

# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers  
Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 27 November 2019**

The meeting commenced at 3.30pm

*File No. 100/2019*

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Wednesday 27 November 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 NOVEMBER 2019 COMMENCING AT 3.30PM**

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

<b>In Attendance:</b>	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
	Group Manager, Capital Delivery	Mr Ned Tripkovic (in part)
	Chief Financial Officer	Mr Richard Mooney (in part)
	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.

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## **2. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor Clr T D Gair acknowledged country:

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

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### 3. PRAYER

The meeting was led in prayer by Pastor Paul Crossman, Highlands Christian Church.

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### 4. APOLOGY

Leave of absence for this meeting was previously granted to Councillor G Markwart.

PERS

### 5. CONFIRMATION OF MINUTES

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

**MN 532/19**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr P W Nelson

**THAT the minutes of the Ordinary Meeting of Council held on Wednesday 13 November 2019 MN 503/19 to MN 531/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.**

**PASSED**

## 6. 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 19/1645.01

*Clr P W Nelson declared a less than significant non-pecuniary interest in Item 9.3 - S.8.2 Review of Determination of Refused Development Application 19/1645.01 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral as he has a friend that owns a block of land nearby who served on the golf club Board of Moss Vale and played golf with him. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.*

101/3.1 2104

*Clr P W Nelson declared a less than significant pecuniary interest in Item 11.2 -Investment Report – October 2019 as he owns shares in Westpac. He stated that he will be absent from the Chambers for consideration of that item.*

101/3

*Deputy Mayor G M Turland declared a less than significant pecuniary interest in Item 13.1 Legal Report and 19.3 Legal Report (Closed) as he has a legal matter with Council. He will leave the chambers if any questions are raised.*

## 7. MAYORAL MINUTE

### 7.1 2019 Local Government NSW Conference

Reference: 101/7, 600/8, 204/2019  
Report Author: Mayor T D Gair  
Authoriser:  
Link to Community  
Strategic Plan:

#### PURPOSE

The purpose of this report is to brief Council on the outcomes of the Local Government NSW Annual Conference from Monday 14 to Wednesday 16 October 2019 at the William Inglis Hotel, Warwick Farm.

**MN 533/19**

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

**THAT** the report on the Local Government NSW Annual Conference held at the William Inglis Hotel, Warwick Farm from 14-16 October 2019 be received and noted.

**PASSED**

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## 8. PUBLIC FORUM

100/13    200/11.1    1825/29.5

Item 12.6 Children's Services Service Delivery Review

Ms Ali Bartlett addressed Council on this item.



## 9. VISITOR MATTERS

### OPERATIONS

#### 9.1 Seymour Park 2019 Draft Masterplan

Reference:	6546/20
Report Author:	Asset Planner - Parks and Buildings
Authoriser:	Asset Coordinator Parks and Buildings
Link to Community Strategic Plan:	Increase promotion of healthy lifestyle choices

#### PURPOSE

The purpose of the report is to seek Council approval for the Seymour Park 2019 Draft Masterplan to be placed on public exhibition with the community to be invited to provide feedback and comments.

The Deputy General Manager Operations Finance and Risk addressed Council on this item

**MN 534/19**

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

1. **THAT** the Seymour Park 2019 Draft Masterplan be placed on public exhibition for a period of fifty-four (54) days.
2. **THAT** the final Seymour Park Masterplan incorporating community submissions be submitted to Council for adoption following the public exhibition.

**PASSED**

## 9.2 Proposed Lease Update - Southern Highlands Botanic Gardens

Reference:	6500/22
Report Author:	Property and Project 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 update Council on the Minister's consent for a proposed 30 year Lease to the Southern Highlands Botanic Gardens Limited for the Botanic Gardens site.

Ms Charlotte Webb addressed Council on this item.

The Deputy General Manager Operations Finance and Risk addressed Council on this item

### MN 535/19

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

1. **THAT** authority be delegated to the General Manager to negotiate the terms and conditions of a Lease with Southern Highlands Botanic Gardens Limited for the Council property known as Botanic Gardens, 1 Old South Road Bowral AND **THAT** it be noted that the term of the proposed lease be twenty one (21) years.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to enter into the lease of the Council property referred to in Resolution 1 above.
3. **THAT** if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above under the Common Seal of the Council (if required) AND **THAT** if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination, noting that an application will be required to be made to the Minister for Local Government for the Minister's consent to the grant of the lease.
4. **THAT** upon the execution of the new Lease referred to in Resolution 1 above, the Lessee simultaneously execute a Surrender of Lease in registrable form to enable the existing Lease to be terminated and the new Lease registered on the title to the Council property.
5. **THAT** authority be delegated to the General Manager and Mayor to execute the Lease and Surrender of Lease under the Common Seal of Council.

**PASSED**

## CORPORATE AND STRATEGY

### 9.3 S.8.2 Review of Determination of Refused Development Application 19/1645.01 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral

Reference:	19/1645.01
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	PS Design & Construction Pty Ltd, trading as PS Design
Owner:	Paul Samulski
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 present s.8.2 Review of Determination application 19/1645.01 for the Council's consideration, and recommends APPROVAL subject to the conditions specified in **Attachment 1**.

Mr Gi Kim addressed Council on this item.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item

Mr Paul Samulski addressed Council on this item.

The General Manager left the chambers, the time being 4.40pm

The General Manager returned to the chambers, the time being 4.56pm

Clr P W Nelson declared a less than significant non-pecuniary interest in Item 9.3 - S.8.2 Review of Determination of Refused Development Application 19/1645.01 - Dual Occupancy (Detached) and Subsequent Subdivision to Create Two Lots, Lot 210 DP1239600, 40 Sir James Fairfax Circuit, Bowral as he has a friend that owns a block of land nearby who served on the golf club Board of Moss Vale and played golf with him. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

**MN 536/19**

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

**THAT s.8.2 Review of Determination application 19/1645.01 for erection of buildings and carrying out of works for the purpose of dual occupancy (detached), and subsequent subdivision of land at Lot 210 DP1239600, No 40 Sir James Fairfax Circuit, Bowral, be REFUSED for the reasons set out below:**

1. ***Bulk and scale of the development;***
2. ***Out of character with the surrounding development;***
3. ***Not in the public interest;***
4. ***Inconsistent with the aims and objectives of the design review panel and original developer of the subdivision;***
5. ***Increased traffic flow which is inconsistent with the amenity of the area;***
6. ***Setting a precedent with all corner blocks in the estate.***

**PASSED**

**VOTING ON THE MOTION**

**For the motion:** Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr G McLaughlin, Cllr I M Scandrett and Cllr L A C Whipper

**Against the motion:** Cllr G J Andrews, Cllr P W Nelson and Deputy Mayor G M Turland

## **10. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

## 11. OPERATIONS FINANCE AND RISK

### 11.1 Tender for Sewer Mains Renewal and Sewer Manhole Replacement

Reference:	6330/19.28
Report Author:	Project Engineer
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

#### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer Mains Renewal and Sewer Manhole Replacement for 19/20 and 20/21.

Clr I M Scandrett left the chambers, the time being 04:59pm.

#### **MN 537/19**

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

1. **THAT** in relation to the report concerning Sewer Mains Renewal and Sewer Manhole Replacement for 19/20 and 20/21 - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. **THAT** Council accepts the tender from Carve Earthworks and Construction Pty Ltd at \$4,042,818 (GST Inclusive) to undertake Sewer Mains Renewal and Sewer Manhole Replacement for an initial contract period of two (2) years; and
3. **THAT** Council accepts the tender from Carve Earthworks and Construction Pty Ltd for a schedule of rates to undertake Sewer Mains Renewal and Sewer Manhole Replacement for a further period of two (2) times one (1) year extensions pending contractor performance thereby bringing the total contract term with all extensions to four (4) years.

#### **PASSED**

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## 11.2 Investment Report - October 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

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### PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 October 2019.

Clr I M Scandrett returned to the meeting, the time being 05:02pm.

The Deputy General Manager Operations Finance and Risk addressed Council on this item

Clr P W Nelson declared a less than significant pecuniary interest in Item 11.2 Investment Report – October 2019 as he owns shares in Westpac.

Clr P W Nelson left the chambers, the time being 05:07pm.

### **MN 538/19**

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

1. **THAT** the information on Council's Investments as at 31 October 2019 be received and noted.
2. **THAT** upon the maturing of the Westpac investments, staff consider investing in other tier one financial institutions in accordance with Council's existing investment policy.

### **PASSED**

Clr Scandrett requested his dissenting vote be recorded

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## 11.3 Public Exhibition of Draft Cemetery Policy

Reference:	7190
Report Author:	Business Services Officer
Authoriser:	Coordinator Assets – Water, Sewerage and Drainage
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

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### **PURPOSE**

Clr P W Nelson returned to the meeting, the time being 05:14pm.

### **MN 539/19**

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

1. **THAT** the 'Draft Cemetery Policy', included in Attachment 1 be placed on public exhibition for a period of fifty-four (54) days.
2. **THAT** should no submissions be received, the 'Draft Cemetery Policy' be submitted to Council for adoption following public exhibition.

**PASSED**



## 11.4 Post Public Exhibition Report - Proposed Lease to Southern Highlands Carriage Club

Reference:	PN544700 6615/11
Report Author:	Property and Project 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 advise Council of the submissions received following a period of public notice of intention to issue a 21 year Lease to the Southern Highlands Carriage Club for use of the Southern Highlands Carriage Club and Bundanoon Pony Club site, Bundanoon. The period of public notification was from 25 September 2019 to 1 November 2019

### **MN 540/19**

**MOTION** moved by Deputy Mayor G M Turland and seconded by Cllr K J Halstead OAM

1. **THAT** Council refer the Lease to the Minister for Local Government for consent as required pursuant to Section 47(5) of the Local Government Act 1993 as written objections to the proposed Lease have been submitted during the public notice period.
2. **THAT** if the Minister grants consent to the Lease, the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of Council to the Lease and any supporting documents.
3. **THAT** if the Minister does not grant consent to the Lease a further report be forwarded to a future Ordinary Meeting of Council for consideration.
4. **THAT** Council write to those residents who lodged a written objection advising them that the Lease will now be referred to the Minister for Local Government.

**PASSED**

## 12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Planning Proposal to Rezone And Amend The Minimum Lot Size Of Land At Old South Road and Bowral Street, Bowral

Reference:	5901/65 PN1811140
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
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 inform Council of the outcome of the public exhibition of a Planning Proposal to rezone land at Bowral Street and Old South Road Bowral from R5 Large Lot Residential to R2 Low Density Residential, and reduce the minimum lot size from 4,000m<sup>2</sup> to 1,000m<sup>2</sup>.

The Deputy General Manager Corporate Strategy and Development Services addressed council on this item

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

**MN 541/19**

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

**THAT** in accordance with s3.36 of the Environmental Planning & Assessment Act 1979, Council finalise the Planning Proposal to amend WLEP 2010 to rezone to R2 Low Density Residential and apply a minimum lot size of 1000m<sup>2</sup> to the following lots:

- Lot 13 Sec D DP192732,
- Lot 131 DP524470,
- Lot 1 DP708665,
- Lot 2 DP708665,
- Lot 3 DP708665,
- Lot 4 DP708665,
- Lot 5 DP708665,
- Lot 6 DP708665,
- Lot 1 DP626821,
- Lot 2 DP626821,
- Lot 8 DP770871,
- Lot 7 DP786212; and
- Lot 1 DP782827,

being 190, 196, 198, 200 and 202 Bowral Street Bowral and 146, 148, 150, 152, 158, 160 and 164 Old South Road, Bowral.

**PASSED**

**VOTING ON THE MOTION**

**For the motion:** Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, 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

## 12.2 Planning Proposal to Reduce the Minimum Lot Size of Land in North-West Moss Vale

Reference:	PN125700, PN1700395, PN1748440
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
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 inform Council of the outcome of the public exhibition of a Planning Proposal to amend WLEP 2010 to rezone and reduce the minimum lot size of certain lands to the north-west of Moss Vale in order to permit residential development.

### **MN 542/19**

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

**THAT** in accordance with s3.36 of the Environmental Planning & Assessment Act 1979, Council finalise the Planning Proposal to amend WLEP 2010 to:

- A) Rezone Lots 1-6 & 8 DP502535 and Lot 2 DP502535, 77 Beaconsfield Road, Moss Vale and that part of Lot 11 DP1084421, 74-76 Beaconsfield Road Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, and
- B) Rezone Lot 1 DP812628, 69 Bulwer Road Moss Vale currently zoned RU4 Rural Landscape to E4 Environmental Living and apply a minimum lot size of 1 hectare.

### **PASSED**

### **VOTING ON THE MOTION**

**For the motion:** Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, 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

## 12.3 Planning Proposal to Rezone Land at 66 Bong Bong Road Mittagong

Reference:	5901/56
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

### PURPOSE

The purpose of this report is to inform Council of the outcome of the public exhibition of a Planning Proposal to rezone the northern portion of 'Suttor Cottage', 66 Bong Bong Road, Mittagong, from R5 Large Lot Residential to R2 Low Density Residential, and reduce the minimum lot size from 4,000m<sup>2</sup> to 800m<sup>2</sup> to achieve a maximum yield of seven (7) lots.

### **MN 543/19**

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

**THAT** in accordance with s3.36 of the Environmental Planning & Assessment Act 1979, Council finalise the Planning Proposal to amend WLEP 2010 to enable a total of nine (9) lots to be created at Lot 5002, DP1160548, 66 Bong Bong Road, Mittagong of which:

- one (1) lot contains the Local Heritage Item of Suttor Cottage and Gardens over which the current heritage affectation would remain; and
- one (1) lot of 4,000m<sup>2</sup> adjoining Suttor Cottage and to rezone the northern portion of the site from R5 Large Lot Residential to R2 Low Density Residential and reduce the minimum lot size from 4,000m<sup>2</sup> to 800m<sup>2</sup>;

***to achieve a maximum yield of seven (7) lots in accordance with the draft Plan of Subdivision which forms Attachment 5 to this report.***

### **PASSED**

#### **VOTING ON THE MOTION**

For the motion:	Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, 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

## 12.4 Tender for Customer Relationship Management and Workflow Management Systems

Reference: 6330/19.27  
Report Author: Chief Information Officer  
Authoriser: Deputy General Manager Corporate, Strategy and Development 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 present the evaluation of the Request for Tender for the Customer Relationship Management and Workflow Management System.

Clr K J Halstead OAM left the chambers, the time being 05:22pm.

### **MN 544/19**

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

1. **THAT** in relation to the report concerning Customer Relationship Management and Workflow Management System - Council adopts the recommendations contained within the Closed Council report – Item 19.2.
2. **THAT** Council reject all tenders for the Customer Relationship Management and Workflow Management System due to all submissions insufficiently addressing the key specifications outlined within the tender scope for work flow management functionality.
3. **THAT** in accordance with clauses 178(3)(e) and 178(4)(a) & (b) of the Local Government (General) Regulation 2005; Council enter into negotiations with Technology One Limited with a view to entering into a contract in relation to the Customer Relationship Management System and website solution, as the vendor has sufficiently addressed the required functionality during the Expression of Interest (EOI) and Selective Request for Tender process.
4. **THAT** a further report be presented to a future meeting of Council at the conclusion of the negotiations.

**PASSED**

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## 12.5 Code of Conduct Complaints - 1 September 2018 to 31 August 2019

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

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### PURPOSE

This purpose of this report is to advise Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2018 to 31 August 2019.

Clr K J Halstead OAM returned to the meeting, the time being 05:25pm.

**MN 545/19**

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

**THAT the information in relation to the Code of Conduct Complaints – 1 September 2018 to 31 August 2019 be received and noted.**

**PASSED**

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## 12.6 Children's Services Service Delivery Review

Reference:	200/11.1 1825/29.5
Report Author:	Corporate Strategy Projects Officer
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

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### PURPOSE

This report provides options for the delivery of Council's Children's Services, following completion of a Service Delivery Review.

Ms Ali Bartlett addressed Council in public forum on this item.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item



**MN 546/19**

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

1. **THAT** Council continue in direct service delivery for both Family Day Care and WOOSH for a period of three years, with the following focus:
  - a. Implement the Children's Services Business and Marketing Plan;
  - b. Utilise existing service budget reserve;
  - c. Develop and implement workforce plan for WOOSH; and
2. **THAT** a further service delivery review be conducted after two years, with the following scope:
  - a. Assess effectiveness of the Business and Marketing Plan;
  - b. Reassess issues and risks identified in the 2019 service delivery review;
  - c. Consider the financial model of the service;
  - d. Consultation with key stakeholders and staff; and
3. **THAT** the General Manager make representations to the appropriate State and Federal funding agencies seeking additional funds to support Children's Services.

**PASSED**

Cllr Scandrett requested his dissenting vote be recorded

**AMENDMENT** moved by Cllr I M Scandrett

THAT Council continue in direct service delivery for Family Day Care and WOOSH, with a focus on the following:

- a. Develop an appropriate funding model.
- b. Develop workforce plan for the WOOSH service.
- c. Implement the Children's Services Business and Marketing Plan

**AMENDMENT LAPSED THROUGH WANT OF A SECONDER**

**AMENDMENT** moved by Cllr P W Nelson and seconded by Mayor T D Gair

1. **THAT** Council continue in direct service delivery for both Family Day Care and WOOSH, with the following focus:
  - a. implement the Children's Service Business and Marketing Plan;
  - b. utilise existing service budget reserve.
2. **THAT** Council commence a review of the services on or after 1 February 2022 and be completed by 1 July 2022 and be presented to a Councillor Information Session AND **THAT** such review consider the following matters:-
  - a. include the opportunity for active participation of all stake holders for both Family day Care and WOOSH;

- 
- b. Assess the effectiveness of the Business and Marketing plan;
    - c. Consider the financial model of the Services;
    - d. Assess any risk for the provision of the services and report on all mitigating actions taken or proposed to be taken to reduce or remove the risk.
  3. THAT the General Manager make representations to the appropriate State and Federal funding agencies seeking additional funds to support Children's Services.

***AMENDMENT LOST***

## 13. GENERAL MANAGER

### 13.1 Legal Report

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

#### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday 23 October 2019.

#### **MN 547/19**

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

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 19.3.

**PASSED**

## **14. DELEGATE REPORTS**

Nil

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## **15. PETITIONS**

Nil

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## 16. COMMITTEE REPORTS

### 16.1 Minutes of the Traffic Committee Meeting 31 October 2019

Reference: 107/6  
Report Author: Traffic Engineer (Contractor)  
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 electronically held on Thursday 31 October 2019.

Clr L A C Whipper left the chambers, the time being 06:07pm.

#### **MN 548/19**

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

**THAT** recommendations Nos TC51/19 to TC52/19 – as detailed in the Minutes of the Traffic Committee Meeting electronically held on 31 October 2019 be adopted.

#### **PASSED**

## 17. QUESTIONS WITH NOTICE

### 17.1 Question with Notice 24/2019 - DA 17/0816.09 – Station and Funston Streets, Bowral – Clause 14 – Dedication of Splayed Corner to Council

Reference: 101/2 17/0816.09  
Report Author: Administration Officer (Meetings)  
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

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To: General Manager  
From: Cllr Turland  
Received: 18 November 2019

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Subject: DA 17/0816.09 – Station and Funston Streets, Bowral – Clause 14 – Dedication of Splayed Corner to Council

The Deputy General Manager Operations Finance and Risk addressed Council on this item  
Cllr L A C Whipper returned to the meeting, the time being 06:09pm.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

**MN 549/19**

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

**THAT** the information in relation to Question with Notice 24/2019 - DA 17/0816.09 – Station and Funston Streets, Bowral – Clause 14 – Dedication Of Splayed Corner To Council - be noted.

**PASSED**

## 18. NOTICES OF MOTION

### 18.1 Notice of Rescission Motion 6/2019 - Frankland Street

Reference:	100/4 PN556900
Report Author:	Administration Officer (Meetings)
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

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 November 2019 that the following resolution from the Ordinary Meeting of Council held on 13 November 2019 be rescinded:

*MN 1/19*

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

1. THAT Council accept the tender from Willow Properties Pty Ltd and Paloma Blanca in relation to RFT 6330/19.29 Sale of Land - Frankland Street Mittagong for Proposed Lot 2 and Proposed Lot 3 being part Lot 1 in Deposited Plan 109208.
2. THAT in respect to the sale of Proposed Lot 2 and Proposed Lot 3 being part Lot 1 in Deposited Plan 109208, authority be delegated to the General Manager and Mayor to execute the Contract for Sale of Land, Transfer and any other associated real property dealing under the Common Seal of the Council.

*ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT THREE VOTES ALL AND THEREFORE THE MAYOR GAIR USED HIS CASTING VOTE IN THE AFFIRMATIVE AND THE MOTION WAS PASSED*

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

*THAT the motion passed by Council on 13/11/19, being Item Number 19.1 Tender Sale - 10 Frankland Street Mittagong MN528/19, be rescinded.*

*ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL AND THEREFORE MAYOR GAIR USED HIS CASTING VOTE IN THE NEGATIVE AND THE MOTION WAS LOST*

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## 18.2 Notice of Motion 40/2019 - Code of Meeting Practice

Reference:	100/4 100/3
Report Author:	Administration Officer (Meetings)
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

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### PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 November 2019:

The Chief Information Officer addressed Council on this item

### **MN 550/19**

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

1. **THAT** Council extend the time for the public to present to Councillors on visitor items to 5 minutes from 3 minutes.
2. **THAT** Council staff consider ways to notify speakers when 30 seconds of the presentation remains

**PASSED**



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## 18.3 Notice of Motion 41/2019 - External Review of 13 Bolans Road, Balmoral

Reference:	100/4 5302 PN 1795170
Report Author:	Administration Officer (Meetings)
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

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### PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 November 2019:

**MN 551/19**

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

**THAT** Council undertake a briefing session in relation to the processes and procedures of requests for further information when development applications are lodged to be held at the commencement of 2020.

**PASSED**

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## 18.4 Notice of Motion 42/2019 Review of Berrima Overpass Project

Reference:	100/4 5700/60
Report Author:	Administration Officer (Meetings)
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

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### PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 November 2019:

**MN 552/19**

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

**THAT** Council refers to the Audit, Risk and Improvement Advisory Committee all documents that relate to the Berrima Overpass Project to undertake a review of this project because of its failure to be completed.

**PASSED**

## **19. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

107/9

At this juncture, the time being 6.34 pm, Council moved into Closed Council.

**MN 553/19**

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

1. ***THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 as addressed below to consider the following reports that are confidential for the reasons specified below:***

**19.1 Tender for Sewer Mains Renewal and Sewer Manhole Replacement**

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 Sewer Mains Renewal and Sewer Manhole Replacement for 19/20 and 20/21.

**19.2 Tender for Customer Relationship Management and Workflow Management Systems**

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 Selective Request for Tender for the Customer Relationship Management and Workflow Management System.

**19.3 Legal Report - Closed Council**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that

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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 23 October 2019.

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

**PASSED**

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## 19.1 Tender for Sewer Mains Renewal and Sewer Manhole Replacement

Reference:	6330/19.28
Report Author:	Project Engineer
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

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### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)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.*

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### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer Mains Renewal and Sewer Manhole Replacement for 19/20 and 20/21.

THIS MATTER WAS DEALT WITH EARLIER IN MEETING M/N 537/19 ON PAGE 11

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## 19.2 Tender for Customer Relationship Management and Workflow Management Systems

Reference:	6330/19.27
Report Author:	Chief Information Officer
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

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### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)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.*

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### PURPOSE

The purpose of this report is to present the evaluation of the Selective Request for Tender for the Customer Relationship Management and Workflow Management System.

THIS MATTER WAS DEALT WITH IN THE MEETING M/N 544/19 ON PAGE 19

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## 19.3 Legal Report - Closed Council

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

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### CONFIDENTIAL ITEM

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

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### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 23 October 2019.

Legal Counsel addressed Council on this item

The General Manager addressed Council on this item

**MN 554/19**

**MOTION** moved by Cllr G J Andrews and seconded by Cllr K J Halstead OAM

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

**PASSED**



## 20. RESUMPTION OF OPEN AGENDA

107/10

**MN 555/19**

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

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

**PASSED**

No members of the public were present in the Chamber.

The recording and live streaming of the meeting recommenced and all present were reminded that the meeting was being recorded and live streamed via the internet for public viewing.

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### ADOPTION OF CLOSED COUNCIL

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107/9

**MN 556/19**

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

**THAT** the recommendations of the Closed Council held on Wednesday, 27 November 2019 being MN 554/19 be adopted.

**PASSED**

The General Manager read out the adopted Motion/s from Closed Council.

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## **21. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.49 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 November 2019 numbered M/N 532/19 to M/N 552/19 were signed by me hereunder at the Council Meeting held on Wednesday 11 December 2019.

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CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 11 DECEMBER 2019**

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CHAIRMAN

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