

MINUTES

of the Ordinary Meeting of Council

held remotely using audio visual link and open to members of the
community via webcast

on

Wednesday 25 November 2020

The meeting commenced at 3.30pm

File No. 100/2020

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 25 November 2020



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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 25 NOVEMBER 2020 COMMENCING AT 3.30PM

Present:

Mayor Cllr T D Gair
Deputy Mayor Cllr G J Andrews*
Cllr K J Halstead OAM*
Cllr G McLaughlin*
Cllr P W Nelson*
Cllr I M Scandrett*
Cllr G M Turland*
Cllr L A C Whipper*

In Attendance:

Acting General Manager	Mr Barry W Paull
Acting Deputy General Manager	
Operations, Finance and Risk	Mr Richard Mooney
Group Manager Corporate and Community	Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Group Manager Capital Projects	Mr Ned Tripkovic
Group Manager Organisational Development	Mr John Burgess (in part)
Chief Information Officer	Mr John Crawford
Manager Assets	Mr Stace Lewer (in part)
Coordinator Media and Communications	Mr David Sommers*
Administration Officer	Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some 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 Cllr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Cllr L A C Whipper acknowledged country:

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

3. PRAYER

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

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 11 NOVEMBER 2020

MN 462/20

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 11 November 2020 MN 442/20 to MN 461/20 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.

503/60 101/3.1

The Acting General Manager declared a significant non-pecuniary interest in Item 7.2 Recruitment of General Manager as he will potentially be an applicant for the position. He will be absent from the Chambers for consideration of that item.

7. MAYORAL MINUTES

7.1 2020 Local Government NSW Water Management Conference - Sam Samra Award

Reference: 7799
Report Author: Manager Assets
Authoriser: Acting Deputy General Manager Operations Finance and Risk

Link to Community Strategic Plan:

PURPOSE

The purpose of this Mayoral Minute is to congratulate Council staff on winning the Sam Samra Award for continually improving water and sewerage asset management practices and strategy development.

The Mayor Cllr T D Gair presented the Manager Assets with an award in recognition of the Assets branch's achievements and congratulated him on their efforts.

MN 463/20

MOTION moved by Mayor Cllr T D Gair

THAT the Assets' staff be commended for their dedication and efforts in continually improving water and sewerage asset management practices and strategy development.

PASSED

7.2 Recruitment of General Manager

Reference: 102/5 503/60
Report Author: Group Manager
Authoriser: Acting General Manager
Link to Community
Strategic Plan:

PURPOSE

The purpose of this Mayoral Minute is to seek Council endorsement for the engagement of external consultants and the establishment of a selection panel of Councillors to undertake the initial review of applicants for the role of General Manager. Also, the development of a time line for future actions in respect of the recruitment of a General Manager.

The Acting General Manager declared a significant non-pecuniary interest in Item 7.2 Recruitment of General Manager as he will potentially be an applicant for the position. He will be absent from the Chambers for consideration of that item.

The Acting General Manager left the meeting, the time being 3.35pm.

The Group Manager Organisational Development addressed Council on this item.

MN 464/20

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

1. **THAT** Council engage Local Government Management Solutions to manage the end-to-end recruitment process for the selection of a General Manager.
2. **THAT** Council formally delegate to the Mayor the function of managing the selection panel process and procedures in accordance with the Office of Local Government Guidelines for the Appointment and Oversight of General Managers in consultation with Local Government Management Solutions and the Group Manager Organisational Development.
3. **THAT** Councillor membership for the selection panel for the recruitment of the General Manager be the Mayor; Deputy Mayor; and Clrs Halstead and Whipper elected to the panel by Council.
4. **THAT** a timeline be developed and reported to Council complying with Council's resolution to commence advertising for the position of General Manager in February 2021.
5. **THAT** all Councillors be included in the final selection of the General Manager.

PASSED

8. PUBLIC FORUM

The Acting General Manager returned to the meeting, the time being 3.50pm.

Item 12.1 Development Application 21/0018 - Proposed Markets at The Southern Highlands Arts Collective (SHAC) 74-76 Illawarra Highway, Robertson

Ms Hope Waters addressed Council against the development application.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 Report by the Chair of the Audit, Risk and Improvement Advisory Committee

Reference:	2102/3
Report Author:	Coordinator Corporate Strategy and Governance
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 Charter for Council's Audit, Risk and Improvement Advisory Committee requires the Committee Chair to provide an annual report on the management of risk and internal controls. Audit, Risk and Improvement Advisory Committee Chair Ms Jan Edwards will provide Council with an update on risk and internal control matters for the 2019/20 financial year.

Ms Jan Edwards addressed Council on this item.

MN 465/20

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

THAT Council note the content of the Audit, Risk and Improvement Advisory Committee Chair's update on the management of risk and internal controls for the 2019/20 financial year.

PASSED

9.2 Development Application 20/1439 - Construction of Additions to an Existing Yearling Stable Building (currently under construction) to Provide an Additional Ten (10) Stable Boxes, Lot 1 DP 1245627, "Silverdale", 1091 Sheepwash Road Avoca

Reference: 20/1439
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services
Applicant: Grant Bloodstock
Owner: Stephen Peter Grant
Link to Community Strategic Plan: Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 20/1439 which seeks approval at Lot 1 DP1245627, "Silverdale" 1091 Sheepwash Road Avoca, for the construction of additions to an existing Yearling Stable Building (currently under construction) to provide an additional ten (10) stable boxes. The subject application was called up to be determined by full Council, consequently the report is prepared and recommended for APPROVAL subject to attached conditions in **Attachment 1**.

Mr Steve Grant addressed Council in favour of the development application.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 466/20

MOTION moved by Cllr G M Turland and seconded by Deputy Mayor Cllr G J Andrews

THAT Development Application 20/1439 – Construction of Additions to an existing Yearling Stable Building (currently under construction) to provide an additional ten (10) stable boxes, Lot 1 DP 1245627, "Silverdale", 1091 Sheepwash Road Avoca, be APPROVED subject to conditions as described in Draft Conditions of Consent (Attachment 1) to the report.

VOTING ON THE MOTION

For the motion: Deputy Mayor 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, Cllr G M Turland and Cllr L A C Whipper

Against the motion: Nil.

PASSED

9.3 Development Application 19/1650 - Proposed Eco-Tourist Facility at 198 Foxgrove Road, Canyonleigh

Reference:	19/1650
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	Frank Maly c/- Hogan Planning
Owner:	Frank Maly
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh. The subject application has been called up to be determined by full Council and consequently this report is prepared for determination, and recommends **APPROVAL**, by way of a deferred commencement consent, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

Mr Jonathan Livolsi addressed Council against the development application.

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

Mr Frank Maly addressed Council in favour of the development.

The Acting General Manager left the meeting, the time being 4.39pm.

The Acting General Manager returned to the meeting, the time being 4.41pm.

MOTION moved by Cllr G M Turland and seconded by Deputy Mayor Cllr G J Andrews

1. **THAT** Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh be **APPROVED**, by way of a deferred commencement consent, subject to conditions as described in Attachment 1 to the report.
2. **THAT** an 88E instrument be implemented as a requirement of the development application on the restriction on title for the purpose of use.

AMENDMENT moved by Cllr K J Halstead OAM and seconded by Cllr G McLaughlin

THAT the matter be deferred to 9 December 2020 so that a comprehensive report be brought before Council that includes reference to the possible application of restrictions to user under the Conveyancing Act 1919 to ensure the application of conditions are complied with.

VOTING ON THE AMENDMENT

For the amendment: Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr G McLaughlin, Cllr P W Nelson, Cllr I M Scandrett and Cllr L A C Whipper

Against the amendment: Deputy Mayor Cllr G J Andrews and Cllr G M Turland

THE AMENDMENT WAS PASSED AND BECAME THE MOTION

MN 467/20

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr G McLaughlin

THAT the matter be deferred to 9 December 2020 so that a comprehensive report be brought before Council that includes reference to the possible application of restrictions to user under the Conveyancing Act 1919 to ensure the application of conditions are complied with.

VOTING ON THE MOTION

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

Against the motion: Deputy Mayor Cllr G J Andrews and Cllr G M Turland

PASSED

9.4 Development Application 20/1464 Residential Alterations and Additions - Extensions - 12 Duke Street, Mittagong

Reference:	20/1464
Report Author:	Development Officer Planning
Authoriser:	Manager of Certification and Compliance
Applicant:	David Matthews
Owner:	Peter Prentice
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 consider Development Application 20/1464, which seeks consent for alterations and additions – extensions to the existing dwelling at 12 Duke Street, Mittagong. The subject application has been called up to Council for determination, consequently this report is prepared and recommends **APPROVAL**, subject to attached conditions of consent (Attachment 1).

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

Mr Peter Cunningham on behalf of Mr David Roberts addressed Council against the development application.

Mr David Matthews on behalf of Mr Peter Prentice addressed Council in favour of the development application.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 468/20

MOTION moved by Cllr G M Turland and seconded by Deputy Mayor Cllr G J Andrews

THAT Development Application 20/1464 for the proposed alterations and additions – extensions at Lot 2 DP 806612 No 12 Duke Street, Mittagong be **APPROVED** subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

For the motion: Deputy Mayor Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr G McLaughlin, Cllr P W Nelson and Cllr G M Turland

Against the motion: Cllr I M Scandrett and Cllr L A C Whipper

PASSED

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

THAT Development Application 20/1464 for the proposed alterations and additions – extensions at Lot 2 DP 806612 No 12 Duke Street, Mittagong be **REFUSED** for the following reasons:

1. Local amenity would be affected by both noise, traffic, privacy;
2. “The Gib” is a “Large Lot” unsewered residential zone, and therefore unsuitable for multi-dwellings;
3. The amenity of each resident here would be substantially impacted in a number of ways if multi-dwellings are permitted;
4. Problems with water infrastructure regarding water pressure and volume;
5. This DA would lead to substantial increase in population on “The Gib” which is contrary to the original LEP;
6. The risk to increased population in an already severe bushfire environment would involve liability to Council for condoning such development;
7. Capacity of the roads to handle increased traffic - Risks especially in Bushfire;
8. Resulting costs to the Shire (all ratepayers) for creating new or replacement water, sewerage and roads infrastructure would be immense;
9. Departure from the aims of Local planning to increase density;
10. Departure from Existing pattern of development on “Large Block” sites where dwellings are typically well set back from boundaries – would destroy an important part of the character;
11. The impact on local character; and
12. Development is at the expense of environmental character.

VOTING ON THE AMENDMENT

For the amendment: Cllr I M Scandrett and Cllr L A C Whipper

Against the amendment: Deputy Mayor Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr G McLaughlin, Cllr P W Nelson and Cllr G M Turland

LOST

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Walking Tracks Strategy

Reference:	6880/8
Report Author:	Asset Strategy Officer Sport and Recreation
Authoriser:	Asset Coordinator Parks and Buildings
Link to Community Strategic Plan:	Increase promotion of healthy lifestyle choices

PURPOSE

The purpose of this report is to present the results of the public exhibition period of the Draft Walking Tracks Strategy ('Draft Strategy') and to seek Council's formal adoption of the Walking Tracks Strategy.

The Manager Assets addressed Council on this item

MN 469/20

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

1. **THAT** the final Walking Tracks Strategy including amendments be adopted by Council.
2. **THAT** the feedback received in response to the public exhibition of the Draft Walking Tracks Strategy be noted.
3. **THAT** Council write to those community members who made submissions during the Public Exhibition and thank them for their participation.
4. **THAT** the wording in section B7 be modified to permit dogs on leads in the Council owned link tracks to Glow Worm Glen, acknowledging that dogs are not permitted in Morton National Park.

VOTING ON THE MOTION

For the motion: Deputy Mayor 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, Cllr G M Turland and Cllr L A C Whipper

Against the motion: Nil.

PASSED

11.2 Tender for Transport and Disposal of Shredded Organic Waste

Reference: 6330/20.12
Report Author: Manager Business Services
Authoriser: Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Transport and Disposal of Shredded Organic Waste.

MN 470/20

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

1. **THAT** in relation to the report concerning the Tender for Transport and Disposal of Shredded Organic Waste - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. **THAT** Council accepts the tender from Australian Native Landscapes Pty Ltd based on the submitted schedule of rates for the transport and disposal of shredded organic waste material from the Moss Vale Resource Recovery Centre.

PASSED

11.3 Tenders for Trade Services Panel Arrangements

Reference:	6330/20.17; 6330/20.18; 6330/20.19; 6330/20.20; 6330/20.21.
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Acting Chief Financial Officer
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tenders for the following Trade Services:

- RFT 6330/20.17 Electrical & Networking and Air Conditioning Services;
- RFT 6330/20.18 Painting Services;
- RFT 6330/20.19 Plumbing Services;
- RFT 6330/20.20 Horticultural and Landscaping Services;
- RFT 6330/20.21 Fleet Maintenance Services.

MN 471/20

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

1. ***THAT in relation to the report concerning Tenders for Trade Services Panel Arrangements - Council adopts the recommendations contained within the Closed Council report – Item 19.2 for the following tenders:***
 - a. ***RFT 6330/20.17 Electrical & Networking and Air Conditioning Services;***
 - b. ***RFT 6330/20.18 Painting Services;***
 - c. ***RFT 6330/20.19 Plumbing Services;***
 - d. ***RFT 6330/20.20 Horticultural and Landscaping Services;***
 - e. ***RFT 6330/20.21 Fleet Maintenance Services.***
2. ***THAT Council accepts the entire tender 6330/20.17 Electrical & Networking and Air Conditioning Services and all the associated categories and listed tenderers to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.***

Category: Electrical & Networking Services

Tenderer Name
All Network Communications Pty Ltd
Concept Engineering Services Pty Ltd
Matthew Burke Electrical Pty Ltd
New Era Enterprises Australia
Star Group

Category: Air Conditioning Services

Tenderer Name
Ausone Airconditioning Pty Ltd
Austech Airconditioning Services Pty Ltd
Climax Air Conditioning Pty Ltd
CS Air Pty Ltd
Total Ventilation and Hygiene Pty Ltd

3. ***THAT Council accepts the entire tender 6330/20.18 Painting Services and all the associated categories and listed tenderers to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.***

Category: Painting Services

Tenderer Name
Commercial Painting Group Pty Ltd
Dynamic Pty Ltd
Highlands Painting Group Pty Ltd
Kings Painting Solutions Pty Ltd
Urban Castle Group Pty Ltd

4. ***THAT Council accepts the entire tender 6330/20.19 Plumbing Services and all the associated categories and listed tenderers to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.***

Category: Plumbing and Gasfitting Services

Tenderer Name
About Time Plumbing and Civil Construction Pty Ltd
Highlands Energy
Highlands Gas and Hot Water Pty Ltd
Kawalewski Plumbing Pty Ltd
SJ Plumbing Industries Pty Ltd

Category: Roofing Services

Tenderer Name
About Time Plumbing and Civil Construction Pty Ltd
Highlands Gas and Hot Water Pty Ltd
Kawalewski Plumbing Pty Ltd
NATS Plumbing Pty Ltd
SJ Plumbing Industries Pty Ltd

Category: Irrigation Plumbing Services

Tenderer Name
Highlands Gas and Hot Water Pty Ltd
HPG Solutions Pty Ltd
Kawalewski Plumbing Pty Ltd
NATS Plumbing Pty Ltd
SJ Plumbing Industries Pty Ltd

Category: Drainage Services

Tenderer Name
About Time Plumbing and Civil Construction Pty Ltd
Carve Earthworks & Construction Pty Ltd
Highlands Gas and Hot Water Pty Ltd
Kawalewski Plumbing Pty Ltd
SJ Plumbing Industries Pty Ltd

5. ***THAT Council accepts the entire tender 6330/20.20 Horticultural and Landscaping Services and all the associated categories and listed tenderers to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.***

Category: Horticultural Services

Tenderer Name
Asplundh Tree Expert Australia Pty Ltd
First Choice Earthworks Pty Ltd
GLG GreenLife Group Pty Ltd

Category: Landscaping Services

Tenderer Name
About Time Plumbing and Civil Construction Pty Ltd
First Choice Earthworks Pty Ltd
Sitescape Solutions Pty Ltd

6. ***THAT Council accepts the majority of tender 6330/20.21 Fleet Maintenance Services and the specified categories and listed tenderers to form a panel arrangement for the period of two (2) years with the option to extend for another two (2) times one (1) year.***

Category: Hydraulic System Services

Tenderer Name
Flynnella Holdings Pty Ltd
Highlands Hydraulics Pty Ltd
Pirsou Pty Ltd

Category: Auto Electrician Services

Tenderer Name
DG & VLA Goring
Flynnella Holdings Pty Ltd

Category: Vehicle Under Body Systems Services

Tenderer Name
DG & VLA Goring
Flynnella Holdings Pty Ltd
Pirsou Pty Ltd

PASSED

11.4 Tender for Sewer Pumping Station BU-7 & BU-2 Containment - Design and Construct

Reference:	6330/20.16
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer Pumping Station BU-7 and BU-2 Containment – Design and Construct.

MN 472/20

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

1. **THAT** in relation to the report concerning Sewer Pumping Station BU-7 and BU-2 Containment – Design and Construct - Council adopts the recommendations contained within the Closed Council report – Item 19.3.
2. **THAT** Council accepts the tender from Gongues Constructions Pty Ltd at a Lump Sum amount of \$577,500 (Inclusive of GST) to undertake the Sewer Pumping Station BU-7 and BU-2 Containment – Design and Construct works.

PASSED

11.5 Tender for Design and Construction for Lift Installation - SRLX

Reference: 6330/20.26
Report Author: Senior Project Manager
Authoriser: Group Manager Capital Projects
Link to Community Strategic Plan: Develop and implement initiatives which allow rural industries to innovate, adapt and prosper

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Design and Construction for the Lift Installation at the Southern Regional Livestock Exchange.

MN 473/20

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

1. **THAT** in relation to the report concerning the Tender for the Design and Construction for the Lift Installation at the Southern Regional Livestock Exchange - Council adopts the recommendations contained within the Closed Council report – Item 19.4.
2. **THAT** Council accepts the tender from Adaptive Pty Ltd (t/a Dezin) at a Lump Sum of \$242,660.00 (Inclusive of GST) to undertake the Design and Construction for the Lift Installation at the Southern Regional Livestock Exchange.

PASSED

11.6 Investment Report - October 2020

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
Authoriser:	Acting 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 October 2020.

MN 474/20

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

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

PASSED

11.7 Proposed Transfer of Crown Roads - Davys Lane and Mundego Street, Wingello

Reference: RD4008; RD4020
Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain Council approval to make an application to the NSW Department of Planning, Industry & Environment - Crown Lands ('Crown') to endorse the transfer of the following Crown Roads to Council as Roads Authority:

- Davys Lane, Wingello.
- Mundego Street, Wingello.

MN 475/20

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

THAT Council make application to NSW Department of Planning, Industry and Environment - Crown Lands for the transfer of Crown roads being Davys Lane, Wingello and Mundego Street, Wingello to Council as Roads Authority.

PASSED

11.8 Proposed Road Lease - Part Stockade Street, Berrima

Reference:	PN169500; PN169401; RD1433
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to enter into a further two (2) year lease of part of the unmade road known as Stockade Street, Berrima to the adjoining land owner.

MN 476/20

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr G McLaughlin

1. **THAT** Council endorse the proposed short term road lease of Part Stockade Street, Berrima to the adjoining land owner (5-7 Stockade Street, Berrima) for a period of two (2) years.
2. **THAT** public notice of the intention to enter into the road lease (referred to in Resolution 1 above) be advertised for a minimum period of twenty eight (28) days.
3. **THAT** if any objections are received during the period of public notice, a report be presented to a future Ordinary Meeting of Council.
4. **THAT** if there are no objections to the lease during the period of public notice, the Acting General Manager and Mayor be delegated authority to execute the lease referred to in Resolution 1 above under the Common Seal of the Council.

PASSED

11.9 Land Acquisition - Mittagong

Reference:	PN 1202500
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to acquire land for road purposes in Mittagong.

MN 477/20

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

THAT the report concerning the potential acquisition of land in Mittagong be considered in Closed Council – Item 19.5. This report is confidential in accordance with section 10A(2) of the Local Government Act 1993, under section 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.

PASSED

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Application 21/0018 - Proposed Markets at The Southern Highlands Arts Collective (SHAC) 74-76 Illawarra Highway, Robertson

Reference:	21/0018
Report Author:	Manager Development Assessment
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Southern Highlands Artisans Collective (SHAC)
Owner:	The Southern Highlands Artisans Collective (SHAC)
Link to Community Strategic Plan:	Provide diversity in tourist attractions and experiences

PURPOSE

The purpose of this report is to consider Development Application 21/0018 which seeks development consent for a monthly market at Lot 8 DP 758882, being 74-76 Illawarra Highway, Robertson. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**). The markets will be held in the car park for the SHAC building located at 74-76 Illawarra Highway, Robertson.

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 478/20

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

THAT development application 21/0018 for a proposed Market to occur once a month, on every second Saturday of the month, from 8am to 4pm at Lot 8 in DP 758882, No's 74-76 Illawarra Highway, Robertson be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

For the motion: Deputy Mayor 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, Cllr G M Turland and Cllr L A C Whipper

Against the motion: Nil.

PASSED

12.2 Proposed Development Control Plan Amendments for Aitken Road Heritage Conservation Area - Bowral Township DCP

Reference: 5700/70, 5901/68
Report Author: Strategic Land Use Planner (Heritage)
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is to seek a resolution of Council to exhibit proposed amendments to the Bowral Township Development Control Plan (DCP) to provide development controls applicable for development in the new Aitken Road Conservation Area.

VOTING ON THE MATTER

Councillors are required to record their vote.

MN 479/20

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

1. **THAT** the draft amendments to the Bowral Township Development Control Plan that relate to the Aitken Road Conservation Area be placed on public exhibition for a period of 9 weeks from Wednesday 2 December 2020 to Friday 5 February 2021;
2. **THAT** Council notify affected property owners and residents of the exhibition period; and
3. **THAT** a report be presented to Council at the conclusion of the exhibition period.

VOTING ON THE MOTION

For the motion: Deputy Mayor 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, Cllr G M Turland and Cllr L A C Whipper

Against the motion: Nil.

PASSED

12.3 DA20/1069 Robertson Hotel Redevelopment, 1 Fountaindale Road Robertson - Consultant Reports in relation to the Ecologically Endangered Community (EEC)

Reference:	20/1069
Report Author:	Manager Development Assessment
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	AEA Grand Hotel Pty Ltd
Owner:	AEA Grand Hotel Pty Ltd
Link to Community Strategic Plan:	Provide diversity in tourist attractions and experiences

PURPOSE

The purpose of this report is to advise Council in regard to a development application being 20/1069 which seeks development consent for Tourist and Visitor Accommodation - Refurbishment of the existing Robertson hotel, a four-storey addition to the rear of the hotel to accommodate 46 new rooms, an ancillary function centre and new basement car parking, 13 new eco-tourist cabins, 7 new eco-tourist villas, new swimming pool and leisure centre, refurbishment of the workers cottage into an artist studio, a new reception and new internal roads and pedestrian pathways at Lot 2 in DP610676, being The Robertson Hotel, 1 Fountaindale Road, Robertson.

This report is specifically prepared for information purposes only to provide Council with the Consultant reports in regard to the assessment of impacts to the Ecologically Endangered Community on the site. which was a resolution of Council of 23 September 2020. The relevant reports are provided in **Attachments 1 and 2**. The most recent Biodiversity Assessment Development Report (BDAR) (as amended by the proponent further to Council's request) is attached at **Attachment 1** and the most recent advice from Council's Consultant Ecologist who has reviewed the applicant's amended BDAR is attached at **Attachment 2**.

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

MN 480/20

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

1. **THAT** this report and the Consultant Assessment reports contained in Attachments 1 and 2 on the impacts of the proposed development on the Ecologically Endangered Community (EEC) be noted.
2. **THAT** a briefing session be arranged with the relevant Council staff and Council's consultant - Principal Ecologist – Ecological - before 9 December 2020 to provide Councillors with an overview of the assessment.

PASSED

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 28 October 2020.

MN 481/20

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

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 19.6.

PASSED

14. DELEGATE REPORTS

Nil

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on 26 October 2020

Reference:	2102/3
Report Author:	A/Corporate Strategy 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 Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday 26 October 2020.

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

MN 482/20

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

THAT recommendations Nos AR 33/20 to AR 34/20 as detailed in the Minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on 26 October 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

16.2 Minutes of the Community Development Advisory Committee of 10 November 2020

Reference:	107
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 Community Development Advisory Committee Meeting held on 10 November 2020.

MN 483/20

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

THAT recommendations Nos CD 60/20 to CD 64/20 as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday 10 November 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

16.3 Minutes of the Finance Committee Meeting held on 21 October 2020

Reference:	107/21
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 Finance Committee Meeting held on 21 October 2020.

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

The Acting General Manager addressed Council on this item.

MN 484/20

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

1. **THAT** recommendations Nos FC18/20 to 20/20 – as detailed in the Minutes of the Finance Committee Meeting held on 21 October 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** the Minutes of the Finance Committee meeting held on 21 October 2020 note that Councillor Whipper was in attendance at that meeting.

PASSED

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 45/2020 Southern Highlands Destination Strategy

Reference:	101/2
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: Acting General Manager

From: Cllr G Turland

Received: 16 November 2020

Subject: Southern Highlands Destination Strategy

Question:

The Southern Highlands Destination Strategy has now been adopted on 11 November 2020.

I request a statement on when the Council intends to start the stakeholder and interested community members participation in the formulation of the action plan with clear KPIs timelines of implementation.

MN 485/20

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

1. **THAT** the information in relation to Question with Notice 45/2020 – Southern Highlands Destination Strategy – be noted.
2. **THAT** prior to the 2020 Christmas break Council staff engage with the Southern Highlands Key Stakeholders Group and interested community members to formulate an action plan with clear KPIs and timelines of implementation.

PASSED

17.2 Question with Notice 46/2020 Road Closure and Public Road Requirements

Reference:	101/2
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: Acting General Manager

From: Cllr G Turland

Received: 16 November 2020

Subject: Road Closures and Public Road Requirements

Question:

THAT in the meeting of 27 May 2020 a question with notice that related to Road Closures and Public Road Requirements was noted.

1. Can Council staff provide a response as to what are the regulations and public advertising timing before undertaking work in a road/footpath/road reserve areas?
2. Will signage be installed?
3. How long before the works be undertaken will the signs be in place?
4. Will letter drops to affected business and residents be undertaken?
5. Will it be advertised in the local newspaper and radio?

The Acting General Manager addressed Council on this item.

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

THAT a report be provided regarding the information in relation to Question with Notice 46/2020 – Road Closures and Public Road Requirements – in relation to the Pin Oaks in Station Street - specifically:

1. Can Council staff provide a response as to what are the regulations and public advertising timing before undertaking work in a road/footpath/road reserve areas?
2. Will signage be installed?
3. How long before the works be undertaken will the signs be in place?
4. Will letter drops to affected business and residents be undertaken?
5. Will it be advertised in the local newspaper and radio?

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

18. NOTICES OF MOTION

18.1 Notice of Rescission Motion 11/2020 - Land Acquisition, Moss Vale

Reference:	100
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 Turland, Whipper and Halstead have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 25 November 2020:

THAT the motion passed by Council on 11 November 2020, being item number 19.2 Land Acquisition Moss Vale, MN 460/20 be rescinded.

1. THAT Council accept the vendor's counter offer as discussed in Closed Council (of \$1,400,000 Excluding GST) for the purchase of 1 Bowman Road, Moss Vale AND THAT authority be delegated to the Mayor and Acting General Manager to execute, under the Common Seal of Council, the Contract for Sale and any other document associated with the purchase of 1 Bowman Road, Moss Vale (being Lot 2 deposited plan 1249526).
2. THAT authority be delegated to the Mayor and Acting General Manager to execute on behalf of Council any documentation in relation to the purchase of 1 Bowman Road, Moss Vale that does not require the Common Seal of Council.
3. THAT upon transfer to Council, the property referred to in resolution 1 above be classified as Operational Land pursuant to section 25 and section 31 of the Local Government Act 1993.
4. THAT a Planning Proposal to amend Schedule 1 of the Wingecarribee Local Environment Plan (WLEP) 2010 for additional use being "Animal Boarding or Training Establishments" be submitted to the Department of Planning, Industry and Environment for Gateway Determination for 1 Bowman Road, Moss Vale (being Lot 2 Deposited Plan 1249526) following completion of the purchase.

The Acting General Manager addressed Council on this item.

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

THAT the motion passed by Council on 11 November 2020, being item number 19.2 Land Acquisition Moss Vale, MN 460/20 be rescinded.

LOST

18.2 Notice of Motion 39/2020 Preamble Word Limit

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

PURPOSE

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

The Acting General Manager addressed Council on this item.

MN 486/20

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

THAT Council revisit the Code of Meeting Practice to include a preamble on Notices of Motion.

PASSED

18.3 Notice of Motion 40/2020 Bowral Bypass

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

PURPOSE

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

The Acting General Manager left the meeting, the time being 7.25pm

The Acting General Manager returned to the meeting, the time being 7.27pm

MN 487/20

EXTENSION OF TIME moved by Cllr I M Scandrett and seconded by Cllr G McLaughlin

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 7.45pm.

EXTENSION OF TIME PASSED

The Mayor Cllr T D Gair excluded Cllr I M Scandrett from the meeting for five minutes, the time being 7.30pm.

Cllr I M Scandrett left the Chambers, the time being 7.31pm

Cllr I M Scandrett returned to the meeting, the time being 7.33pm.

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

1. **THAT** Council cost the delivery of new carparking for approximately 166 vehicles on Station Street South on Council land which adjoins the existing carpark between Banyette and Boolwey Streets and extends to Bowral Street.
2. **THAT** Council consider using the \$2m in S94 funds allocated for the Station Street upgrade project to fund the construction of the 166 new parking spaces which appear to be \$10,000 per space using quantity surveying to a finish similar to that in the recently completed Wattle Street carpark which is already fully utilised.
3. **THAT** Council proceed to cost the new Bowral Bypass Road from Bowral Street to Links Road.
4. **THAT** Council apply to the State Government to have the \$7.5m Bowral Bypass grant reallocated to the New Bypass road known as Stage 2.
5. **THAT** Council proceed to make enquiries about the purchase of slithers of land at Railway Parade cnr Alcorn Street and Moss Vale Road cnr Links Road that have previously been documented as being required for corner construction for the new Bowral Bypass Road.

LOST

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.45pm, Council moved into Closed Council.

MN 488/20

MOTION moved by Cllr G McLaughlin and seconded by Cllr K J Halstead OAM

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 Transport and Disposal of Shredded Organic Waste

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 Transport and Disposal of Shredded Organic Waste.

19.2 Tenders for Trade Services Panel Arrangements

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 Tenders for the following Trade Services:

RFT 6330/20.17 Electrical & Networking and Air Conditioning Services;

RFT 6330/20.18 Painting Services;

RFT 6330/20.19 Plumbing Services;

RFT 6330/20.20 Horticultural and Landscaping Services;

RFT 6330/20.21 Fleet Maintenance Services.

19.3 Tender for Sewer Pumping Station BU-7 & BU-2 Containment - Design and Construct

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 Pumping Station BU-7 and BU-2 Containment – Design and Construct.

19.4 Tender for Design and Construction for Lift Installation - SRLX

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 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 Design and Construction for the Lift Installation at the Southern Regional Livestock Exchange.

19.5 Land Acquisition - Mittagong

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to seek Council approval to acquire land for road purposes. The acquisition of land is required to enable widening of an existing cul-de-sac to meet Australian design standards (the current area of road reserve being insufficient).

The subject property is part 11 Prince Street, Mittagong (Lot 5 in Deposited Plan 261291). The extension of the cul-de-sac forms part of the Prince Street drainage improvements which is included in the Capital Works Program for the 2020/2021 financial year.

These improvements are aimed at alleviating flooding issues in the area.

19.6 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 28 October 2020

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

PASSED

19.1 Tender for Transport and Disposal of Shredded Organic Waste

Reference:	6330/20.12
Report Author:	Manager Business Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
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)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Transport and Disposal of Shredded Organic Waste.

This item was dealt with earlier in the meeting on page 15 MN 470/20

19.2 Tenders for Trade Services Panel Arrangements

Reference:	6330/20.17; 6330/20.18; 6330/20.19; 6330/20.20; 6330/20.21
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Acting Chief Financial Officer
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

CONFIDENTIAL ITEM

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

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tenders for the following Trade Services:

- RFT 6330/20.17 Electrical & Networking and Air Conditioning Services;
- RFT 6330/20.18 Painting Services;
- RFT 6330/20.19 Plumbing Services;
- RFT 6330/20.20 Horticultural and Landscaping Services;
- RFT 6330/20.21 Fleet Maintenance Services.

This item was dealt with earlier in the meeting on page 17 MN 471/20

19.3 Tender for Sewer Pumping Station BU-7 & BU-2 Containment - Design and Construct

Reference:	6330/20.16
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

CONFIDENTIAL ITEM

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

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer Pumping Station BU-7 and BU-2 Containment – Design and Construct.

This item was dealt with earlier in the meeting on page 20 MN 472/20

19.4 Tender for Design and Construction for Lift Installation - SRLX

Reference:	6330/20.26
Report Author:	Senior Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Develop and implement initiatives which allow rural industries to innovate, adapt and prosper

CONFIDENTIAL ITEM

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

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Design and Construction for the Lift Installation at the Southern Regional Livestock Exchange.

This item was dealt with earlier in the meeting on page 21 MN 473/20

19.5 Land Acquisition - Mittagong

Reference:	PN 1202500
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
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.

PURPOSE

The purpose of this report is to seek Council approval to acquire land for road purposes. The acquisition of land is required to enable widening of an existing cul-de-sac to meet Australian design standards (the current area of road reserve being insufficient).

The subject property is part 11 Prince Street, Mittagong (Lot 5 in Deposited Plan 261291). The extension of the cul-de-sac forms part of the Prince Street drainage improvements which is included in the Capital Works Program for the 2020/2021 financial year.

These improvements are aimed at alleviating flooding issues in the area.

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

MN 489/20

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr G McLaughlin

1. **THAT** the Acting General Manager be delegated authority to negotiate with the owner of 11 Prince Street, Mittagong for the acquisition of part of the property known as 11 Prince Street, Mittagong (being Lot 5 in Deposited Plan 261291) for the purpose of Road.
2. **THAT** if the acquisition referred to in Resolution 1 above cannot be negotiated by agreement Council resolves to:
 - (a) acquire the Land by Compulsory Acquisition under sections 186 and 187 of the Local Government Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act, 1991.
 - (b) approve the making of an application to the Minister for Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the Land **AND THAT** Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;
 - (c) approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the Land.
3. **THAT** authority be delegated to the Mayor and Acting General Manager to execute under the Common Seal of Council any documents required to facilitate the acquisition of the Land referred to in Resolution 1 above.
4. **THAT** authority be delegated to the Mayor and Acting General Manager to execute on behalf of Council any documents associated with the compulsory acquisition of the Land referred to in Resolution 1 above that does not require the Common Seal of Council.
5. **THAT** upon acquisition, the Land is classified as Operational land.

PASSED

19.6 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 28 October 2020

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

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

General Counsel addressed Council on this item.

MN 490/20

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

1. **THAT** the information in the Legal Report be noted.
2. **THAT** all court cases be reported to Council.

PASSED

20. RESUMPTION OF OPEN AGENDA

107/10

MN 491/20

MOTION moved by Cllr K J Halstead OAM 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.

ADOPTION OF CLOSED COUNCIL

107/9

The Acting General Manager read out the adopted Motions from Closed Council.

21. MEETING CLOSURE

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

In accordance with the provisions of Section 375(2) of the *Local Government Act 1993*, these Minutes of the Ordinary Council Meeting held Wednesday 25 November 2020 numbered MN 462/20 to MN 491/20 were signed by me hereunder at the Council Meeting held on Wednesday 9 December 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 9 DECEMBER 2020

CHAIRMAN

PUBLIC OFFICER