



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 27 March 2019

The meeting commenced at 3:30pm

File No. 100/2019

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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 27 MARCH 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 Information Officer	Mr John Crawford
Legal Counsel	Mr Ian Lacy (in part)
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

Deputy Mayor Clr G M Turland 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 McPherson of Presbyterian Church, Mittagong.

4. APOLOGIES.

There were no apologies at this Meeting.

PERS

5. ADOPTION OF MINUTES OF PREVIOUS MEETING

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 13 MARCH 2019

MN 112/19

MOTION moved by Deputy Mayor G M Turland and seconded by Clr G Markwart

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 13 March 2019 MN 76/19 to MN 111/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

101, 101/15, 2120

Clr I M Scandrett made a verbal presentation of a public apology regarding Item 13.3 Code of Conduct matter dealt with at the Council meeting on 13 February 2019 MN 35/19. Clr I M Scandrett handed up a copy of written apology.

“Public apology by Clr Ian Scandrett: Mr Mayor, Councillors, and Madam General Manager, I refer to Item 1 of the Resolution 35/19 of Council on 13 February 2019 and the findings of the Code of Conduct Report which were specifically itemised and made public in the consideration of the minutes of the meeting of 13 February 2019 at the meeting of Wednesday 27 February 2019. That resolution required that I make a verbal presentation of a written apology about this matter which I am now doing. On 21 March 2018 Councillors were briefed on the planned 2018/19 budget which was to go out on public exhibition three weeks later. I accept that on 27 March in a public media conference I inappropriately released the plan and new budget dollar amount for the Station Street upgrade project. The release of the information was a misjudgement and a lack of insight about the particular circumstances in which I was given the information. I accept and recognise that I breached the strict confidentiality requirements for Councillors in accordance, at that time, with Council’s code of conduct and I take full responsibility for the early release of the budget amount. I accept that this embarrassed and harmed the council including the councillors, and I apologise to the Council and the councillors for my actions. I can assure the council that I have learnt an important lesson about the confidentiality of sensitive council information and that I will always check the confidentiality status of information provided to me as a councillor to ensure this does not happen again. In summary, Mr Mayor, Councillors and Madam General Manager, I regret my actions and ask that council note and accept my apology. I will hand up a copy of my written apology that I have just read and which I note will be incorporated into the minutes”.

6.1 CODE OF CONDUCT PUBLIC APOLOGY

800/2

MN 113/19

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

THAT the apology of **Clr I M Scandrett** in breach of code of conduct be noted.

PASSED

Mayor Clr D Gair noted that Councillor Scandrett did not provide the apology at the meeting on 27 February 2019 as requested and the matter has been referred to the Office of Local Government.

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 6330/18.24

Deputy Mayor Clr G Turland declared a less than significant non pecuniary interest in Item 12.1 Tender for Kirkham Road South Upgrade, Bowral – as it only related to the approval of a tender for the work that has already been approved for the Station Street upgrade.

101/3 5700/64

Clr P W Nelson declared a pecuniary interest in Item 13.3 Chelsea Gardens - Draft Development Control Plan Road Hierarchy – as he was a former Board Member of the Moss Vale Golf Club for 8.5 years and will be leaving the Chamber when the matter is heard.

101/3 5700/64

The Mayor Clr T D Gair declared a significant pecuniary interest in Item 13.3 Chelsea Gardens - Draft Development Control Plan Road Hierarchy – as he is a member of the JRPP and as the subdivision will be determined by the JRPP he will not enter into the debate and will leave the chamber when the matter is heard.

101/3.1 107/22 502

Deputy Mayor Clr G Turland declared a less than significant non pecuniary interest in Item 14.1 Legal Report - as his name is mentioned in the legal report in open council. There is nothing in the closed report Item 22.5 in relation to himself.

8. MAYORAL MINUTES

8.1 Condolences to New Zealand

Reference: 100
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

The purpose of this report is to formally offer our condolences to the victims, families and the Muslim community in the wake of the Christchurch terror attack.

MN 114/19

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

1. **THAT** Council offers its prayers and condolences to the victims, families and the Muslim community of New Zealand.
2. **THAT** Council send a letter of condolence to the Mayor and the community of Christchurch.

PASSED

9. PUBLIC FORUM

Nil

COMMITTEE OF THE WHOLE

107/10

MN 115/19

MOTION moved by *Clr P W Nelson* 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 **Deputy Mayor Clr G M Turland** to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

Nil

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Tender for Kirkham Road South Upgrade, Bowral

Reference:	6330/18.24
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community	
Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Kirkham Road South Upgrade, Bowral.

Deputy Mayor Clr G Turland declared a less than significant non pecuniary interest in Item 12.1 Tender for Kirkham Road South Upgrade, Bowral – as it only related to the approval of a tender for the work that has already been approved for the Station Street upgrade and he will not be leaving the chamber.

MN 116/19

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

1. **THAT** in relation to the report concerning Tender for Kirkham Road South Upgrade, Bowral - Council adopts the recommendations contained within the Closed Council report – Item 22.1.
2. **THAT** Council accepts the tender from The Civil Experts Pty Ltd T/A T.C.E Contracting at a Lump Sum of \$2,570,363.32 to undertake Kirkham Road South Upgrade, Bowral.

PASSED

12.2 Tender for Road Condition Survey

Reference:	6330/19.8
Report Author:	Asset Engineer Condition
Authoriser:	Coordinator Assets - Roads and Traffic
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the condition assessment of Council's sealed and unsealed roads and road ancillary assets.

MN 117/19

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

1. **THAT** in relation to the report concerning Tender for Road Condition Survey of Council's sealed and unsealed roads and ancillary assets - Council adopts the recommendations contained within the Closed Council report – Item No. 22.2.
2. **THAT** Council accepts the tender from Talis Consultants Pty Ltd at a Lump Sum of \$140,888.31 to undertake the condition assessment of Council's sealed and unsealed roads and road ancillary assets.

PASSED

12.3 Tender for the Upgrade of Wingello Hall Accessibility

Reference:	6330/19.7
Report Author:	Coordinator Open Space, Recreation and Building Maintenance
Authoriser:	Manager Open Space, Recreation and Building Maintenance
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

The purpose of this report is to present the evaluation of the request for tender for the Wingello Hall Accessibility Upgrades.

MN 118/19

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

1. **THAT** in relation to the report concerning Wingello Hall Accessibility Upgrades - Council adopts the recommendations contained within the Closed Council report – Item 22.3.
2. **THAT** Council accepts the tender received from DeSign for the provision of the Wingello Hall Accessibility Upgrades for the lump sum of \$185,640.00, (excluding) GST, in accordance with the *Local Government (General) Regulation 2005, Clause 178(1)(b)*.

PASSED

12.4 Tender for Refurbishment of Council Amenities

Reference:	6330.19.1
Report Author:	Coordinator Open Space, Recreation and Building Maintenance
Authoriser:	Manager Open Space, Recreation and Building Maintenance
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Refurbishment of Council Amenities at Burrawang Oval, Leighton Gardens and Winifred West Park.

MN 119/19

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

1. **THAT** the report concerning Refurbishment of Council Amenities - Council adopts the recommendations contained within the Closed Council report – Item 22.5.
2. **THAT** Council accepts the tender received from Dezin for the provision of the Refurbishment of Council Amenities for the lump sum of \$490,610.00, (excluding GST), in accordance with the *Local Government (General) Regulation 2005, Clause 178(1) (b)*.

PASSED

12.5 Investment Report - February 2019

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

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 28 February 2019.

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

MN 120/19

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

THAT the information on Council's Investments as at 28 February 2019 be received and noted.

PASSED

12.6 Final Approval for Unformed Road Closure - Corner Bowral Street & Bendooley Street, Bowral

Reference:	PN1809540 RD 1513 RD 1519
Report Author:	Property and Projects 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 obtain the formal approval of Council for the closure of the unformed section of road at the Corner of Bendooley Street and Bowral Street, Bowral.

The General Manager addressed Council in relation to this matter

MN 121/19

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

1. **THAT** pursuant to Part 4 Division 3 of the Roads Act, 1993, Council as roads authority formally approve the road closure at the corner of Bendooley Street and Bowral Streets, Bowral **AND THAT** it be noted that all costs in relation to the closure and future sale of the portion of closed road are to be paid for by the applicant.
2. **THAT** following the closure and sale of the road referred to in Resolution 1 above, the applicant be required to consolidate the newly created lot (being the former segment of closed road) with the applicants property at their own cost and expense within 12 months of the transfer of the new lot to the applicant.
3. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council any agreements, plans or real property dealing in respect of the road closure and any future sale of the road referred to in Resolution 1 above.

PASSED

12.7 Proposed Road Closure - part West Street & North Street, Robertson

Reference:	RD 3642, RD3627
Report Author:	Property and Projects 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 for Council to consider a potential closure of the unformed segments of part West Street, Robertson and part North Street, Robertson, adjoining 1 May Street, Robertson, 3A May Street, Robertson and 7 May Street, Robertson.

MN 122/19

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

1. **THAT** Council invite a formal Application for Road Closure from the applicants (to be made jointly by the owners of 1 May Street, Robertson, 3A May Street, Robertson and 7 May Street, Robertson) **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the roads are to be paid by the applicants.
2. **THAT** Council give a minimum 28 days public notice of its intention to close a segment of the Council public roads adjoining 1 May, Street, Robertson, 3A May Street, Robertson and 7 May Street, Robertson.
3. **THAT** following public notice of the proposed closure, a further report be presented to Council to formally determine the application for closure of the segments of Council public road adjoining 1 May Street, Robertson, 3A May Street, Robertson and 7 May Street, Robertson.
4. **THAT** a section 88B instrument be prepared and lodged for registration with the Plan of Road Closure and title creation of the newly formed lots that restricts the erection of structures (fences etc) and any planting (such as hedges) and groves of trees that will impede overland flow of water and exacerbate flooding.

PASSED

12.8 Proposed Easement over Council Property, Drainage Reserve, Connolly Close Renwick

Reference:	PN1795530 7790/2
Report Author:	Property and Projects 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 seek Council approval to negotiate the grant of a property right over Council owned land. The right being sought is an easement for underground electrical supply over council property, part Lot 8019 DP1199372 Drainage Reserve, Connolly Close, Renwick.

The owner/developer of Lot 903 DP 1210273, Mary Street, Renwick requires the grant of easement in order to comply with a condition of the development consent.

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

MN 123/19

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

1. **THAT** the General Manager be delegated authority to negotiate with the developer of Lot 903 DP 1210273, Mary Street, Mittagong with respect to the compensation payable to Council for the grant of an Easement for underground electrical supply over Council Property, Lot 8019 DP 1199372 Drainage Reserve, Connolly Close, Renwick **AND THAT** the compensation negotiated be within a 10% range of the formal valuation received by Council.
2. **THAT** it be noted that all costs of creation of the Easement for underground electrical supply (referred in Resolution 1 above) are borne by the owner/developer of Lot 903 DP 1210273, Mary Street, Renwick.
3. **THAT** Council affix the Common Seal of Council to any document required to be sealed in respect of the Easement for underground electrical supply (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 other document associated with the Easement for underground electrical supply (referred to in Resolution 1) above which does not require the affixing of the Common Seal of Council.

PASSED

12.9 Southern Regional Livestock Exchange Service Delivery Review

Reference:	200/11.1 7170/17
Report Author:	Corporate Strategy Projects Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

This report provides a recommendation on the future operational model for the Southern Regional Livestock Exchange (SRLX) following completion of a Service Delivery Review.

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

MN 124/19

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

1. **THAT** in the first quarter of 2020 Council advertise for expressions of interest (EOI) to lease the Southern Regional Livestock Exchange with a preference for a long-term capital lease.
2. **THAT** the General Manager engage with the affected staff at the SRLX, and notify the relevant unions in accordance with the provisions of Clause 39 Workplace Change of the Local Government (State) Award 2017.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 DA 17/1713 – Multi Dwelling Housing - Lots G & H DP 21613, 19-21 Sheffield Road Bowral

Reference:	DA17/1713
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 17/1713 which seeks approval at Lots G and H DP21613, 19-21 Sheffield Road Bowral, for Multi Dwelling Housing.

1. Demolition of existing dwelling at 21 Sheffield Road;
2. Retention and renovation of existing single dwelling at 19 Sheffield Road; and
3. Construction of seven (7) double storey dwellings over Lots G and H DP21613.

The development is proposing to provide only 42.4% landscaping on the site of the required 50% under the Development Control Plan. To achieve 50% landscaped area would involve the demolition of dwelling 1 being the existing dwelling on 19 Sheffield Road and replacing it with a two storey dwelling with a smaller footprint.

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

MN 125/19

MOTION moved by Cllr I M Scandrett and seconded by Cllr G J Andrews

THAT Development Application 17/1713 for Multi Dwelling Housing over Lots G and H DP21613 at 19-21 Sheffield Road Bowral involving:

- **Demolition of existing dwelling at 21 Sheffield Road;**
- **Retention and renovation of existing single dwelling at 19 Sheffield Road; and**
- **Construction of seven double storey dwellings over Lots G and H DP21613,**

be DEFERRED to request the applicant to submit amended plans addressing the shortfall of on-site landscaping to comply with the Bowral Development Control Plan prescriptive control of 50% of site area.

PASSED

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 27 March 2019



VOTING ON THE MOTION

For the motion:

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

Against the motion:

Nil

13.2 DA16/1363.01 Section 4.55 Modification - Amend Conditions relating to a 3 Lot Subdivision at 10 Frankland Street, Mittagong

Reference: 16/1363.01
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to consider an application to modify Development Consent 16/1363. The existing Development Consent DA 16/1363 was granted on 10 November 2017 for a 3 lot subdivision of Lot 1 DP 109208 at No.10 Frankland Street, Mittagong. The modification application seeks to change several conditions of the consent with the intention of postponing civil infrastructure design and works until after the release of a Subdivision Certificate.

This report is prepared for determination and recommends APPROVAL, subject to draft conditions of development consent (**Attachment 1**).

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

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

MN 126/19

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

THAT the application to modify Development Consent 16/1363 for the 3 lot subdivision at Lot 1 DP 109208, No 10 Frankland Street, Mittagong be APPROVED subject to draft conditions of development consent listed in Attachment 1 to the report. The draft conditions shall also include a section 88E instrument to be prepared and applied to the land prior to the issue of a subdivision certificate requiring conditions 9,36,41,42 be completed by a future purchaser prior to any future development application and or complying development certificate being approved relating to the site.

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

13.3 Chelsea Gardens - Draft Development Control Plan Road Hierarchy

Reference: 5700/78
Report Author: Coordinator Strategic Land Use Planning
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

To seek Council endorsement of the proposed road hierarchy to be incorporated into the draft Development Control Plan for the Chelsea Gardens Coomungie Urban Release Area.

Clr P W Nelson declared a pecuniary interest in Item 13.3 Chelsea Gardens - Draft Development Control Plan Road Hierarchy – as he was a former board member of the Moss Vale Golf Club for 8.5 years and left the chambers, the time being 04:28pm.

The Mayor Clr T D Gair declared a significant pecuniary interest in Item 13.3 Chelsea Gardens - Draft Development Control Plan Road Hierarchy – as he is a member of the JRPP and as the subdivision will be determined by the JRPP he will not enter into the debate. The Mayor Clr T D Gair left the chambers, the time being 04:28pm.

The Coordinator Strategic Land Use Planning addressed Council in relation to this matter.

MN 127/19

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

THAT Council endorse the proposed street hierarchy to be incorporated into a draft Development Control Plan subject to the following:

1. *The road hierarchy map be amended to show all link roads (with potential through traffic) as 'typical primary access street' with a road reserve of 18 metres*
2. *The 'typical minor access street and cul-de-sacs' design standard (16m road reserve) be limited only to local roads (i.e. no through traffic)*
3. *The draft Development Control Plan incorporate minimum setback controls for garages (5.5m) to facilitate on-site parking on driveways within the property boundaries*
4. *The draft Development Control Plan require temporary solutions to facilitate truck turning movements for service vehicles at each stage of the development.*

PASSED

13.4 ANZAC Day 2019

Reference: 1671/1
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Corporate Plan: Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

Reporting on the Wreath Laying Ceremonies for ANZAC Day 2019.

Clr P W Nelson returned to the meeting, the time being 4.36pm.

The Mayor Clr T D Gair returned to the meeting, the time being 04:37pm.

MN 128/19

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

1. **THAT** subject to Councillor availability, Council be represented at the following services:

	SERVICE	2019 ATTENDANCE
BERRIMA	<i>Dawn Service 5.45am</i>	Clr I M Scandrett
	<i>Main Service 10.30am</i>	Clr G McLaughlin
BOWRAL	<i>Dawn Service – March 5.45am Service 6.00am</i>	Clr K Halstead Clr G McLaughlin
	<i>Main Service – March 10.35am Service 11.00am</i>	Deputy Mayor Clr G Turland
BUNDANOON	<i>Dawn Service 6am</i>	Clr G Andrews
	<i>March 10.30am – Service 11.00am</i>	Clr I M Scandrett
BURRAWANG	<i>Wreath Laying 10.15 am</i>	Clr L Whipper
ROBERTSON/ KANGALOO	<i>Wreath Laying and Service- 11.00am</i>	Clr L Whipper
COLO VALE	<i>Service – 8.00am</i>	Clr I M Scandrett
EXETER	<i>Service - 9.00am</i>	Clr I M Scandrett
HILLTOP	<i>Dawn Service 6.00am</i>	Clr P Nelson
MITTAGONG	<i>Dawn Service – March 5.15am Service 5.30am</i>	Deputy Mayor Clr G Turland
	<i>Main Service – March 10.30am Service 10.45am</i>	Clr G Andrews Clr K Halstead
MOSS VALE	<i>March 10.30am - Service 11.00am</i>	Mayor Clr D Gair
SUTTON FOREST	<i>March 7.50am – Service 8.00am</i>	Mayor Clr D Gair

2. **THAT** the respective Sub-Branche**s** be advised of Council representation as detailed in 1 above.
3. **THAT** Council purchase appropriate books for the Bowral, Bundanoon, Moss Vale and Berrima Memorial Services **AND THAT** wreaths be purchased for the remaining locations.

PASSED

14. GENERAL MANAGER

14.1 Legal Report

Reference:	107/22 502
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday 27 February 2019.

Deputy Mayor Clr G Turland declared a less than significant non pecuniary interest in Item 14.1 Legal Report - as his name is mentioned in the legal report in open council. There is nothing in the closed report Item 22.5 in relation to himself.

MN 129/19

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

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 22.5.

PASSED

15. DELEGATE REPORTS

Nil

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Traffic Committee Meeting 7 March 2019

Reference:	107/6
Report Author:	Administration Officer
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

This report provides the Minutes of the Traffic Committee Meeting held on Thursday 7 March 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

MN 130/19

MOTION moved by Cllr K J Halstead and seconded by Cllr G Markwart

THAT recommendations Nos TC1/19 to TC15/19 – as detailed in the Minutes of the Traffic Committee Meeting held on 7 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 Arts and Culture Advisory Committee Meeting held on Tuesday, 5 March 2019

Reference: 1660/1.1
Report Author: Administration Officer
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 March 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

MN 131/19

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

THAT recommendations Nos ACC 1/19 to ACC 8/19, as detailed in the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 5 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 following Committee Meetings, copies of which will be tabled for information:

1. Bong Bong Common Management Committee Minutes of 26 February 2019;
2. Canyonleigh Hall Management Committee Minutes of 5 February 2019;
3. Exeter Hall Management Committee Minutes of 11 February 2019; and
4. East Bowral Community Centre Management Committee Minutes of 26 February 2019.

MN 132/19

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

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

1. *Bong Bong Common Management Committee Minutes held on 26 February 2019;*
2. *Canyonleigh Hall Management Committee Meeting Minutes of 5 February 2019;*
3. *Exeter Hall Management Committee Minutes of 11 February 2019; and*
4. *East Bowral Community Centre Management Committee Minutes of 26 February 2019.*

PASSED

18.4 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on 22 February 2019

Reference: 107/40
Report Author: Administration Officer (Meetings)

PURPOSE

This report provides the Minutes of Southern Regional Livestock Exchange Committee, 22 February 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

MN 133/19

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

THAT recommendation Nos SOU 1/19 to SOU 6/19 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on 22 February 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

COUNCIL MATTERS

MN 134/19

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

THAT Council move from Committee of the Whole back into Council, the time being 4.43pm with the Mayor Clr T D Gair resuming the Chair to conduct the remainder of Council Business.

PASSED

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

20.1 Notice of Rescission of Motion 1/2019 - Proposed 21 year lease of Council Property - part of Memorial Hall, 114 Main street, Mittagong

Reference:	100/5 PN 698900
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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 Turland, Whipper and Halstead have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 27 March 2019.

The General Manager left the meeting at 4.46pm.

The General Manager returned to the meeting at 5.01pm.

1. THAT Council approve a twelve month term of the lease with Berrima District Historical and Family History Society Inc;
2. THAT within the term Council work with Berrima District Historical and Family History Society Inc seek an alternative solution within the twelve month term;
3. THAT at a convenient time Council inspect the premises with both user groups.
4. THAT the persons who made a submission in respect of the proposed lease be notified in writing of Resolution 1 above.

MN 135/19

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

THAT the motion passed by Council on Wednesday 13 March 2019, being Item 12.5, Minute No. 88/19, be rescinded.

LOST

20.2 Notice of Motion 7/2019 - Shared Site Options at Memorial Hall, 114 Main Street, Mittagong for Berrima District Historical & Family History Society and various Theatre Groups

Reference:	100/4 PN 698900 5653/3
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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 Markwart has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 March 2019:

1. THAT council acknowledge the Berrima District Historical & Family History Society and the various theatre groups that either singly or together require increased space and additional facilities to meet their future needs currently provided at the shared site of Memorial Hall 114 Main Street, Mittagong.
2. THAT council prepare a report on several options that meet the future needs of both organisations for the five year period of 2020 - 2025.
3. THAT the said report be presented to council for consideration no later than November 2019.

MN 136/19

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

1. **THAT** Council acknowledge the Berrima District Historical & Family History Society and the highlands theatre groups that either singly or together require increased space and additional facilities to meet their future needs currently provided at the shared site of Memorial Hall 114 Main Street, Mittagong.
2. **THAT** Council confer with all parties to identify their needs and options.
3. **THAT** Council prepare a report on several options (such as building upgrade, alternative locations et cetera) that meet the future needs of both organisations for the five year period of 2020 – 2025.
4. **THAT** the said report be presented to Council for consideration no later than November 2019.
5. **THAT** following the report detailed in 3. above, an information session be held for councillors with representatives of both the Berrima District Historical & Family History Society and the highlands theatre groups and the President of the Mittagong Playhouse 355 Management Committee.
6. **THAT** as soon as possible Council undertake an inspection of the facilities.

PASSED

20.3 Notice of Motion 6/2019 - Code of Meeting Practice - duration to speak for/against a motion

Reference:	100/4 100/3
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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 Andrews has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 March 2019:

Clr G Markwart left the chambers, the time being 05:49pm.

Clr G Markwart returned to the meeting, the time being 05:51pm.

MN 137/19

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

THAT under the new Code of Meeting Practice for Council which is to be in place by 14 June 2019, Council resolve that a provision be included that the duration Councillors be permitted to speak for or against a motion be restricted to three minutes.

PASSED

20.4 Notice of Motion 8/2019 - Public Workshops on Forthcoming Wingecarribee Shire Council Budget

Reference:	100/4 2120
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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 Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 March 2019:

The General Manager addressed Council in relation to this matter.

MN 138/19

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

THAT WSC publicise and conduct public workshops during April and May on the forthcoming Council budget.

LOST

QUESTIONS FROM THE PUBLIC

100/10

In accordance with the Code of Meeting Practice, the Group Manager Corporate and Community read the Questions from the Public and the Replies

1. Mr Clive Probyn asked:

STATION STREET

100/10 7457

- (a) "How does Council plan to fund the revised Station Street Upgrade in view of the necessary and additional land purchases and car parking offsets?"

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

The Station Street Upgrade project is included in council's 2018/19 & 2019/20 Operational plan(s) and budget(s) with funding allocated as follows - \$7.5million Restart Illawarra Funding from Infrastructure NSW, and \$7.575million contributed by Council being a combination of reserve funds, section 94 funds and loan funds.

- (b) How is it that Council refuses to discuss in any public forum the affordable alternative by-pass offered by the Links Road to Bowral Street route along Kirkham Road?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Stage 2 of the Station Street Upgrade which is being referred to as the "by-pass" is included in council's future plans for Bowral when funding becomes available and will further assist in traffic flow along Station Street as traffic volumes increase in the future. It would not however address the current and emerging traffic issues in Station Street Bowral, and without Stage 1 being completed would likely make the traffic issues between Bowral Street and Bundaroo Street significantly worse.

- (c) Is Council ignoring the Deep Dive Report recommendation that no tendering should be commenced until a satisfactory solution to the ownership of the Bowral Station curtilage is reached?

REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

No

-
2. Ms Ann Pearson and Mr Denis McNulty asked: 100/10 100/8 7810/3 RD 1918

COUNCIL MEETING OF 14 MARCH 2018 - ITEM 16.1 - PETITION 3/2018 TO SEAL 120METRES OF UNSEALED RANELAGH ROAD, AND COUNCIL MEETING 23 MAY 2018

- a) Why did Council set the Kerever Park subdivision developer's contribution for the sealing of 120metres of Ranelagh Road between Riversdale and Hurlingham to the completion of Stage 2 of the development instead of Stage 1 of the development?

REPLY FROM GROUP MANAGER PLANNING, DEVELOPMENT AND REGULATORY SERVICES

Condition 32(b)(ii)(b) of Development Consent 11/0705.04 required "Construction of road pavement surfaced with two coat seal bitumen in Ranelagh Road between Hurlingham Avenue and Riversdale Avenue". Council's Development Engineer considered at the time that the release of stage 1 of the Kerever Park subdivision (comprising proposed Lots 2 and 5, with Lots 1, 3 and 4 as one residual lot) did not warrant the construction of the required road works in Ranelagh Road and Riversdale Avenue, and that these works will be completed before stage 2 (comprising proposed Lots 1, 3 and 4) subdivision certificate is released.

-
3. From Mr John Barrett

100/10 7460/8

DEVELOPER CONTRIBUTIONS FOR CAR PARKING AND ROAD IMPROVEMENTS

Can Council advise if there is a section 94 plan in place for Bowral to obtain contributions from developers for provision of car parking and road improvements.

REPLY FROM GROUP MANAGER PLANNING, DEVELOPMENT AND REGULATORY SERVICES

Council currently has a section 7.11 (formerly section 94) Developer Contributions Plan for Road and Traffic Facilities 2012 to 2031 which was adopted by full Council on the 8th August 2012 and was effective from 15th August 2012. Council also has a section 7.11 (formerly section 94A Plan) that was adopted on the 12th March 2010 and became effective on 1 July 2010. The plan was later amended on the 12 August 2015.

The section 7.11 plan identifies a works program for which developer contributions are collected for road improvements throughout the Local Government Area, which includes Bowral. The plan specifically excludes Parking contributions in Bowral as there is currently no identified works program whereby contributions can be levied towards.

As an alternative, where there is an expected shortfall of parking spaces that is identified as part of any proposed development, Council generally requests that a Voluntary Planning Agreement (VPA) be entered into. A VPA provides the appropriate mechanism to provide contributions towards additional future parking allocations and parking embellishment in the case where a works program has not been identified or adopted. Council will generally provide the monetary contribution rate per space based upon available data for construction of either 'at grade' or 'above' or 'below grade parking'.

21. GENERAL BUSINESS

8118

1. STORMWATER DRAINAGE SYSTEMS RELATING TO RESIDENTS' PROPERTIES IN RENWICK

Clr K J Halstead requested Council to advise the name of the public authority responsible for the maintenance of all retarding/detention basins within the neighbourhood of Renwick, as residents of Renwick are entitled to be made aware of the ongoing maintenance of stormwater drainage systems that may impact on their properties or person.

2. STATION STREET UPGRADE

7457

Clr K J Halstead requested Council to present an up to date report on the position with regard to the Station Street Upgrade to a meeting in April as a matter of urgency.

The General Manager advised the question would be taken on notice.

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.”

4. BOWRAL MEMORIAL HALL

7225/4

Clr I M Scandrett requested Council circulate the relevant general minutes and finance minutes prior to Council briefing Tuesday 2 April 2019 relating to

- a) the approval of the renovations of Bowral Memorial Hall and
- b) the budget motions for such renovation

5. UPDATE ON LEYLANDII TREE CONTROL

107/18 7813/2

Clr L A C Whipper requested Council provide an update on the actioning of the resolution MN139/18 relating to a stand of leylandii trees that are obscuring public views; and to test the removal of the trees under the Dividing Fences Act.

The General Manager advised the question would be taken on notice.

6. HOPEWOOD HOUSE

LUA07/1386

Deputy Mayor Clr G Turland tabled correspondence from Helen Hyland and Paula Knapp dated 9 March 2019 regarding Hopewood House, Centennial Road, Bowral - Development Application LUA07/1386. Clr G M Turland requested Council respond directly to Ms Knapp and Ms Hyland.

The Group Manager Planning, Development and Regulatory Services replied.

7. Clr SCANDRETT'S FACE BOOK PAGE

5125 5702/7 7457

Deputy Mayor Clr G Turland tabled correspondence relating to Clr Scandrett's facebook posts about the Moss Vale by pass and Station Street upgrade. Clr G M Turland requested copies be sent to the Office Local Government for comment.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.16 pm, Council moved into Closed Council.

MN 139/19

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

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 Kirkham Road South Upgrade, Bowral

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 Kirkham Road South Upgrade, Bowral.

22.2 Tender for Road Condition Survey

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 condition assessment of Council's sealed and unsealed roads and road ancillary assets.

22.3 Tender for the Upgrade of Wingello Hall Accessibility

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

This report presents the evaluation of the request for tender and recommends acceptance of a tender for the provision of the

Wingello Hall Accessibility Upgrades.

22.4 Tender for Refurbishment of Council Amenities

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 Refurbishment of Council Amenities at Burrawang Oval, Leighton Gardens and Winifred West Park.

22.5 Legal Report - Closed Council

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 February 2019.

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 Kirkham Road South Upgrade, Bowral

Reference:	6330/18.24
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community	
Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

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 Kirkham Road South Upgrade, Bowral.

RECOMMENDATION

THAT Council accepts the tender from The Civil Experts Pty Ltd T/A T.C.E Contracting at a Lump Sum of \$2,570,363.32 to undertake Kirkham Road South Upgrade, Bowral.

This matter was dealt with earlier in the meeting, please refer to page 11, MN 116/19.

22.2 Tender for Road Condition Survey

Reference:	6330/19.8
Report Author:	Asset Engineer Condition
Authoriser:	Coordinator Assets - Roads and Traffic
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

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 condition assessment of Council's sealed and unsealed roads and road ancillary assets.

RECOMMENDATION

THAT Council accepts the tender from Talis Consultants Pty Ltd at a Lump Sum of \$140,888.31 to undertake the condition assessment of Council's sealed and unsealed roads and road ancillary assets.

This matter was dealt with earlier in the meeting, please refer to page 12, MN 117/19.

22.3 Tender for the Upgrade of Wingello Hall Accessibility

Reference:	6330/19.7
Report Author:	Coordinator Open Space, Recreation and Building Maintenance
Authoriser:	Manager Open Space, Recreation and Building Maintenance
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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

This report presents the evaluation of the request for tender and recommends acceptance of a tender for the provision of the Wingello Hall Accessibility Upgrades.

RECOMMENDATION

THAT Council accepts the tender received from Deziign for the provision of the Wingello Hall Accessibility Upgrades for the lump sum of \$185,640.00, (excluding) GST, in accordance with the Local Government (General) Regulation 2005, Clause 178(1) (b).

This matter was dealt with earlier in the meeting, please refer to page 13, MN 118/19.

22.4 Tender for Refurbishment of Council Amenities

Reference:	6330.19.1
Report Author:	Coordinator Open Space, Recreation and Building Maintenance
Authoriser:	Manager Open Space, Recreation and Building Maintenance
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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 Refurbishment of Council Amenities at Burrawang Oval, Leighton Gardens and Winifred West Park.

RECOMMENDATION

THAT Council accepts the tender received from Dezign for the provision of the Refurbishment of Council Amenities for the lump sum of \$490,610.00, (excluding GST), in accordance with the Local Government (General) Regulation 2005, Clause 178(1) (b).

This matter was dealt with earlier in the meeting, please refer to page 14, MN 119/19.

22.5 Legal Report - Closed Council

Reference:	107/22 502
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

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 February 2019.

The General Counsel addressed Council in relation to this matter.

The General Manager addressed Council in relation to this matter.

The Deputy General Manager of Corporate Strategy and Development addressed Council in relation to this matter.

MN 140/19

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

THAT the information in the Legal Report be noted.

PASSED

MATTER OF URGENCY

The General Manager addressed Council and advised there was an item that needed to be dealt with as a matter of urgency in relation to a complaint received by a resident concerning the potential illegal use being carried out on an adjoining property.

The Mayor Clr T D Gair ruled that this matter should be dealt with as a matter of urgency.

General Counsel addressed Council in relation to this matter.

MN 141/19

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

THAT the matter raised by the General Manager be dealt with as a Matter of Urgency

PASSED

MN 142/19

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

THAT the General Manager be given authority to engage the appropriate resources to investigate and if appropriate, commence legal proceedings in relation to the matter as discussed in closed council.

PASSED

23. RESUMPTION OF OPEN AGENDA

107/10

MN 143/19

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

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 144/19

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

THAT the recommendations of the Closed Council held on Wednesday, 27 March 2019 being MN 140/19 to MN 142/19 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 145/19

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

THAT the recommendations of the Committee of the Whole held on Wednesday, 27 March 2019 being MN 116/19 to MN 133/19 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 705 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 March 2019 numbered M/N 112/19 to M/N 145/19 were signed by me hereunder at the Council Meeting held on Wednesday 10 April 2019.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 10 APRIL 2019

CHAIRMAN

PUBLIC OFFICER