



MINUTES

of the
Ordinary Meeting of Council
held remotely using audio visual link

on

Wednesday 13 May 2020

The meeting commenced at 3.30pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 May 2020



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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK ON WEDNESDAY 13 MAY 2020 COMMENCING AT 3.30PM

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

In Attendance: General Manager Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk Mr Barry W Paull
Deputy General Manager Corporate Strategy and Development Services Mr Mark Pepping
Group Manager Corporate and Community Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services Mr Nicholas Wilton*
Chief Financial Officer Mr Richard Mooney*
Chief Information Officer Mr John Crawford
Legal Counsel Mr Ian Lacy* in part
Coordinator ICT Operations Mr Ian Vong
Administration Officer Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, all councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and remaining staff were present in the Council Chambers for this meeting.

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

Clr 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."

3. PRAYER

The meeting was led in civic prayer by The Mayor Clr T D Gair.

4. APOLOGY

MN 108/20

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

THAT apologies be received from Councillor KJ Halstead OAM and leave of absence be granted.

PASSED

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 25 MARCH 2020

MN 109/20

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 25 March 2020 MN 98/20 to MN 106/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON FRIDAY 27 MARCH 2020

MN 110/20

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

THAT the minutes of the Extraordinary Meeting of Council held on Friday 27 March 2020 MN 107/20, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

Clr Turland requested clarification on whether the meeting of 27 March 2020 was an emergency meeting or an emergency extraordinary meeting.

The Mayor Clr Gair confirmed the meeting was an extraordinary meeting in an emergency situation, as provided for under clause 3.9 of Council's Code of Meeting Practice.

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.

There were no declarations of interest made at this time of the meeting.

7. MAYORAL MINUTES

7.1 COVID-19 Financial Support

Reference: 102/5
Report Author: Mayor T D Gair
Authoriser: General Manager
Link to Community Strategic Plan:

PURPOSE

To seek Council's support to make representations to the Federal and State Governments for financial assistance and economic stimulus measures due to the impact of COVID-19.

The General Manager addressed the meeting

MN 111/20

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

1. **THAT** Council calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. **THAT** Council calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, especially in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. **THAT** Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. **THAT** Council write to the local Federal and State Members The Hon. Angus Taylor MP; Nathaniel Smith MP and Wendy Tuckerman MP; Prime Minister the Hon Scott Morrison MP; NSW Premier the Hon Gladys Berejiklian MP; Federal Treasurer the Hon Josh Frydenburg MP; NSW Treasurer the Hon Dominic Perrottet MP; NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan MP, Federal Opposition Leader the Hon Anthony Albanese MP, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. **THAT** Council endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. **THAT** Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

PASSED

8. PUBLIC FORUM

Item 18.1 Notice of Motion 9/2020 Letter of Appreciation to Mittagong Airfield Committee

Mr Chris Byrne addressed Council in support of the motion via audio visual link.

Item 18.4 Notice of Motion 12/2020 2019 Deferred Heritage Items

Clr McLaughlin read Mr McManus' address to Council on his behalf in support of the Motion.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 Development Application 19/1042 - Multi Dwelling Housing containing 7 units - 25 Oxley Drive, Bowral

Reference:	19/1042
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Le Ralais Pty Ltd
Owner:	Tony & Serena Antoun
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

THIS ITEM WAS DEFERRED FROM COUNCIL MEETING 25 MARCH 2020

The purpose of this report is to consider Development Application 19/1042 which seeks development consent for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

Ms Christine Ducker addressed Council on this item via audio visual link.

Ms Alison Stephens addressed Council on this item via audio visual link.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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

1. **THAT** Development Application 19/1042 which seeks approval for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be **REFUSED** for the following reasons;
 - loss of amenity for existing neighbours
 - poor amenity for new occupants
 - limited solar access
 - severe concerns about pedestrian safety to lower units
 - overdevelopment
2. **THAT** the applicant be invited to submit an amended application for a lesser number of units which address the above.

LOST

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

THAT Development Application 19/1042 which seeks approval for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be **DEFERRED** subject to arranging a meeting to allow the objectors and the applicant to discuss and address the concerns raised by the neighbours.

VOTING ON THE AMENDMENT

For the amendment: Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Deputy Mayor G M Turland

Against the amendment: Clr G J Andrews, Mayor Clr T D Gair, Clr I M Scandrett and Clr L A C Whipper

ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL, THEREFORE MAYOR GAIR CAST HIS VOTE IN THE AFFIRMATIVE TO APPROVE THE AMENDMENT. THE AMENDMENT BECAME MOTION

MN 112/20

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

THAT Development Application 19/1042 which seeks approval for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be **deferred** subject to arranging a meeting to allow the objectors and the applicant to discuss and address the concerns raised by the neighbours.

VOTING ON THE MOTION

For the motion: Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Deputy Mayor G M Turland

Against the motion: Clr G J Andrews, Clr I M Scandrett and Clr L A C Whipper

PASSED

9.2 DA 20/0102 Tourist and Visitor Accommodation Bendooley Estate - Construction of Accommodation Lodge, Restaurant and Meeting Room Building, Secular Meeting Space and House Keeping Facility

Reference:	20/0102
Report Author:	Manager Development Assessment
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Bendooley Estate Berrima Pty Ltd
Owner:	Antikvorem Pty Ltd
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

THIS ITEM WAS DEFERRED FROM COUNCIL MEETING 25 MARCH 2020

The purpose of this report is to consider a Development Application for the construction of an Accommodation Lodge, Restaurant/Meeting Room building, Secular Meeting Place, Housekeeping facility with associated carparking, landscaping and services at 3020 Old Hume Highway Berrima NSW 2577, specifically on Lot 2 DP 584423. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

Mr Kerry Nash addressed Council in support of the development via audio visual link.

The General Manager left the meeting, the time being 4.54pm

The General Manager returned to the meeting, the time being 5.00pm

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

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 113/20

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

THAT Development Application 20/0102 to construct an Accommodation Lodge, Restaurant/Meeting Room building, Secular Meeting Place, Housekeeping facility and associated car parking, roadworks, stormwater management, electricity substation and landscaping on Lot 2 DP 584423, that forms part of the Bendooley Estate at No 3020 Old Hume Highway, Berrima be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

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

Against the motion: Cllr G McLaughlin and Cllr P W Nelson

PASSED

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

THAT Development Application 20/0102 to construct an Accommodation Lodge, Restaurant/Meeting Room building, Secular Meeting Place, Housekeeping facility and associated car parking, roadworks, stormwater management, electricity substation and landscaping on Lot 2 DP 584423, that forms part of the Bendooley Estate at No 3020 Old Hume Highway, Berrima be APPROVED subject to conditions as described in Attachment 1 to the report and subject to a condition of development consent restricting the hours of operation of the secular building and the restaurant to 1030pm Monday to Sunday 7 days per week commencing 12 months after the issue of an occupation certificate for these developments. Should no complaints be received relating to amenity during this 12 month period following commencement of the use of the buildings, Council would then consider via way of a section 4.55 application to extend the hours to 11pm and out by 11:30 in perpetuity.

VOTING ON THE AMENDMENT

For the amendment: Cllr G Markwart, Cllr G McLaughlin and Cllr P W Nelson

Against the amendment: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr I M Scandrett, Deputy Mayor G M Turland and Cllr L A C Whipper

LOST

9.3 Section 4.55 Modification 18/0565.01 - Modification of Concept Master Plan Bendooley Estate 3020 Old Hume Highway Berrima

Reference:	100 18/0565.01
Report Author:	Manager Development Assessment
Authoriser:	Group Manager Planning Development and Regulatory Services
Applicant:	Bendooley Estate Berrima Pty Ltd
Owner:	Bendooley Estate Berrima Pty Ltd
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

THIS ITEM WAS DEFERRED FROM COUNCIL MEETING 25 MARCH 2020

The purpose of this report is to consider a Section 4.55 Modification Application to Concept Plan Consent DA 18/0565 at 3020 Old Hume Highway Berrima NSW 2577, Lots 2 and 3 DP 584423. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 114/20

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

THAT the Section 4.55 Modification 18/0565.01 to modify the approved Concept Plan for various tourism related uses at Lots 2 and 3 DP 584423, No 3020 Old Hume Highway, Berrima be **APPROVED** subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

For the motion: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

Against the motion: Clr P W Nelson

PASSED

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Sale of Council Property - Frankland Street Mittagong

Reference:	PN556900
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council's direction in relation to a request from the purchasers of Lots 2, 10 Frankland Street, Mittagong and Lot 3, 10 Frankland Street, Mittagong.

101/3.1 PN 556900

At this point of the meeting Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 11.1 Sale of Council Property – Frankland Street, Mittagong as he received a telephone call from the applicant. He stated that he will remain in the Chambers for consideration of that item.

101/3.1 PN 556900

At this point of the meeting Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 11.1 Sale of Council Property – Frankland Street, Mittagong as he received a telephone call from the applicant. He stated that he will be absent from the Chambers for consideration of that item.

MN 115/20

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

THAT the request by the purchasers of Lot 2, 10 Frankland Street, Mittagong and Lot 3, 10 Frankland Street, Mittagong be considered in Closed Council – Item 19.1.

PASSED

11.2 Novel Coronavirus (COVID-19) - Community Financial Support Package

Reference:	2215
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 obtain formal approval for the range of financial support measures Council has announced in relation to the Novel Coronavirus (COVID-19) global pandemic.

101/3 2215

At this point of the meeting Deputy Mayor G M Turland declared a less than significant pecuniary interest in Item 11.2 Novel Coronavirus (COVID-19) - Community Financial Support Package as he is a rate payer of the Wingecarribee Shire Council. He will be absent from the Chambers for consideration of that item.

The Deputy Mayor G M Turland left the meeting, the time being 05:33pm.

The Chief Financial Officer addressed Council on this item.

MN 116/20

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

THAT Council formally adopt the Novel Coronavirus (COVID-19) community financial support package consisting of:

1. **The removal of interest charges on overdue rates and charges (including water and sewer) for a period of 12 months, commencing 1 April 2020.**
2. **The approval of the deferral of rates and charges for business rated properties, where the property owner runs a business from the premise or provides a rent deferral period for business tenants, for a period of 6 months, commencing 1 April 2020 AND permit a repayment pathway of up to 3 years for rates and charges deferred.**
3. **The approval of the deferral of rates and charges for property owners who have lost employment or been stood down due to the Federal Government's enforced business closures for a period of 6 months, commencing 1 April 2020 AND permit a repayment pathway of up to 3 years for rates and charges deferred.**
4. **The approval of a full rental subsidy for a period 6 months for Council owned properties which are occupied by a small business or organisation impacted by the Federal Government's enforced business closures commencing 1 April 2020.**
5. **The approval of a full fee reduction for outdoor dining fees, materials on footpaths and environment and health inspections commencing 1 April 2020 for a period of 6 months.**
6. **The approval of a 6 month deferral period for the repayment of interest free loans which are currently held with community and sporting organisations, commencing 1 April 2020.**

PASSED

11.3 Proposed Lease - Ace Internet Services - Part Public Reserve, Oxleys Hill Road, Bowral

Reference:	PN 1788310
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain Council approval for the renewal of the Lease to Ace Internet Services Pty Ltd ("Ace Internet") for the Telecommunications Tower located on the Public Reserve, Oxleys Hill Road, Bowral being part Lot 10 DP 701530.

The Deputy Mayor G M Turland returned to the meeting, the time being 05:49pm.

MN 117/20

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

1. **THAT** Council confirms its intention to enter into a new Lease of part of the Council property known as Public Reserve, Oxleys Hill Road, Bowral being part Lot 10 Deposited Plan 701530 to Ace Internet Services Pty Ltd for a term of five (5) years.
2. **THAT** pursuant to Section 47 (1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed Lease referred to in Resolution 1 above for a minimum twenty eight (28) day period AND THAT if no objections are received, the Mayor and General Manager be delegated authority to execute the Lease under the Common Seal of the Council.
3. **THAT** if there are any written objection/s to the proposed Lease referred to in Resolution 1 above, a further report be presented to a future Ordinary Meeting of Council.

PASSED

11.4 Proposed Crown Road Transfer - Part East Street, Robertson

Reference:	RD3611
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain Council approval to make an application to the NSW Department of Planning, Industry and Environment – Crown Lands for the transfer of Crown Road being part East Street, Robertson to Council as Roads Authority.

The Chief Financial Officer addressed Council on this item.

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

MN 118/20

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

THAT Council make an application to NSW Department of Planning, Industry and Environment – Crown Lands for the transfer of Crown road being part East Street, Robertson to Council as Roads Authority.

PASSED

11.5 Post Exhibition Report - Proposed Road Closure Corner Gladstone Road and Queen Street, Bowral

Reference:	PN 580100, RD 1552, RD 1597
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain the formal approval of Council for the closure of part of the road reserve on the corner of Queen Street and Gladstone Road, Bowral adjoining 10 Queen Street, Bowral.

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

The General Manager left the meeting, the time being 5.55pm

MN 119/20

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

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 Queen Street and Gladstone Road 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 being the owner of 10 Queen Street, Bowral.
2. **THAT** following the closure and transfer 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 applicant's property at their own cost and expense within 12 months of the transfer of the new lot to the applicant.
3. **THAT** the Mayor and General Manager be delegated authority to execute under the Common Seal of Council the contract for sale of the area of closed road, the plan of road closure and any Real Property dealing in respect of the road closure and any future transfer of the closed road referred to in Resolution 1 above.
4. **THAT** authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure and transfer referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.

PASSED

Clr Scandrett requested his dissenting vote be recorded.

11.6 Post Exhibition Report - Road Closure, Part Stockade Street, Berrima

Reference:	PN169500; PN 169401; RD1433
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain the formal approval of Council for the closure of part Stockade Street, Berrima located between 5 Oldbury Street and 7-9 Oldbury Street, Berrima.

MN 120/20

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

1. **THAT** pursuant to Part 4 Division 3 of the Roads Act 1993, Council as Roads Authority formally approve the road closure of part Stockade Street, Berrima, 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, being the owner of 5 Oldbury Street and 7-9 Oldbury Street, Berrima.
2. **THAT** the Mayor and General Manager be delegated authority to execute under the Common Seal of Council the contract for sale of the area of closed road, the plan of road closure and any real property dealing in respect of the road closure and any future sale of the road referred to in Resolution 1 above.
3. **THAT** authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.

PASSED

11.7 Post Exhibition Report - Southern Highlands Botanic Gardens

Reference:	6500/22
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to inform Council of submissions received following a period of public notice of the intention to issue a 21 year Lease to Southern Highlands Botanic Gardens Limited for the Botanic Gardens site being Lot 1 in Deposited Plan 1231536 at Bowral.

MN 121/20

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

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 a written objection to the proposed Lease has been submitted during the public exhibition period.
2. **THAT** if the Minister grants consent to the Lease, the Mayor and General Manager be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of Council to the Lease.
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 the submission maker to advise that the Lease will be referred to the Minister for Local Government.

PASSED

11.8 Post Exhibition Report - Proposed Lease of Landlocked Reserve - Lot 13 Kirkham Street Moss Vale

Reference:	PN 819550
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to advise Council of the submissions received during the period of public notice of Council's intention to issue a five (5) year Lease for the landlocked reserve being Lot 13 Deposited Plan 601369 Kirkham Street, Moss Vale ("the Council property").

The Chief Financial Officer addressed Council on this item.

The General Manager returned to the meeting the time being 6.01pm

MN 122/20

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

1. **THAT** Council decline to issue the short term five (5) year Lease over the landlocked Council land known as Lot 13 Kirkham Street, Moss Vale pending the outcome of Council's Planning Proposal to Reclassify Lot 13 DP 601369 Kirkham Street, Moss Vale as Operational Land.
2. **THAT** a further report be forwarded to a future Ordinary Meeting of Council for consideration following the outcome of the proposal to reclassify Lot 13 DP 601369, Kirkham Street, Moss Vale as Operational Land.

PASSED

11.9 Investment Report - February 2020

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

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

The purpose of this report is to present Council's Investment Portfolio held at 29 February 2020.

MN 123/20

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

THAT the information on Council's Investments as at 29 February 2020 be received and noted.

PASSED

11.10 Investment Report - March 2020

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 31 March 2020.

The Chief Financial Officer addressed Council on this item.

Clr I M Scandrett left the chambers, the time being 06:04pm.

MN 124/20

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

THAT the information on Council's Investments as at 31 March 2020 be received and noted.

PASSED

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 24 February 2020 to 27 April 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 24 February 2020 to 27 April 2020.

MN 125/20

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

THAT the information relating to the lists of Development Applications Determined for the period 24 February 2020 to 27 April 2020 be received and noted.

PASSED

12.2 Development Applications Received from 24 February 2020 to 27 April 2020

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 24 February 2020 to 27 April 2020.

MN 126/20

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

1. **THAT** the information relating to Development Applications Received from 24 February 2020 to 27 April 2020 be received and noted.
2. **THAT** Item 57 - 18/0789.05 Walsh Bridgewater 2622 Canyonleigh Road Canyonleigh NSW 2577 Lot 1 DP 1053805 be included in Council's weekly circular.

PASSED

12.3 Authorisation by Council to the General Manager and Council's Bushcare Program to undertake regeneration activities on RE1 land adjoining Mount Gibraltar Heritage Reserve.

Reference: 6800
Report Author: Environment Officer – Bushcare and Citizen Science
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: Protect and improve biodiversity

PURPOSE

The purpose of this report is to give authority to the General Manager in accordance with Section 67 of the Local Government Act, 1993, to undertake private work at no cost to the land owners, subject to terms and conditions agreed between Council and the landowner, on those lands zoned RE1 to remove weed infestations and implementing bushland regeneration work (under the Environment Levy Funded Bushcare Program) on select parcels of privately-owned land adjoining Mt Gibraltar Heritage Reserve.

To ensure that Council acts legally, has clear criteria for eligibility and minimises liabilities to all parties, this report seeks to authorise the General Manager to remove invasive weeds from RE1 lands adjoining Mount Gibraltar Heritage Reserve as a component of Council's Bushcare Program. The report details the situation and criteria that need to be met prior to any work proceeding.

Clr I M Scandrett returned to the meeting, the time being 06:04pm.

MN 127/20

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

1. ***THAT Council authorises the General Manager to undertake work on privately owned RE 1 zoned land under Council's Bushcare Program in accordance with Section 67 of the Local Government Act, 1993, at no cost to the landowners to remove weed infestations and any costs be reported to Council in accordance with Section 67 of the Local Government Act.***
2. ***THAT Council authorises the General Manager to negotiate with landholders to commence primary weeding work, if deemed strategically necessary, on certain RE1 lands adjoining Mount Gibraltar Heritage Reserve.***
3. ***THAT where the need, value and eligibility for work to occur is identified, that staff administering the Bushcare Program approach the landholders for permission to commence this work. Bush regeneration work will only commence when and if the landholder agrees and signs a deed of release. Work is only to occur during a regular Bushcare working bee, under the supervision of Council's Bushcare Team.***
4. ***THAT if land ownership changes, work ceases until a deed of release is signed by the new owner.***

PASSED

12.4 Draft Councillor Information Session Code

Reference:	800/2
Report Author:	Governance Officer
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

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

The purpose of this report is to seek adoption of the draft Councillor Information Session Code at **Attachment 1** (the 'draft Code').

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

THAT the matter be deferred until Council meets in Chambers.

MN 128/20

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

THAT Council adopt the draft Councillor Information Session Code at Attachment 1 to this report.

AMENDMENT WAS PASSED AND BECAME THE MOTION

MOTION WAS PASSED

Clr Scandrett requested his dissenting vote be recorded.

13. GENERAL MANAGER

13.1 Exclusion of Question with Notice from Business Paper on 25 March 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	General Manager
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

To advise Council of the exclusions of two items from the Ordinary Meeting of Council dated 25 March 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.

As required the General Manager advises that one submitted Question with Notice was excluded in part in accordance with Clause 3.20 above. Further details are provided below:

1. This item was excluded in part because it included a motion which is not lawful. Council’s *Code of Conduct* requires allegations of conduct that would constitute a breach of a Council’s Code of Conduct are to be dealt with in accordance with the *Procedures for the Administration of the Code of Conduct*.

MN 129/20

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

THAT the report be noted.

PASSED

Clr Scandrett requested his dissenting vote be recorded.

13.2 Exclusion of Notice of Rescission from Business Paper on 27 March 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	General Manager
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

To advise Council of the exclusions of two items from the Extraordinary Meeting of Council dated 27 March 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.

As required the General Manager advises that one Notice of Rescission was excluded in part in accordance with Clause 3.20 above. Further details are provided below:

1. This item was excluded in part because it alleges a breach of the Code of Conduct therefore is unlawful. Council’s *Code of Conduct* requires allegations of conduct that would constitute a breach of a Council’s Code of Conduct are to be dealt with in accordance with the *Procedures for the Administration of the Code of Conduct*.

The General Manager addressed Council on this item

MN 130/20

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

THAT the report be noted.

PASSED

Clr Scandrett requested his dissenting vote be recorded.

13.3 Private and Confidential Correspondence from Office of Local Government

Reference:	102
Report Author:	Group Manager Corporate and Community
Authoriser:	General Manager
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

To provide Council with private and confidential correspondence from the Office of Local Government.

MN 131/20

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

THAT the private and confidential correspondence from the Office of Local Government - be considered in Closed Council – Item 19.2. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 2(i) as it contains alleged contraventions of any code of conduct requirements under section 440.

PASSED

Clr Scandrett requested his dissenting vote be recorded.

13.4 Legal Report

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

PURPOSE

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 11 March 2020.

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

MN 132/20

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

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

PASSED

13.5 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 25 March 2020.

MN 133/20

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

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 19.4.

PASSED

14. DELEGATE REPORTS

Nil.

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Heritage Advisory Committee Meeting held on Friday 14 February 2020

Reference: 107/16
Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday 14 February 2020.

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

MN 134/20

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

THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 14 February 2020 numbered HAC 1/20 to HAC 6/20, inclusive, copies of which were forwarded to Councillors and members, be adopted as a correct record of the proceedings of the meeting.

PASSED

16.2 Minutes of the Environment and Sustainability Committee meeting of 19 February 2020

Reference:	107/25
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Environment and Sustainability Committee Meeting held on 19 February 2020.

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

MN 135/20

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

1. **THAT** recommendations Nos 22/20 to 26/20 – as detailed in the Minutes of the Environment and Sustainability Committee Meeting held on 19 February 2020 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.
2. **THAT** Councillors Whipper and Markwart be nominated to work with Council staff to develop Terms of Reference, membership roles and responsibilities for the Climate Change Advisory Committee.

PASSED

16.3 Minutes of the Traffic Committee Meeting held electronically on Monday 2 March 2020

Reference: 107/6
Report Author: Traffic Engineer (Contractor)
Authoriser: Deputy General Manager Operations, Finance and Risk
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 2 March 2020.

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

MN 136/20

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

THAT recommendation Nos TC21/20 to TC23/20 as detailed in the Minutes of the Traffic Committee Meeting held electronically on Monday 2 March 2020 be adopted

PASSED

16.4 Minutes of the Environment and Sustainability Extraordinary Committee meeting of 18 March 2020

Reference:	107/25
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Environment and Sustainability Committee Meeting held on 19 February 2020.

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

MN 137/20

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

THAT recommendation 28/20 – as detailed in the Minutes of the Environment and Sustainability Committee Meeting held on 18 March 2020 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

16.5 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 20 March 2020

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
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

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 20 March 2020.

Clr Scandrett left the meeting, the time being 6.38pm.

MN 138/20

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

THAT recommendations AR 1/20 to AR 12/20 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 20 March 2020 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

Clr Turland requested his dissenting vote be recorded..

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 9/2020 Mayoral Use of Microphone in Meetings

Reference:	101/2 100/3
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Clr G Turland

Received: 16.3.20

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

Subject: Mayoral Microphone in Meetings

Question:

I request a report to where in the code of meeting practice does the Mayor have the authority to use the gag button on the Mayor's microphone.

Response:

The Code of Meeting Practice (Code) does not contain any provisions specifically relating to the use of microphones.

Clause 7.9 of the Code states as follows with respect to the chairperson having precedence:

Chairperson to have precedence

7.9 When the chairperson rises or speaks during a meeting of the council:

(a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) every councillor present must be silent to enable the chairperson to be heard without interruption.

The chairperson also has various responsibilities under Part 16 of the Code for keeping order at meetings.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 May 2020



MN 139/20

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

THAT the information in relation to Question with Notice 9/2020 – Mayoral Use of Microphone in Meetings - be noted.

PASSED

Clr Turland requested his dissenting vote be recorded.

17.2 Question with Notice 10/2020 - Station Street Upgrade

Reference: 101/2 7457
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Cllr Scandrett

Received: 4 May 2020

Subject: Station Street Upgrade

Question:

Could the GM advise:

1. Has the MOU/HOA been signed with the various agencies: When?
2. If not, then please detail why not? Please advise the current timeline and who are the various parties to the agreement going to be.
3. Also please confirm the status of each of all the Pinoaks by attaching a diagram of all Pinoaks and marking which are planned to be retained.
4. Has RMS agreed to the revised roundabout plan as proceeded by Council?
5. Has the planned removal of the various Pinoaks been processed under the relevant tree management Heritage Zone Guidelines. Please provide a copy of that assessment.

Response:

The following responses are provided to the five matters raised above.

1. No
2. The Heads of Agreement document is currently under consideration by Sydney Trains and Transport NSW
3. See item 9.1 Station Street Upgrade report in the Agenda of Ordinary Meeting of Council, Wednesday 25 March 2020 - Attachment 2 - Avenue Succession Plan Pin Oak replanting scheme.
4. Refer to report in the Agenda Ordinary Meeting of Council of Wednesday 25 March, Item 9.1 Station Street Upgrade.
"Following extensive consultation with Transport for NSW, the roundabout and car parking designing at Bowral Station precinct has been approved in principle by the Regional and Outer Metropolitan (ROM) the Southern Region and Customer Strategy and Technology Sydney Trains."
5. The proposed works in Station Street will be assessed in accordance with Part 5 of the EP&A Act 1979, and State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 13 May 2020



It is highlighted also that the Pin Oak trees in Station Street are Not heritage listed or in a heritage conservation area under Council's 2010 LEP.

MN 140/20

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

THAT *the information in relation to Question with Notice 10/2020 – Station Street Upgrade - be noted.*

PASSED

Clr Turland requested his dissenting vote be recorded.

17.3 Question with Notice 11/2020 - Wingello/Penrose Tree Removal

Reference: 101/2 6437/4
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager
From: Cllr Scandrett
Received: 4 May 2020

Subject: Wingello/Penrose Tree Removal

Question:

Could the GM advise:

1. Has the additional funds for further removal of burnt, damaged and unsafe pines in the Wingello/Penrose area been processed?
2. When will that additional work commence?
3. Could the Deputy General Manager provide details of the trees to be removed including a marked street map?
4. How many trees are to be removed and what is the post removal maintenance plan for those roadsides?
5. Could Council also have an update with drawing and details on similar planned works at Balmoral Tree including roadsides.

Response:

1. Funds are available and have been allocated for the removal of roadside vegetation debris and all accessible remaining burnt pine trees.
2. Works scheduled to start 18 May 2020.
3. Pine trees will be removed following public consultation on the following streets:
 - Highland Way, between Bumballa Rd and 1478 Highland Way
 - Sydney St, between Murrimba Rd and Garbutts Rd
 - Kareela Rd, between Nandi Rd and Reserve
 - Penrose Rd, between Camden St and Garrett St
 - Park Street, between Penrose road and side boundary of 52-60 Camden St
 - Camden St, between Park St and Wombat Lane - **EE reliant**
 - Camden St, between Garrett St and Forest Rd - **Part EE reliant**
 - Forest Rd, between 7-9 Camden St and Jemima Lane - **EE reliant**
 - Bumballa Rd, between Camden St and Jemima Lane

Please note: **EE reliant**, is reference to works that cannot proceed without Endeavour Energy support.

4. Over 120 radiata pine trees will be removed, with support from Endeavour Energy a further 60 radiata pine trees will be removed.

Post removal of Radiata Pine trees, Council will engage in the development of a street tree concept planting plan. This planting plan will be scheduled into the annual tree planting program and will be subject to budget limitations.

5. Work commenced Thursday, 30 April 2020.

All remaining roadside, village and council managed bushland reserve hazardous radiata pine trees will be removed and proceed as part of this work.

MN 141/20

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

THAT the information in relation to Question with Notice 11/2020 – Wingello/Penrose Tree Removal - be noted.

PASSED

17.4 Question with Notice 12/2020 Letter from Members of the WSC Heritage Committee re. Station Street

Reference: 101/2 107/16 7457
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager
From: Cllr Scandrett
Received: 4 May 2020

Subject: Letter from Members of the WSC Heritage Committee re. Station Street

Question:

Could the General Manager advise what response and consideration has been given to the letter which was sent on May 1st to the General Manager in relation to the Station Street upgrade.

Wingecarribee Heritage Advisory Committee members: Simon Bathgate, Lauren Cheetham, Mhairi Clair, Linda Emery, Dennis McManus, Ian Stapleton, Charlotte Webb.

Response:

The General Manager has provided a written response and a copy of the General Manager's letter was forwarded to all Councillors on 5 May 2020.

MN 142/20

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

THAT the information in relation to Question with Notice 12/2020 -Letter from Members of the WSC Heritage Committee re. Station Street - be noted.

PASSED

18. NOTICES OF MOTION

18.1 Notice of Motion 9/2020 Letter of Appreciation to Mittagong Airfield Committee

Reference:	100/4 7300/3 6437/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 25 March 2020:

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

MN 143/20

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

THAT Council endorse a letter of appreciation to the Mittagong Airfield Committee for their support to the Rural Fire Service and the residents of the Wingecarribee during the devastating fire months that have passed (sic).

PASSED

18.2 Notice of Motion 10/2020 - Regular Update on Compliance Activities

Reference:	100/4 5210
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 25 March 2020:

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

Clr Scandrett returned to the meeting the time being 6.50pm

The General Manager left the meeting, the time being 6.57pm

MN 144/20

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

1. **THAT** Councillors be provided with a regular update on the compliance activities undertaken by Council including Notices and Orders issued.
2. **THAT** the item provided in the monthly report to Council via the Legal Affairs Update Report be addressed in Closed Council.

PASSED

18.3 Notice of Motion 11/2020- Information Session on Milton Park

Reference:	100/4 PN 1790810
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors McLaughlin and Nelson have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 25 March 2020:

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

The Deputy Mayor G M Turland left the chambers and did not return to the meeting, the time being 07:03pm.

The General Manager returned to the meeting, the time being 7.04pm

MN 145/20

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

THAT an information session be held as a matter of urgency on matters pertaining to the heritage listed item, Milton Park involving the interested parties that own property in the vicinity of Milton Park Hotel.

PASSED

18.4 Notice of Motion 12/2020 2019 Deferred Heritage Items

Reference:	100/4 5650
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors McLaughlin and Nelson have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 25 March 2020:

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

Mr Dennis McManus addressed Council in public forum on this item.

MN 146/20

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

THAT a report on the proposed heritage items that were deferred in 2012 be brought back to Council for a resolution to progress these heritage items.

PASSED

18.5 Notice of Motion 13/2020 Postponement of Council Meetings - Covid-19

Reference:	100/4 100/1
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Halstead has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 25 March 2020:

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

MN 147/20

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

THAT the matter be noted.

PASSED

18.6 Notice of Motion 14/2020 Old South Road Costing

Reference:	100/4 RD 1587
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 25 March 2020:

1. THAT Council commence Planning and costing for a major upgrade to Old South Road from Range Road to Yerrinbool, such project to refer to current growing traffic loads and likely traffic loads arising from new population and new greenfield site investigations.
2. THAT such planning and costing be expedited so as to have a shovel ready project proposal available within three months ready for seeking Federal and State grant funding in conjunction with State infrastructure loans support such as T Corp.

MN 148/20

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

THAT the matter be noted.

PASSED

Clr Scandrett requested his dissenting vote be recorded.

18.7 Notice of Motion 15/2020 - Staff Removal from Council Meetings

Reference:	100/4 100/1
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 25 March 2020:

MN 149/20

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

THAT the matter be noted.

PASSED

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.12 pm, Council moved into Closed Council.

MN 150/20

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

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 Sale of Council Property - Frankland Street, Mittagong

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and 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 seek Council's direction in relation to a request from the purchasers of Lot 2, 10 Frankland Street, Mittagong ("Lot 2") and Lot 3, 10 Frankland Street, Mittagong ("Lot 3") to extend the date for settlement under the contracts for sale.

The request is made as a result of the direct financial impact upon the purchasers as a result of the COVID-19 pandemic.

19.2 Private and Confidential Correspondence from Office of Local Government

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)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440 and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

To provide Council with private and confidential correspondence from the Office of Local Government.

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)(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

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 11 March 2020.

19.4 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)(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 25 March 2020.

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

PASSED

19.1 Sale of Council Property - Frankland Street, Mittagong

Reference:	PN556900
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and 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 seek Council's direction in relation to a request from the purchasers of Lot 2, 10 Frankland Street, Mittagong ("Lot 2") and Lot 3, 10 Frankland Street, Mittagong ("Lot 3") to extend the date for settlement under the contracts for sale.

The request is made as a result of the direct financial impact upon the purchasers as a result of the COVID-19 pandemic.

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

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 11.1 Sale of Council Property – Frankland Street, Mittagong as he received a telephone call from the applicant. He stated that he will be absent from the Chambers for consideration of that item. Clr G McLaughlin left the chambers, the time being 07:22pm.

Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 11.1 Sale of Council Property – Frankland Street, Mittagong as he received a telephone call from the applicant. He stated that he would remain in the Chambers for consideration of that item.

MN 151/20

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

THAT Council not agree to the requested extension of settlement dates for the sale of Lot 2 and Lot 3 10 Frankland Street, Mittagong and enforce the dates for settlement as provided in the Contracts for Sale and advise the purchasers of Council's decision.

PASSED

19.2 Private and Confidential Correspondence from Office of Local Government

Reference:	102
Report Author:	Group Manager Corporate and Community
Authoriser:	General Manager
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)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440.

PURPOSE

To provide Council with private and confidential correspondence from the Office of Local Government.

Clr G McLaughlin returned to the meeting, the time being 07:28pm.

MN 152/20

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

THAT the private and confidential correspondence from the Office of Local Government be noted.

PASSED

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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, 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

THIS ITEM WAS DEFERRED FROM ORDINARY COUNCIL MEETING 25 MARCH 2020

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 11 March 2020.

MN 153/20

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

THAT an extension of time to 8pm be granted.

PASSED

MN 154/20

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

THAT the information in the Legal Report be noted.

PASSED

19.4 Legal Report - Closed Council

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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(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 25 March 2020.

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

The General Manager addressed Council on this item.

MN 155/20

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

THAT the information in the Legal Report be noted.

PASSED

20. RESUMPTION OF OPEN AGENDA

107/10

MN 156/20

MOTION moved by Clr G Markwart and seconded by Clr 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.

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

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.55 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 13 May 2020 numbered M/N 108/20 to M/N 156/20 were signed by me hereunder at the Council Meeting held on Wednesday 27 May 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 27 MAY 2020

CHAIRMAN

PUBLIC OFFICER