



MINUTES

of the
Ordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 10 April 2019

The meeting commenced at 3:30pm

File No. 100/2019

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 27 March 2019	
6. BUSINESS ARISING.....	6
7. DECLARATIONS OF INTEREST	7
8. MAYORAL MINUTES.....	8
9. PUBLIC FORUM	9

COMMITTEE OF THE WHOLE

10. VISITOR MATTERS	11
OPERATIONS	
CORPORATE AND STRATEGY	
10.1 DA 17/1676 - Construction of 11 Unit Multi-Dwelling Housing - 5 Cliff Street & 11 Clarke Street, Bowral	12
10.2 DA 16/0821 - Demolition of Existing Buildings and Construction of 8 Unit Multi-dwelling Housing and 2 Commercial Units with Basement Garage and Associated Landscaping - 186-192 Bong Bong Street, Bowral	14
11. EN BLOC MOTION	16
12. OPERATIONS FINANCE AND RISK	17
12.1 Tender for Trade Services and Minor Works.....	17
12.2 Berrima Road Deviation - Project Update	21

COUNCIL MATTERS

QUESTIONS FROM THE PUBLIC

12.3 Proposed Sale - 10 Frankland Street Mittagong	24
13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES	25
13.1 Development Applications Determined from 7 March 2019 to 24 March 2019.....	25

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 10 April 2019



13.2	Development Applications Received from 7 March 2019 to 24 March 2019	26
13.3	DA 07/1004.01 - Section 4.55 Modification - Change of use from transitional group home to permanent group home - 15 Parmenter Court, Bowral.....	27
13.4	Draft Code of Conduct and Procedures for the Administration of the Code of Conduct.....	28
13.5	Draft Code of Meeting Practice	29
13.6	Community Engagement Policy	30
13.7	Request for Financial Assistance from Mackenzie Long to Attend Royal Ballet School Spring Intensive Course	31
13.8	Council Representatives on the Heritage Advisory Committee and the Terms of Reference for the Committee	32
14.	GENERAL MANAGER.....	33
15.	DELEGATE REPORTS	33
16.	PETITIONS.....	33
17.	CORRESPONDENCE FOR ATTENTION.....	33
18.	COMMITTEE REPORTS	34
18.1	Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 15 March 2019.....	34
18.2	Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 March 2019	35
18.3	Management and Advisory Committee Reports	36
19.	QUESTIONS WITH NOTICE	37
20.	NOTICES OF MOTION.....	38
20.1	Notice of Motion 9/2019 - Assessment of Trees Located on the Corner of Bong Bong Street and Mary Street Mittagong	38
20.2	Notice of Motion 10/2019 - Legal Committee	39
20.3	Notice of Motion 11/2019 - Referendum for Popularly Elected Mayor ...	41
21.	GENERAL BUSINESS	42
22.	CLOSED COUNCIL.....	43
	Moving into Closed Session.....	43
22.1	Tender for Trade Services and Minor Works.....	45
22.2	Proposed Sale - 10 Frankland Street Mittagong	46
23.	RESUMPTION OF OPEN AGENDA.....	47
	Adoption of Closed Council.....	47
24.	ADOPTION OF COMMITTEE OF THE WHOLE.....	47

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 10 April 2019



25. MEETING CLOSURE48

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 10 APRIL 2019 COMMENCING AT 3:30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews
Clr K J Halstead
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
Chief Information Officer	Mr John Crawford
Manager Project Delivery	Mr Robert Lewis
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Ms Michelle Richardson

1. OPENING OF THE MEETING

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

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 Richard Mills of the Anglican Church, Mittagong.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 27 MARCH 2019

MN 146/19

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 27 March 2019 MN 112/19 to MN 145/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

100 100/1

Clr I M Scandrett referred to Clr G M Turland's response to Clr I M Scandrett's General Business Question received on 27 March 2019, Item 3:

"DEVELOPMENT APPLICATION LUA09/1157

Clr I M Scandrett requested a response to his question in General Business Questions of Council Meeting 28 November 2018.

"Clr I M Scandrett requested Deputy Mayor Clr G M Turland advise Council why he added an inspection of Clr I M Scandrett and Mrs Scandrett's property on 13 November 2018 for inspection on 14 November 2018; and why Clr G M Turland sought a deferral of the original minor s4.55 modification on 26 October 2018. Clr Scandrett asked what the legal reasons were for this."

Clr I M Scandrett stated Clr G M Turland did not address the *legal reasons* in his reply. Clr I M Scandrett requested Clr G M Turland address the legal reasons.

Deputy Mayor Clr G Turland replied that on 17 July 2017 a letter of concern was sent to council staff regarding the alleged illegal earthworks and other activities being carried out on Clr I M Scandrett and Mrs Scandrett's property.

Clr I M Scandrett requested to see the letter.

Clr G M Turland affirmed he could see the letter.

Clr I M Scandrett reiterated his request regarding the legal reasons for the inspection on 14 November 2018 and why a deferral was sought.

Clr G M Turland stated there were illegal works being carried out on the property prior to any DA being lodged.

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 16/0821

Deputy Mayor Clr G Turland declared a significant non pecuniary interest in Item 10.2 - DA 16/0821 - Demolition of Existing Buildings and Construction of 8 Unit Multi-dwelling Housing and 2 Commercial Units with Basement Garage and Associated Landscaping - 186-192 Bong Bong Street, Bowral as he is a director of a company that owns land in the same street. He will be leaving the room when the matter is heard.

8. MAYORAL MINUTES

Nil

9. PUBLIC FORUM

100/13 100/4

Item 20.1 - Notice of Motion 9/2019 - Assessment of Trees Located on the Corner of Bong Bong Street and Mary Street, Mittagong

Mr James Nolan addressed Council on this matter

COMMITTEE OF THE WHOLE

107/10

MN 147/19

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

THAT in accordance with Section 373 of the Local Government Act, 1993, Council moves into Committee of the Whole to consider various matters detailed in the Agenda with Clr L A C Whipper to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

10.1 DA 17/1676 - Construction of 11 Unit Multi-Dwelling Housing - 5 Cliff Street & 11 Clarke Street, Bowral

Reference:	17/1676
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to consider Development Application 17/1676 which seeks approval for the construction of 11 multi-dwelling housing units (1 existing and 10 new builds), earthworks and landscaping at Lot 8 DP702375 and Lot 1 DP1041999, 5 Cliff Street & 11 Clarke Street Bowral. This report is prepared for determination and recommends APPROVAL, subject to the attached conditions of consent (**Attachment 1**).

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 148/19

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

THAT development application 17/1676 for the construction of 11 multi-dwelling housing units (1 existing and 10 new builds), earthworks and associated landscaping at Lot 8 DP702375 and Lot 1 DP1041999, 5 Cliff Street & 11 Clarke Street Bowral be **APPROVED** subject to attached conditions of consent as described in **Attachment 1** to the report.

AMENDMENT moved by Clr G McLaughlin and seconded by Clr I M Scandrett

THAT development application 17/1676 for the construction of 11 multi-dwelling housing units (1 existing and 10 new builds), earthworks and associated landscaping at Lot 8 DP702375 and Lot 1 DP1041999, 5 Cliff Street & 11 Clarke Street Bowral be DEFERRED to address concerns raised by residents in their submissions.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

VOTING ON THE AMENDMENT

For the motion: Clr G McLaughlin and Clr I M Scandrett

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

THE MOTION WAS PUT TO THE VOTE AND PASSED

VOTING ON THE MOTION

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

Against the motion: Clr I M Scandrett

10.2 DA 16/0821 - Demolition of Existing Buildings and Construction of 8 Unit Multi-dwelling Housing and 2 Commercial Units with Basement Garage and Associated Landscaping - 186-192 Bong Bong Street, Bowral

Reference:	16/0821
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to consider Development Application 16/0821 which seeks approval for the demolition of existing buildings and construction of 2 commercial units, 6 shop top housing and 2 multi-dwelling housing units including basement garage at Lot 1 DP1097653 and Lot D DP155304, 186-192 Bong Bong Street Bowral. This report is prepared for determination and recommends APPROVAL, subject to the attached conditions of consent (**Attachment 1**).

Deputy Mayor Cllr G Turland declared a significant non pecuniary interest in this Item as he is a director of a company that owns land in the same street. Deputy Mayor G M Turland left the chambers, the time being 04:08pm.

Ms Tina Tziasllas addressed Council on this matter.
Ms Tziasllas was granted an extension of two minutes.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 149/19

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

THAT development application 16/0821 for the demolition for the existing building and construction of 2 commercial units, 6 shop top housing and 2 multi-dwelling housing units including basement garage at Lot 1 DP1097653 and Lot D DP155304, 186-192 be **APPROVED** subject to attached conditions of consent as described in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

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

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

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Tender for Trade Services and Minor Works

Reference:	6330/19.2 to 19.6
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the following Trade Services and Minor Works Panel Tenders:

- RFT 6330/19.2 Bulk Materials;
- RFT 6330/19.3 Building & Joinery Services;
- RFT 6330/19.4 Facility Cleaning Services;
- RFT 6330/19.5 Kerb and Gutter & Concreting Services;
- RFT 6330/19.6 Pavement Linemarking Services.

Deputy Mayor G M Turland returned to the meeting, the time being 04:25pm.

RECOMMENDATION

MN 150/19

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

1. **THAT** in relation to the report concerning Tender for Trade Services and Minor Works - Council adopts the recommendations contained within the Closed Council report – Item 22.1.
2. **THAT** Council accepts the entire tender 6330/19.2 Bulk Materials and listed tenderers to form a panel arrangement for the period of one (1) year with the option to extend for another one (1) year.

Category: Bulk Materials

Tenderer Name
Benedict Pty Ltd
Cleary Bros (Bombo) Pty Ltd
Concrete Recyclers (Group) Pty Ltd
Denrith Pty Ltd
Gunlake Quarries NSW Pty Ltd
Highland Sand & Gravel
Highlands Sand & Soil
Liloch Pty Ltd
Oberon Quarries Pty Ltd
Soilco Pty Ltd
Stefanutti Construction Pty Ltd
SUEZ Recycling & Recovery Pty Ltd

3. **THAT** Council accepts the entire tender 6330/19.3 Building & Joinery Services and all the associated categories and listed tenderers to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.

Category: Building Services

Tenderer Name
Assett Group Services Pty Ltd
Cross grove Pty Ltd
Dezign
Dobsonei Pty
Programmed Facility Management

Category: Joinery Services

Tenderer Name
<i>Assett Group Services Pty Ltd</i>
<i>Dezign</i>
<i>Programmed Facility Management</i>

4. **THAT Council accepts the entire tender 6330/19.4 Facility Cleaning Services to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.**

Category: Cleaning Services

Tenderer Name
<i>Advanced National Services Pty Ltd</i>
<i>Brightfield Management Pty Ltd</i>
<i>GAVS Group Pty Ltd</i>
<i>Menzies International (Australia) Pty Ltd</i>
<i>Northern Contract Cleaning Pty Ltd</i>

5. **THAT Council accepts the entire tender 6330/19.5 Kerb, Gutter & Concreting Services and all the associated categories and listed tenderers form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.**

Category: Kerb and Gutter Services

Tenderer Name
<i>BMI Contracting Pty Ltd</i>
<i>D Digian Company</i>
<i>Planet Civil Pty Ltd</i>
<i>South Syd Concrete Pty Ltd</i>

Category: Concrete Footpaving Services

Tenderer Name
<i>BMI Contracting Pty Ltd</i>
<i>D Digian Company</i>
<i>Planet Civil Pty Ltd</i>
<i>South Syd Concrete Pty Ltd</i>

6. **THAT Council accepts the entire tender 6330/19.6 Pavement Linemarking Services to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.**

Category: Pavement Linemarking Services

Tenderer Name
<i>Complete Linemarking Services P/L</i>
<i>Lockton's Traffic Solutions</i>
<i>Wollongong Linemarking Services P/L</i>

PASSED

12.2 Berrima Road Deviation - Project Update

Reference:	7810/28
Report Author:	Manager Project Delivery
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to provide Council with an update on the project delivery and funding challenges with respect to the Berrima Road Deviation project.

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

The General Manager addressed Council in relation to this matter.

MN 151/19

MOTION moved by Cllr G J Andrews and seconded by Mayor Cllr T D Gair

1. **THAT** Council note the contents of this report.
2. **THAT** Council undertake the necessary works to make the project “shovel ready” for future grant applications. This will include finalising the relocation of existing services, property acquisitions and topsoil and seed the constructed road embankment with an estimated total cost \$4.4M for the revised project scope.
3. **THAT** Council advise the Department of Infrastructure, Regional Development and Cities that due to a significant number of issues Council will not be able to complete the approved works by the 31 March 2020 deadline and will therefore have to let the funding agreement lapse.

PASSED

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

THAT the matter be deferred for a further briefing on financial matters.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

COUNCIL MATTERS

MN 152/19

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

THAT Council move from Committee of the Whole back into Council, the time being 5.37pm with the Mayor **Clr T D Gair** resuming the Chair to conduct the remainder of Council Business.

PASSED

Clr K J Halstead left the chambers, the time being 05:39pm.

Clr G Markwart left the chambers, the time being 05:39pm.

QUESTIONS FROM THE PUBLIC

Clr G Markwart returned to the meeting, the time being 05:39pm.

Clr K J Halstead returned to the meeting, the time being 05:39pm.

100/10 7810/3 RD 1918

Ms Ann Pearson asked:

ROAD MAINTENANCE ON RANELAGH ROAD, BURRADOO

Who is responsible for the maintenance of the 120 meters of Ranelagh Road, corner of Hurlingham Avenue, Burradoo?

REPLY FROM GROUP MANAGER INFRASTRUCTURE SERVICES

The unsealed section of Ranelagh between Hurlingham Rd and Riversdale Rd was inspected on Monday 8 April 2019. 8 small potholes were identified and will be programmed for repair within 2 weeks.

It is noted that stage 2 of the adjacent development was conditioned to bitumen seal Ranelagh Rd but it is unlikely that Stage 2 will be developed. At this stage, Council has not listed sealing of Ranelagh Rd in the 10 year capital works program. Repairs on this unsealed section will continue as part of the unsealed roads maintenance program.

12.3 Proposed Sale - 10 Frankland Street Mittagong

Reference:	PN 556900
Report Author:	Property and Projects Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to provide Council with an update on the proposed sale of 10 Frankland Street, Mittagong. The Deputy General Manager Operations Finance & Risk will provide a verbal update in Closed Council.

MN 153/19

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

THAT the report concerning the update to Councillors on the proposed sale of 10 Frankland Street, Mittagong be considered in closed Council. This report is confidential in accordance with section 10A(2) of the Local Government Act, 1993, under clause 10(A)(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.

PASSED

Clr I M Scandrett requested that his dissenting vote be recorded on this matter.

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 7 March 2019 to 24 March 2019

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 7 March 2019 to 24 March 2019. It is noted that the reporting period for this month has been reduced in order to make future reporting periods easier to administer.

MN 154/19

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

THAT the information relating to the lists of Development Applications Determined for the period 7 March 2019 to 24 March 2019 be received and noted.

PASSED

13.2 Development Applications Received from 7 March 2019 to 24 March 2019

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 7 March 2019 to 24 March 2019. It is noted that the reporting period for this month has been reduced in order to make future reporting periods easier to administer.

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

MN 155/19

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

1. **THAT** the information relating to Development Applications Received from 7 March 2019 to 24 March 2019 be received and noted.
2. **THAT** the following Item be reported to Council for determination
 - Item 31 DA 19/1374, Throsby Manor, 1A Throsby Street, Moss Vale

PASSED

13.3 DA 07/1004.01 - Section 4.55 Modification - Change of use from transitional group home to permanent group home - 15 Parmenter Court, Bowral

Reference: LUA07/1004.01
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Improve opportunities for people to ‘have their say’ and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

PURPOSE

The purpose of this report is to consider an application to modify Development Consent 2007/1004 which seeks to change the approved use of the site from a transitional group home to a permanent group home at Lot 109, DP1043085, 15 Parmenter Court, Bowral. This report is prepared for determination and recommends APPROVAL, with no change to the conditions of consent and a change to the description of the development only (**Attachment 1**).

MN 156/19

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

THAT the application to modify Development Consent 2007/1004 for a change of use to a permanent group home at Lot 109 DP 1043085, No 15 Parmenter Court, Bowral be APPROVED subject to the attached notice of consent as described in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

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

Against the motion: Nil

13.4 Draft Code of Conduct and Procedures for the Administration of the Code of Conduct

Reference: 101/15
Report Author: Group Manager Corporate and Community
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community

Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Code of Conduct for Local Councils in NSW were prescribed on 14 December 2018.

This report provides an overview of the key changes to the Model Code and proposes the public exhibition of the Wingecarribee Shire Council draft Code of Conduct and Procedures for the Administration of the Code of Conduct which are based on the Model Code and associated procedures.

The General Manager addressed Council in relation to this matter

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

MN 157/19

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

1. **THAT** Council endorse the exhibition of the Draft Code of Conduct and Procedures for the Administration of the Code of Conduct for a period of 28 days noting that submissions will be accepted during the exhibition period and for a further 14 days following closure of the exhibition period.
2. **THAT** a further report be submitted to Council following the public exhibition period.

PASSED

13.5 Draft Code of Meeting Practice

Reference:	100/3
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) was prescribed on 14 December 2018 and comprises of mandatory and non-mandatory provisions.

This report provides a draft Code of Meeting Practice (draft Code) for Council's consideration to place on public exhibition. The draft Code includes all mandatory provisions of the Model Meeting Code. It is also proposed that some of the non-mandatory provisions are included in Council's draft Code along with best practice supplementary provisions.

It is a statutory requirement that the Code of Meeting Practice be placed on public exhibition for a period of 28 days. Submissions can be received for a further 14 days at the conclusion of the formal exhibition period.

The General Manager left the Chambers at 5.57pm

The General Manager returned to the Chambers at 6.14pm

MN 158/19

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

1. **THAT** Council endorse the exhibition of the Draft Wingecarribee Shire Council Code of Meeting Practice for a period of 28 days, noting that submissions will be accepted during the exhibition period and for a further 14 days following closure of the exhibition period.
2. **THAT** a further report will be brought back to council following the public exhibition period.

PASSED

Cllr G McLaughlin requested his dissenting vote be recorded on this matter

13.6 Community Engagement Policy

Reference:	5704/9
Report Author:	Coordinator Community Engagement
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

PURPOSE

At its meeting on 28 November 2018 Council resolved to place on public exhibition the draft Community Engagement Policy. The purpose of this report is to outline submissions received during the public exhibition period and recommend adoption of the Community Engagement Policy.

MN 159/19

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

THAT the draft Community Engagement policy as detailed within the report be adopted.

PASSED

13.7 Request for Financial Assistance from Mackenzie Long to Attend Royal Ballet School Spring Intensive Course

Reference: 2155/1
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 the family of Mackenzie Long to contribute financially towards the Royal Ballet School tuition fee.

MN 160/19

MOTION moved by Cllr P W Nelson and seconded by Cllr G J Andrews

1. **THAT** Council note the report and **NOT** support the request
2. **THAT** a letter of acknowledgement be sent to the Long family.

PASSED

13.8 Council Representatives on the Heritage Advisory Committee and the Terms of Reference for the Committee

Reference:	107/16
Report Author:	Strategic Land Use Planner - Heritage
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire

PURPOSE

The purpose of this report is to appoint Councillor Representatives to the Heritage Advisory Committee and adopt revised Terms of Reference for the Committee.

MN 161/19

MOTION moved by Cllr K J Halstead and seconded by Cllr L A C Whipper

1. **THAT Council re-establish the Heritage Advisory Committee.**
2. **THAT Council appoint two Councillor representatives to the Heritage Advisory Committee for the period ending August 2020 being the remainder of the Council Term, AND THAT those representatives be:**
Councillor G McLaughlin, Chair
Councillor P Nelson, Alternate Chair
3. **THAT Council adopt the draft terms of reference for the Heritage Advisory Committee, as set out in Attachment 2, and amend part 6 of the Wingecarribee Shire Council Committee Manual 2016-2020 to change the committee's meeting frequency.**
4. **THAT the Heritage Advisory Committee nominate its members to the Joadja Conservation Management Community Reference Group, at its next meeting.**
5. **THAT the Heritage Advisory Committee meet by May 2019.**

PASSED

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

Nil

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 15 March 2019

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Senior Governance Officer
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 15 March 2019.

The General Manager addressed Council in relation to this matter.

MN 162/19

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

THAT recommendations AR 44/18 to AR 55/18 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 15 March 2019 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

18.2 Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 March 2019

Reference: 107/25
Report Author: Administration Officer
Authoriser: Manager Environment and Sustainability
Link to Community
Strategic Plan: Sustainably manage natural resources for broader community benefit

PURPOSE

This report provides Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 March 2019.

MN 163/19

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

THAT recommendation Nos. ES 1/19 to ES 5/19 – as detailed in the Minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday, 20 March 2019 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 Management and Advisory Committee Reports

Reference: 107/1
Report Author: Administration Officer (Meetings)

PURPOSE

This report provides the Minutes of the Hill Top Community Centre Committee Meeting on 21 February 2019 to be tabled for information.

MN 164/19

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

THAT the report be noted.

PASSED

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

20.1 Notice of Motion 9/2019 - Assessment of Trees Located on the Corner of Bong Bong Street and Mary Street Mittagong

Reference:	100/4
Report Author:	Administration Officer (Meetings)
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 Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 10 April 2019:

Clr I M Scandrett left the chambers, the time being 07:02pm.

Clr I M Scandrett returned to the meeting, the time being 07:03pm.

The General Manager addressed Council on this matter.

MN 165/19

MOTION moved by Deputy Mayor Clr G Turland and seconded by Clr K Halstead

1. ***THAT Council engage an external arborist to assess Council trees from the corner of Bong Bong Street and Mary Street Mittagong from property lot 105 to lot 101.***
2. ***THAT if the trees are assessed as unsafe to the public and the properties THAT Council remove these trees forthwith.***
3. ***THAT a replacement schedule of mid story native vegetation be implemented to assist with net loss to the biodiversity of the area.***

PASSED

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

1. **THAT** Council staff with an independent arborist reassess Council trees from the corner of Bong Bong Street and Mary Street Mittagong from property lot 105 to lot 101.
2. **THAT** if the trees are assessed as unsafe to the public and the properties THAT Council remove these trees forthwith.

THE AMENDMENT WAS PUT TO THE VOTE AND LOST

20.2 Notice of Motion 10/2019 - Legal Committee

Reference:	100/4 107/22
Report Author:	Administration Officer (Meetings)
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 G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 10 April 2019:

THAT Council formulate a Legal Committee as it has done in the past.

The General Manager addressed Council in relation to this matter.

MN 166/19

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr G McLaughlin

THAT the Notice of Motion 10/2019 – Legal Committee be noted.

PASSED

EXTENSION OF TIME

MN 167/19

EXTENSION OF TIME moved by Clr P W Nelson and seconded by Clr G McLaughlin

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 8.00PM.

PASSED

20.3 Notice of Motion 11/2019 - Referendum for Popularly Elected Mayor

Reference:	100/4
Report Author:	Administration Officer (Meetings)
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 I M Scandrett and K J Halstead have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 10 April 2019:

The General Manager left Chambers at 7.28pm

The General Manager returned to Chambers at 7.37pm

MOTION moved by Clr I M Scandrett and seconded by Clr K J Halstead

THAT a report on holding a referendum for popularly elected Mayor at the next Council election be provided to Council.

MN 168/19

AMENDMENT moved by Clr P W Nelson and seconded by Clr G J Andrews

THAT an information session be held in relation to holding a referendum or a plebiscite for a popularly elected mayor which outlines the procedure and costs associated with the next Council election.

ON BEING PUT TO THE VOTE THE AMENDMENT WAS PASSED

THE AMENDMENT BECAME THE MOTION

ON PUT TO THE VOTE THE MOTION WAS PASSED

Clr L A C Whipper requested that his dissenting vote be recorded in respect of this matter.

21. GENERAL BUSINESS

There was no General Business at this Meeting.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.41 pm, Council moved into Closed Council.

MN 169/19

MOTION moved by Clr P W Nelson and seconded by Clr 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 Tender for Trade Services and Minor Works

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 following Trade Services and Minor Works Panel Tenders:

- RFT 6330/19.2 Bulk Materials;
- RFT 6330/19.3 Building & Joinery Services;
- RFT 6330/19.4 Facility Cleaning Services;
- RFT 6330/19.5 Kerb and Gutter & Concreting Services;
- RFT 6330/19.6 Pavement Linemarking Services.

22.2 Proposed Sale - 10 Frankland Street Mittagong

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(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 provide Council with an update on the proposed sale of 10 Frankland Street, Mittagong. The Deputy General Manager Operations Finance & Risk will provide a verbal update in Closed Council.

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

PASSED

22.1 Tender for Trade Services and Minor Works

Reference:	6330/19.2 6330/19.3 6330/19.4 6330/19.5 6330/19.6
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

CONFIDENTIAL ITEM

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

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the following Trade Services and Minor Works Panel Tenders:

- RFT 6330/19.2 Bulk Materials;
- RFT 6330/19.3 Building & Joinery Services;
- RFT 6330/19.4 Facility Cleaning Services;
- RFT 6330/19.5 Kerb and Gutter & Concreting Services;
- RFT 6330/19.6 Pavement Linemarking Services.

This matter was dealt with earlier in the meeting on pages 11-14, MN150/19

22.2 Proposed Sale - 10 Frankland Street Mittagong

Reference:	PN 556900
Report Author:	Property and Projects Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

CONFIDENTIAL ITEM

This report is confidential 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.

PURPOSE

The purpose of this report is to provide Council with an update on the proposed sale of 10 Frankland Street, Mittagong. The Deputy General Manager Operations Finance & Risk will provide a verbal update in Closed Council.

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

Clr L A C Whipper left the chambers, the time being 07:57pm.

Clr L A C Whipper returned to the meeting, the time being 07:59pm.

MN 170/19

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

THAT the information in relation to 10 Frankland Street, Mittagong be noted.

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 171/19

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

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 172/19

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

THAT the recommendation of the Closed Council held on Wednesday, 10 April, 2019 being MN 170/19 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 173/19

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 10 April, 2019 being MN 148/19 to MN 152/19 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.00 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 10 April 2019 numbered M/N 146/19 to M/N 173/19 were signed by me hereunder at the Council Meeting held on Wednesday 24 April 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 24 APRIL 2019

CHAIRMAN

PUBLIC OFFICER