



# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss  
Vale

on

**Wednesday 28 February 2018**

The meeting commenced at 3.30 pm

*File No. 100/2018*

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<b>3. PRAYER</b>	
<b>4. APOLOGIES</b>	
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**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 28 FEBRUARY 2018 COMMENCING AT 3.30 PM**

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

**In Attendance:**

General Manager	Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk	Mr Barry W Paull
Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
Group Manager Corporate and Community	Mr Nick O'Connor
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Manager Environment and Sustainability (in part)	Mr Barry Arthur
Chief Financial Officer	Mr Richard Mooney
Coordinator Corporate, Strategy and Governance (in part)	Ms Danielle Lidgard
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Ms Liz Johnson

## 1. OPENING OF THE MEETING

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

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## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr L A C Whipper acknowledged country:

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

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### 3. PRAYER

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

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### 4. APOLOGY

It was noted that an apology had been received from Cllr P W Nelson and leave of absence granted at the Ordinary Meeting of Council held on Wednesday, 14 February 2018.

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## PRESENTATION

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1607/13, 1900

The Manager Tourism addressed Council and advised that Tourism Southern Highlands had been successful in winning an Award last Friday evening at the Qantas Australia National Tourism Awards in Perth. He advised that these awards were the pinnacle of the tourist industry, and that we were “pipped at the post” by North Western Australia – the Broome and Kimberley area - as they had a better marketing campaign than our “Pie Time”.

The Manager Tourism advised that 100,000 pies were made and sold during “Pie Time” in June last year, with an estimate of revenue injected into the local economy of over \$1.7 million.

The Manager Tourism presented the Award to the Mayor Cllr K J Halstead.

The Mayor Cllr K J Halstead thanked the Manager Tourism and noted his commitment to the Highlands and all things tourism, and congratulated him on winning the Award.

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## 5. CONFIRMATION OF MINUTES

100/1

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 14 FEBRUARY 2018

#### **MN 44/18**

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

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday 14 February 2018 MN 1/18 to MN 43/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.***

**PASSED**

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## 6. BUSINESS ARISING

1. ITEM 12.1 – STATION STREET UPGRADE – PROJECT UPDATE 7457

Clr I M Scandrett referred to this item on page 13 and advised that he did ask for the votes to be recorded. He advised that he is happy for his dissenting vote to be recorded.

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2. ITEM 21 – GENERAL BUSINESS 100/10, 5509, 5457/11

Clr I M Scandrett referred to his Question raised in General Business in relation to removal of the car body from Gibbergunyah Creek, and noted the response received was that the cost of removal of the car body was in the order of \$22,000 plus disposal costs. He asked if this could be investigated further because of concern for water quality and having a strong environment policy in that space.

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3. ITEM 12.1 – STATION STREET UPGRADE – PROJECT UPDATE 7457

Clr I M Scandrett advised that he wanted to clarify something he had said about development in Station Street and about Clr Turland and his two properties. He advised that when he spoke about that he was not saying that Clr Turland had a direct economic benefit, he was just saying he was uncomfortable with the fact that Clr Turland owns two properties in that corridor.

Clr G M Turland asked Clr Scandrett where the two properties that he owns and where is the second one.

Clr Scandrett advised that he had carefully said “in that corridor” and that Clr Turland has one property on the corner of Victoria Street and also has one property on the corner of Boolwey Street.

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## 7. DECLARATIONS OF INTEREST

101/3, 101/3.1

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

101/3.1, 100/4, 2103

Clr G M Turland declared a less than significant non-pecuniary interest in Item 20.1 – Notice of Motion 03/2018 – Benefits of a Local Bank - as he banks with the BDCU Alliance Bank. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

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101/3, 107/22

Clr G M Turland declared a pecuniary interest in Item 22.2 – Legal Report – Closed Council - No 11 in New Legal Matters. He stated he would be absent from the Chambers for consideration of that item.

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## 8. MAYORAL MINUTES

### 8.1 Condolences - Mrs Dulcie Wood, Mr Tim Edwards and Mrs Elsie Collins

Reference: 102/5  
Report Author: Mayor

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#### **PURPOSE**

The purpose of this Mayoral Minute is to formally acknowledge the passing of Mrs Dulcie Wood, Mr Tim Edwards and Mrs Elsie Collins to extend Council's prayers and condolences to their families and friends.

**MN 45/18**

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

**THAT** Council formally offers its prayers and condolences to the families and friends of Mrs Dulcie Wood, Mr Tim Edwards and Mrs Elsie Collins.

**PASSED**

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## 9. PUBLIC FORUM

1. ITEM 20.3 – NOTICE OF MOTION 05/2018 – TOURIST AND VISITOR ACCOMMODATION AND FUNCTION FACILITY, LOT 1 DP 10658, 42 OLDBURY ROAD, SUTTON FOREST

100/4, 17/0794

Mr Robert Ferguson requested and was granted approval to speak on this matter which was listed on the Agenda.

The Mayor Clr K J Halstead thanked Mr Ferguson for his comments and noted that this matter would be considered later in the Meeting.

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COMMITTEE OF THE WHOLE

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107/10

**MN 46/18**

**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**

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## 10. VISITOR MATTERS

### OPERATIONS

There were no Visitor Items – Operations at this Meeting.

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## **CORPORATE AND STRATEGY**

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

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## **11. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

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## 12. OPERATIONS FINANCE AND RISK

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### 12.1 Investment Report - January 2018

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

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#### **PURPOSE**

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

The Chief Financial Officer addressed Council on this matter.

#### **MN 47/18**

**MOTION** moved by Clr G McLaughlin and seconded by Clr G Markwart

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

**PASSED**

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## 12.2 Public Exhibition of the Draft Backflow Prevention Policy

Reference:	7790/17
Report Author:	Coordinator Sewer
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**

To gain approval for the draft Backflow Prevention Policy to go out to public exhibition for 28 days.

### **MN 48/18**

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

1. **THAT** the draft Backflow Prevention Policy be placed on public exhibition for a period of twenty eight (28) days.
2. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

**PASSED**

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## 12.3 Public Exhibition of the Draft Urban Tree Policy

Reference:	900/2
Report Author:	Tree and Vegetation Management Officer
Authoriser:	Manager Open Space, Recreation and Building Maintenance
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

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### **PURPOSE**

This report seeks approval for the public exhibition of the draft Urban Tree Policy (the Policy).

#### **MN 49/18**

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

1. **THAT** the draft Urban Tree Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** all local tree nurseries and service agencies, including Endeavour Energy, be forwarded a copy of the draft Urban Tree Policy with a request that they make comment.
3. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

**PASSED**

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## 12.4 Compulsory Acquisition of Land - Part 3 Braemar Avenue and Part 5 Braemar Avenue, Braemar

Reference:	PN251800, PN251900
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 negotiate for the acquisition of Part 3 Braemar Avenue and Part 5 Braemar Avenue, Braemar.

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

**MN 50/18**

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

**THAT** the recommendation in Closed Council – Item 22.1 be adopted, as follows:

1. **THAT** the General Manager be delegated authority to negotiate with the owners of 3 Braemar Avenue and 5 Braemar Avenue, Braemar for the acquisition of part of the land ('the land') for drainage purposes.
2. **THAT** if the acquisitions referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
  - (a) acquire the land 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 land **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 land.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the land 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 compulsory acquisition of the land referred to in Resolution 1 above not requiring affixing the Common Seal of Council.

**PASSED**

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## 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

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### 13.1 Review of Smoke-free Outdoor Areas Policy

Reference:	5450/28.1
Report Author:	Environmental Policy Officer
Authoriser:	Environment and Health Systems Coordinator
Link to Community	
Strategic Plan:	Increase promotion of healthy lifestyle choices

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#### **PURPOSE**

Council's Smoke-free Outdoor Areas Policy has been reviewed. No changes to Council's position are required, however text changes are recommended for clarity. This report seeks the adoption of the updated Policy at **Attachment 1** to the report.

#### **MN 51/18**

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

**THAT** the *Smoke-Free Outdoor Areas Policy at Attachment 1 to the report* be adopted.

**PASSED**

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## 13.2 Bi-Annual Delivery Program Progress Report, July - December 2017

Reference:	501/2013
Report Author:	Corporate Strategy and Governance Coordinator
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 presents the Bi-Annual Delivery Program Progress Report for the period 1 July to 31 December 2017, which records Council's progress towards achieving the four year actions of the Delivery Program 2017-2021.

### ***MN 52/18***

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

***THAT Council receives and adopts the Bi-Annual Delivery Program Progress Report for the period 1 July to 31 December 2017.***

***PASSED***

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## 14. GENERAL MANAGER

### 14.1 2018 National General Assembly of Local Government

Reference:	203/1, 200, 202
Report Author:	PA for Mayor
Authoriser:	Group Manager Corporate and Community
Link to Corporate Plan:	Ensure systems and processes are in place to achieve mutual trust and collaboration

#### PURPOSE

The purpose of this report is to seek Councillor nominations to attend the 2018 National General Assembly of Local Government (NGA) to be held at the National Convention Centre in Canberra between 17 – 20 June, 2018.

Councillors are also advised that draft motions are to be directed to the Mayor for consideration by 9 March 2018. These draft motions will be endorsed by Council at the 28 March 2018 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association by Friday 30 March 2018.

#### **MN 53/18**

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

- THAT Council authorises the attendance at the 2018 National General Assembly of Local Government to be held from 17 to 20 June 2018 in Canberra as follows:**
  - Mayor Clr Ken Halstead*
  - Clr Grahame Andrews (with Clr G McLaughlin as Alternate)*
  - General Manager Ann Prendergast (or delegate)*
- THAT interested Councillors submit motions to the Mayor for consideration by Monday 9 March 2018 AND THAT these draft motions be endorsed by Council at the 28 March 2018 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association Board by 30 March 2018.**
- THAT staff discuss with the secretariat of the Canberra Joint Organisation the possibility of developing and submitting a motion on matters as they affect the broader region.**

**PASSED**

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## 14.2 Black Dog Institute Fund Raising Request For Assistance

Reference: 1732/3, 1805  
Report Author: Organisational Support Officer  
Authoriser: Deputy General Manager Operations, Finance and Risk  
Link to Community  
Strategic Plan: Increase promotion of healthy lifestyle choices

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### **PURPOSE**

The purpose of this report is to seek Council's position in relation to a request for financial support for a locally sponsored Black Dog Institute fundraiser.

### **MN 54/18**

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

1. **THAT** Council supports the request for financial sponsorship for the local Black Dog Institute fundraising event in the sum of \$500.00, with the proviso that the funds be spent within the Wingecarribee Shire **AND THAT** it be funded from the Contingency Fund.
2. **THAT** Council staff bring to Council a report in relation to the vetting process and/or criteria for consideration when requests for financial assistance or sponsorship are made.

**PASSED**

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## 14.3 Request for Financial Assistance for the Moss Vale Buskers Battle

Reference:	6546/15, 1732/3
Report Author:	Organisational Support Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

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### **PURPOSE**

The purpose of this report is to seek Council's assistance for the Moss Vale Buskers Battle to be held in Leighton Gardens on 17 and 18 March, 2018.

### ***MN 55/18***

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

**THAT** Council supports the request for financial assistance from the Moss Vale and Rural Chamber of Commerce for the Moss Vale Buskers Battle to be held on 17 and 18 March 2018 in the sum of \$1,000 **AND THAT** it be funded from the Contingency Fund.

**AMENDMENT** moved by Clr G Markwart and seconded by Clr G McLaughlin

**THAT** Council supports the request for financial assistance from the Moss Vale and Rural Chamber of Commerce for the Moss Vale Buskers Battle to be held on 17 and 18 March 2018 in the sum of \$500 **AND THAT** it be funded from the Contingency Fund.

**ON BEING PUT TO THE VOTE THE AMENDMENT WAS PASSED**

**THE AMENDMENT BECAME THE MOTION**

**ON BEING PUT TO THE VOTE THE MOTION WAS PASSED**

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## 14.4 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**

Updating the report on the status of legal proceedings reported to Council at the meeting on 22 November 2017.

#### **MN 56/18**

**MOTION** moved by Clr G McLaughlin and seconded by Clr G Markwart

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

### **PASSED**

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

There were no objections from the public.

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## **15. DELEGATE REPORTS**

There were no Delegate Reports at this Meeting.

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## 16. PETITIONS

### 16.1 Petition 02/2018 - Request for Additional Seating at the Dog Park in Moss Vale

Reference:	100/8, 6510/2, 6546/20
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 in relation to a request for additional seating at the Dog Park in Moss Vale. The petition has been signed by approximately 26 signatories.

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

#### **MN 57/18**

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

1. **THAT** Petition 02/2018 – Request for Additional Seating at the Dog Park in Moss Vale – be received and the content of this report be noted.
2. **THAT** the request for additional seating in Off Lease Dog Parks be referred to staff for review, and for consideration by Council, subject to availability of funding.

**PASSED**

## 17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

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## 18. COMMITTEE REPORTS

### 18.1 Minutes of the Finance Committee Meeting held on Wednesday, 21 February 2018

Reference:	107/21
Report Author:	Administration 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**

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 21 February 2018.

The General Manager addressed Council on this matter.

#### **MN 58/18**

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

**THAT** recommendations Nos FC 1/18 to FC 6/18 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 21 February 2018 be adopted.

**PASSED**

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## 18.2 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 February 2018

Reference: 107/25  
Report Author: Administration Officer  
Authoriser: Natural Resource Project Coordinator  
Link to Community  
Strategic Plan: Sustainably manage natural resources for broader community benefit

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### **PURPOSE**

This report provides the Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 21 February 2017.

#### **MN 59/18**

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

**THAT recommendations Nos ES 1/18 to ES 6/17 – as detailed in the Minutes of the Environment and Sustainability Advisory Meeting held on Wednesday, 21 February 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**

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## **19. QUESTIONS WITH NOTICE**

There were no Questions with Notice at this Meeting.

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## 20. NOTICES OF MOTION

### 20.1 Notice of Motion 03/2018 - Benefits of a Local Bank

Reference:	100/4, 2103
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 Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 February 2018:

THAT Council request a representative of the BDCU Alliance Bank to attend a Briefing Session for Councillors and Senior Staff on the benefits of a local bank and the Community Savings Account.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he banks with the BDCU Alliance Bank. He remained in the Chamber, took part in the debate and voted on the matter.

#### **MN 60/18**

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

**THAT** Council request a representative of the BDCU Alliance Bank and IMB to attend a Briefing Session for Councillors and Senior Staff on the benefits of a local bank and the Community Savings Account.

**AMENDMENT** moved by Clr G Markwart and seconded by Clr T D Gair

THAT Council request a representative of the BDCU Alliance Bank, the IMB, the Commonwealth, Westpac, National Australia, St George and ANZ Banks to attend a Briefing Session for Councillors and Senior Staff on the benefits of a local bank and the Community Savings Account.

**ON BEING PUT TO THE VOTE THE AMENDMENT WAS LOST**

**ON BEING PUT TO THE VOTE THE MOTION WAS PASSED**



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## 20.2 Notice of Motion 04/2018 - Review of the Sports and Recreation Draft Budget

Reference:	100/4, 107/30, 6600/10
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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### PURPOSE

Councillor Garry Turland has given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 28 February 2018:

THAT Council staff and Councillors review the Sports & Recreation Draft Budget at the next Budget review meeting.

### **MN 61/18**

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

**THAT** Council staff and Councillors review the Sports & Recreation Draft Budget at the next Budget review meeting.

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

THAT Notice of Motion 04/2018 – Review of the Sports and Recreation Draft Budget - be noted.

**ON BEING PUT TO THE VOTE THE AMENDMENT WAS LOST**

**ON BEING PUT TO THE VOTE THE MOTION WAS PASSED**

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## 20.3 Notice of Motion 05/2018 - Tourist and Visitor Accommodation and Function Facility, Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest

Reference:	100/4, 17/0794
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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### PURPOSE

Councillor Garry Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 February 2018:

1. THAT Council invites the owner/applicant of the proposed Tourist and Visitor Accommodation and Function Facility at Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest to consider submitting a new application for determination by Council, in the proper exercise of its functions under the *Environmental Planning and Assessment Act 1979*, incorporating the amended conditions and recommendations as per the previous Council recommendations of DA 17/0794 as reported to the Ordinary Meeting of Council on Wednesday, 13 December 2017.
2. THAT Council request the owner/applicant hold one public presentation on the vision and design for the project.

The General Manager left the Chamber at 5.19 pm and returned to the Meeting at 5.36 pm.

### **MN 62/18**

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

1. THAT Council invites the owner/applicant of the proposed Tourist and Visitor Accommodation and Function Facility at Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest to consider submitting a new application for determination by Council, in the proper exercise of its functions under the *Environmental Planning and Assessment Act 1979*, incorporating the amended conditions and recommendations as per the previous Council recommendations of DA 17/0794 as reported to the Ordinary Meeting of Council on Wednesday, 13 December 2017.
2. THAT Council request the owner/applicant hold one public presentation on the vision and design for the project.

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

**THAT** Notice of Motion 05/2018 – Tourist and Visitor Accommodation and Function Facility, Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest – be noted.

**ON BEING PUT TO THE VOTE THE AMENDMENT WAS PASSED**

**THE AMENDMENT BECAME THE MOTION**

**ON BEING PUT TO THE VOTE THE MOTION WAS PASSED**

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COUNCIL MATTERS

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**MN 63/18**

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

**THAT** Council move from *Committee of the Whole* back into Council, the time being 5.48 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

**PASSED**

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**QUESTIONS FROM THE PUBLIC**

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100/10

There were no Questions from the Public at this Meeting.

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## 20. NOTICES OF MOTION (CONT)

### 20.4 Notice of Motion 06/2018 - Economic Development and Tourism Advisory Committee

Reference:	100/4, 107/24
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 Garry Turland and Grahame Andrews have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 28 February 2018:

1. THAT Council dissolve the existing Economic Development and Tourism Advisory Committee AND THAT Council advertise for community representation expressions of interest for a reformed Committee.
2. THAT Council elect a Chair and Councillor Representatives for the reformed Economic Development and Tourism Advisory Committee.
3. THAT Council revise the Terms of Reference and branding of the newly formed Committee.

A correction was noted in that it was Clr G McLaughlin and not Clr G J Andrews who supported the Motion submitted by Clr G M Turland.

#### **MN 64/18**

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

1. THAT Council dissolve the existing Economic Development and Tourism Advisory Committee AND THAT Council advertise for community representation expressions of interest for a reformed Committee.
2. THAT Council elect a Chair and Councillor Representatives for the reformed Economic Development and Tourism Advisory Committee.
3. THAT Council revise the Terms of Reference and branding of the newly formed Committee.

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**IT WAS NOTED THAT THE MOTION WAS WITHDRAWN BY CLR G M TURLAND WITH THE APPROVAL OF THE SECONDER CLR G McLAUGHLIN AND THE AMENDMENT THEN BECAME THE MOTION AND THE FORESHADOWED MOTION BECAME THE AMENDMENT**

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

1. **THAT** Council suspend the existing Economic Development and Tourism Advisory Committee as soon as practical.
2. **THAT** Council formally thanks the existing committee members for their contribution and apologise that due to a range of structural alignment issues, that the existing committee is being put on hold.
3. **THAT** Council prepares a report to Councillors for May 2018 on the effectiveness and value delivered to councils of Economic Development committees in general.
4. **THAT** Council takes the necessary steps to re-convene or modify or disband the committee taking into account the report findings.

**IT WAS NOTED THAT THE MOTION WAS WITHDRAWN BY CLR G J ANDREWS WITH THE APPROVAL OF THE SECONDER CLR G MARKWART AND THE AMENDMENT THEN BECAME THE MOTION**

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

1. **THAT** Council *disband the Economic Development and Tourism Advisory Committee due to a range of structural alignment issues.*
2. **THAT** Council *formally thanks the existing committee members for their contribution.*
3. **THAT** Council *meet, as soon as possible, with an aim to set Terms of Reference, re-advertise positions and nominate a Chair.*
4. **THAT** *the newly appointed Committee be functional by May 2018.*
5. **THAT** *existing members of the Economic Development and Tourism Advisory Committee be invited to re-apply.*

**PASSED**

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## 21. GENERAL BUSINESS

1. NEIGHBOUR NOTIFICATION 17/1822, 5804/6

Clr G McLaughlin asked about neighbour notification, and particularly in relation to the OLSH development in Bowral. He asked if the exhibition period could be extended for a further three weeks.

The General Manager advised that she would take the question on notice and speak with relevant Council staff.

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2. REAL ESTATE SIGNS 5613

Clr G M Turland referred to two real estate agents signs, one in Mittagong for Smyth Real Estate and one in Bowral for One Agency, and asked if these signs complied with Council's Sign Code.

The General Manager advised that she would take the question on notice.

Interest: Clr Scandrett declared a less than significant non-pecuniary interest in this question as Peter Smyth ran on his ticket at the Council elections. He remained in the Chamber.

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3. SITE INSPECTION – 14 DUKE STREET, BOWRAL PN456400

Clr G M Turland asked for a site inspection of 14 Duke Street, Bowral, at the earliest possible time.

The General Manager advised that this can be included on the next inspections.

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4. WHITES CREEK MOSS VALE 5457/5

Clr T D Gair referred to his question asked at the last Meeting about an inspection of Whites Creek from the Central Hotel down to St Paul's College. He advised that he was speaking with a ratepayer today who advised him that he had circulated a letter to all Councillors in relation to Whites Creek. Clr Gair advised that he had not yet seen this letter. He asked if a site inspection can be undertaken from the Central Hotel to the Moss Vale Sewerage Works because of the concerns with overgrowth and blockages in the creek.

The General Manager advised that this can be included on the next inspections.

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5. NSW CABINET MEETING 203/6, 1415

Clr L A C Whipper advised that he heard that there was a NSW Cabinet Meeting being held this week and asked if Council had received notification or an invitation to that Cabinet Meeting.



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The General Manager advised that she and the Mayor had been invited to attend a meeting tomorrow at Goulburn and they will be attending.

Clr L A C Whipper advised that this could be an ideal opportunity for Council to ask questions of the Minister for Planning on Council's enquiries in relation to Chelsea Gardens/Coomungie have been ignored. Clr Whipper asked for some further information on the Cabinet Meeting.

The General Manager advised she does not have any further details about the Meeting, only that she and the Mayor had been invited.

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6. FOLLOW UP ON QUESTIONS ASKED AT THE DECEMBER MEETING

105/1, 101/15

Clr I M Scandrett advised that in relation to a question asked by Clr Turland at the December Meeting about whether he had Bruce Robertson handing out [electoral material] for him at the Exeter booth at the 2016 [Council] election, he indicated at the time that he did not believe so. Clr Scandrett advised that he had checked with his electoral staff and Mr Robertson did hand out [electoral material] for a short period that morning.

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7. PUBLIC MEETING BY THE MINISTER FOR ROADS

600/8, 203/6, 7457

Clr T D Gair advised that the Minister for Roads, Maritime and Freight [the Hon Melinda Pavey, MP] is attending a meeting at the Scottish Arms on Sunday, and that it is going to cost anyone who attends \$50. He advised that this is an opportune time for Council to send a representative from the staff and for a Councillor to represent Council to put our position forward in relation to further funding for Stages 1 and 2 (if required) of the Bowral Bypass and the Moss Vale Overpass or detour. He asked if the \$100 could be paid by Council for these attendance.

Clr G M Turland advised that he would be attending and that he had paid the \$50 but he did not wish this to be refunded. He advised that he would like to take some information to pass onto the Minister for Roads, Maritime and Freight.

The Mayor Clr K J Halstead advised that this will be taken on notice. He advised that he will be making direct representations to Melinda Pavey.

Clr I M Scandrett asked if it is appropriate for a Councillor to attend a paid political function to make a lobbying point when the Cabinet is meeting tomorrow morning. He advised that he is uncomfortable with Council going to a paid political function to do official lobbying and that it is more appropriate to send a delegation up to Minister Pavey or to see her tomorrow.

The Mayor advised that he is not too sure what opportunity will arise tomorrow to address any issues with the Cabinet Ministers.

## **22. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

107/9

At this juncture, the time being 6.44 pm, Council moved into Closed Council.

**MN 65/18**

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

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 Compulsory Acquisition of Land - Part 3 and Part 5 Braemar Avenue, Braemar**

**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 seek Council approval to negotiate for the acquisition of Part 3 Braemar Avenue and Part 5 Braemar Avenue, Braemar. The land acquisitions are required as part of the upgrade to the stormwater infrastructure at Braemar Avenue, Braemar.***

**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**

***Updating the report on the status of legal proceedings reported to Council at the meeting on 22 November 2017.***

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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Deputy Mayor I M Scandrett left the Chambers, the time being 6.44 pm and returned to the meeting at 6.46 pm.

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## 22.1 Compulsory Acquisition of Land - Part 3 and Part 5 Braemar Avenue, Braemar

Reference:	PN251800; PN251900
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

*This matter was dealt with earlier in the Meeting (refer MN 50/18 on page 15).*

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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

Updating the report on the status of legal proceedings reported to Council at the meeting on 22 November 2017.

Clr L A C Whipper left the Chambers, the time being 6.53 pm and returned to the meeting, at 6.54 pm.

Interest: Clr G M Turland declared a pecuniary interest in item No 11 of New Legal Matters.

Interest: Clr I M Scandrett declared a less than significant non-pecuniary interest in items 3 and 4 of Ongoing Legal Cases as Bruce Robertson had handed out [electoral material] for him at the Exeter booth at the 2016 election. He remained in the Chamber, took part in the debate and voted on the matter.

The General Manager, Group Manager Planning, Development and Regulatory Services and Chief Financial Officer addressed Council on the legal report.

Clr G M Turland left the Chambers prior to discussion on item No 11, the time being 6.59 pm, and retired from the Meeting.

**MN 66/18**

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

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

**PASSED**

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## 23. RESUMPTION OF OPEN AGENDA

107/10

**MN 67/18**

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

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

**PASSED**

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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 68/18**

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

**THAT** the recommendation of the Closed Council held on Wednesday, 28 February 2018 being MN 66/19 be adopted.

**PASSED**

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## 24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

**MN 69/18**

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

**THAT** the recommendations of the Committee of the Whole held on Wednesday, 28 February 2018 being MN 47/18 to MN 63/18 be adopted.

**PASSED**

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## **25. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.01 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 28 February 2018 numbered M/N 43/18 to M/N 69/18 were signed by me hereunder at the Council Meeting held on Wednesday 14 March 2018.

\_\_\_\_\_  
CHAIRMAN

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

\_\_\_\_\_  
CHAIRMAN

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