P W Nelson**
 - c. **Clr I M Scandrett**
 - d. **Clr G J Andrews**
3. **THAT the General Manager, or their delegate, be authorised to attend the Local Government NSW Annual Conference as an observer.**
4. **THAT Councillors forward their proposed motions, with accompanying notes to the Mayor for consideration prior to Monday, 30 July 2018.**
5. **THAT a report regarding the proposed motions be presented for consideration to the Ordinary Council Meeting of 8 August, 2018 AND THAT the Mayor submit any proposed motions to the conference organisers by Friday, 24 August 2018.**

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

1. **THAT Council confirms three (3) delegates will be authorised to attend the Local Government NSW Annual Conference to be held at the Entertainment Centre, Albury, 21 - 23 October 2018**
2. **THAT the following delegates are nominated to attend the 2018 Local Government NSW Annual Conference:**
 - a. **Mayor of the Day**

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 June 2018



-
- b. Cllr P W Nelson
 - c. Cllr G J Andrews
 - d. Cllr I M Scandrett (alternate delegate if other delegates are unable to attend)
3. THAT the General Manager, or their delegate, be authorised to attend the Local Government NSW Annual Conference as an observer.
 4. THAT Councillors forward their proposed motions, with accompanying notes to the Mayor for consideration prior to Monday, 30 July 2018.
 5. THAT a report regarding the proposed motions be presented for consideration to the Ordinary Council Meeting of 8 August, 2018 AND THAT the Mayor submit any proposed motions to the conference organisers by Friday, 24 August 2018.

THE AMENDMENT WAS PUT TO THE VOTE AND WAS LOST

THE MOTION WAS PUT TO THE VOTE AND WAS PASSED

COUNCIL MATTERS

MN 246/18

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 5.45pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

PASSED

QUESTIONS FROM THE PUBLIC

100/10

In accordance with the Code of Meeting Practice, the Group Manager Corporate and Community read the questions and responses, as follows:

QUESTION FROM MR PETER EDWARDS:

Station Street Upgrade

7457

With respect to the Station Street Bowral upgrade project, the answer to a question on 23rd May 2018 was: “*Council is complying with its requirements under the EP&A Act and is currently completing an REF (Review of Environmental Factors) for the project. Pursuant to s5.8 of the EP&A Act, further consultation with the public is only required to be undertaken if it is determined that an Environmental Impact Statement is required for this project.*” How does Council propose to comply with the Environmental Planning & Assessment Act, Part 5, Section 5.5(1) which requires a Determining Authority, ie, this Council, to “*examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity*” by preparing an Review of Environmental Factors without public consultation, instead of an Environmental Impact Statement, which Section 5.7 of the Act requires to include public exhibition, and Section 5.8 that Council sends all submissions made to the Department of Planning & Environment for its review?

REPLY FROM ACTING GENERAL MANAGER

A response to the question was provided at the Council Meeting on Wednesday, 23 May 2018 and Council’s position remains the same.

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

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 May 2018.

Interest: Clr G M Turland declared a significant non-pecuniary interest in this matter as he has a current legal matter with Council. He left the chamber, the time being 5.48pm, took no part in the debate and refrained from voting on the matter.

It was noted by staff that an amendment was required to Attachment 1 regarding the legal matter involving Turland, Mittagong Road Bowral. The legal expenditure – YTD amount should read \$26,839.05 and the total expenditure – life to date should read \$37,892.00

MN 247/18

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

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 22.1.

PASSED

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

Clr G M Turland returned to the Chamber, the time being 5.50pm

15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

16. PETITIONS

There were no petitions at this Meeting.

17. CORRESPONDENCE FOR ATTENTION

There was no correspondence for attention at this Meeting.

18. COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

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

PURPOSE

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

1. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Sunday 20 May 2018
2. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Wednesday 21 March 2018
3. Exeter Hall Management Committee, held on Monday 4 June 2018
4. East Bowral Community Centre Management Committee, held on Tuesday 22 May 2018
5. Hampden Park Management Committee, held on Tuesday 5 June 2018
6. Hill Top Community Centre Committee, held on Thursday 22 March 2018
7. Hill Top Community Centre Committee, held on Thursday 19 March 2018
8. Jurd Park Management Committee, held on Tuesday 27 February 2018
9. Loseby Park Community Hall Management Committee, held on Friday 25 May 2018
10. Mittagong Memorial Hall Management Committee, held on Thursday 16 June 2018.

MN 248/18

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

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

- 1. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Sunday 20 May 2018***
- 2. Wingecarribee Aboriginal Community and Cultural Centre Management Committee, held on Wednesday 21 March 2018***
- 3. Exeter Hall Management Committee, held on Monday 4 June 2018***
- 4. East Bowral Community Centre Management Committee, held on Tuesday 22 May 2018***
- 5. Hampden Park Management Committee, held on Tuesday 5 June 2018***
- 6. Hill Top Community Centre Committee, held on Thursday 22 March 2018***
- 7. Hill Top Community Centre Committee, held on Thursday 19 March 2018***
- 8. Jurd Park Management Committee, held on Tuesday 27 February 2018***
- 9. Loseby Park Community Hall Management Committee, held on Friday 25 May 2018***
- 10. Mittagong Memorial Hall Management Committee, held on Thursday 16 June 2018.***

PASSED

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 June 2018

Reference: 1823/3
Report Author: Administration Officer
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report provides the Minutes of the Demographics and Housing Advisory Committee meeting held on Wednesday, 6 June 2018.

MN 249/18

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

THAT recommendations Nos DEM 6/18 to DEM 9/18 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 6 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

18.3 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018

Reference: 1680
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Community
Strategic Plan: Support and promote the creative and cultural sector

PURPOSE

This report provides the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 June 2018.

MN 250/18

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

THAT recommendations Nos to ACC 11/18 TO ACC 17/18 – as detailed in the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 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

There were no Notices of Motion at this Meeting

21. GENERAL BUSINESS

7813

1. INSPECTIONS RELATING TO DEAD TREES

Clr G McLaughlin had a question about inspections relating to dead trees in residential areas. Cost of inspections is \$300. This is a very high amount.

The Deputy General Manager Corporate Strategy and Development Services indicated that from 1 July 2018 the fee will be revised downward.

7813/1, RD8260, 1520

2. REMOVAL OF RADIATA PINES

Clr T D Gair could a full costing of the removal of all 33 radiata pines on the eastern side of Moss Vale road that affects newly acquired land for the Bong Bong common come to Council

The Acting General Manager indicated that that had already been done.

7460/26, 6546/7

3. MOSS VALE CAR PARKING

Clr G M Turland asked if Council staff could look into opening up the Moss Vale Community oval for the purpose of opening it up for car parking.

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

7457

4. STATION STREET UPGRADE

Clr G M Turland asked if Council staff bring forward a schedule of works for the Station Street upgrade to begin at Bowral Street end first (the Southern end), as opposed to the currently proposed Bundaroo Street end.

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

7330

6. STREET LIGHTS

Clr G M Turland asked if Council staff could check all street lights around railway stations to identify those that are no longer working and need replacement, as these pose a community safety issue.

The Acting General Manager advised that there is a 1300 number written on the posts that people can call to advise the energy company that the light is not working.

7. BUDGET

Clr I M Scandrett asked if Council staff could advise why the unbudgeted blowouts on the Mittagong pool and the Moss Vale pedestrian bridge were only notified to councillors two days after the Budget was approved.

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

101, 101/15

7. COUNCILLOR CONDUCT

Clr I M Scandrett asked if staff could confirm if the statutory declaration handed to all councillors in the business paper briefing earlier today (tabled for records) was in fact business of Council and was examined prior by:

- (a) Staff, or
- (b) the GM?

Clr I M Scandrett asked if answers to (a) and (b) above are no, then why was this distribution allowed? Councillor Scandrett referred to a report received from Shaw Reynolds lawyers relating to Councillor conduct.

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

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.05 pm, Council moved into Closed Council.

MN 251/18

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

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 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

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 May 2018.

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

PASSED

22.1 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

Updating the report on the status of legal proceedings reported to Council at the meeting on 23 May 2018.

Interest: Clr G M Turland declared a pecuniary interest in this item, as he currently has a legal case with Council. He stated that he would be absent from the Chamber if that matter was discussed. As there was no discussion pertaining to that legal matter, he remained in the Chamber, took part in discussion, and voted on the Item.

The Chief Financial Officer addressed Council on this item.

Clr L A C Whipper left the chambers, the time being 06:25PM.

Clr L A C Whipper returned to the meeting, the time being 06:27PM.

MN 252/18

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

1. **THAT** the information in the Legal Affairs Report be noted.
3. **THAT** the outstanding account as discussed for the debt recovery firm be paid and that no further payments be made until this matter comes back to Council for further discussion.

PASSED

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

23. RESUMPTION OF OPEN AGENDA

107/10

MN 253/18

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

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 254/18

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

THAT the recommendations of the Closed Council held on Wednesday, 27 June 2018 being MN 253/18 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 255/18

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 27 June 2018 being MN 238/18 to MN 250/18 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.35 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 27 June 2018 numbered M/N 234/18 to M/N 255/18 were signed by me hereunder at the Council Meeting held on Wednesday 11 July 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 11 JULY 2018

CHAIRMAN

PUBLIC OFFICER