

MINUTES

of the Ordinary Meeting of Council

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

on

Wednesday 9 December 2020

The meeting commenced at 3.30pm

File No. 100/2020

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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 9 DECEMBER 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
Deputy General Manager Corporate Strategy and Development Services	Mr Mark Pepping
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
Coordinator Strategic Land Use Planning	Mr Michael Park (in part)
Chief Information Officer	Mr John Crawford
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 K J Halstead OAM 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 Cllr 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 25 NOVEMBER 2020

MN 492/20

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

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 25 November 2020 MN 462/20 to MN 491/20 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.

101/3 5320 5320/60 5901

Cllr G McLaughlin declared a pecuniary interest in Item 18.1 Notice of Motion 41/2020 Amendment to WLEP 2010 as he owns a corner block property with a granny flat on the block. He will be absent from the meeting for consideration of that item.

7. MAYORAL MINUTES

7.1 Council's Performance Improvement Order Compliance Report

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

PURPOSE

To seek delegation from Council to submit Council's Final Performance Improvement Order Compliance Report to the Office of Local Government, as required by the Performance Improvement Order.

The Acting General Manager addressed Council on this item.

MN 493/20

MOTION moved by Mayor Cllr T D Gair

THAT Council delegate authority to the Acting General Manager to submit Council's Final Performance Improvement Order Compliance Report to The Minister for Local Government, The Hon. Shelley Hancock, MP, as required by the Performance Improvement Order.

PASSED.

8. PUBLIC FORUM

Item 11.1 Post Exhibition Report - Proposed Road Closure - Part Waverley Parade, Mittagong

Ms Maree Tynan addressed Council against the recommendation.

Ms Julie Gillick addressed Council in support of the recommendation.

Item 12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter

Ms Madeline Malcolm addressed Council in support of the development.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 Application 19/1439.02 to Modify Development Consent 19/1439.01 - Information and Education Facility and Function Centre, Lot 15 DP846332, 93-95 Kirkham Road, Bowral

Reference:	19/1439.02
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Mr C A Robson
Owner:	Mr C A Robson
Link to Community Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

PURPOSE

The purpose of this report is to present modification application 19/1439.02 for the Council's consideration and recommends determination by REFUSAL for the reasons specified in **Attachment 1**.

Mr Craig Robson addressed Council in support of the development.

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

The Coordinator Strategic Land Use Planning addressed Council on this item.

The Acting General Manager addressed Council on this item.

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

The Acting General Manager left the meeting, the time being 5.01pm

The Acting General Manager returned to the meeting, the time being 5.03pm

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 494/20

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

THAT application 19/1439.02 for modification of development consent 19/1439.01 for an information and education facility and function centre at Lot 15 DP 846332, No 93-95 Kirkham Road, Bowral be DEFERRED until the Acting General Manager has discussions with the applicant on the amount of community benefit that could be applied in this matter **AND THAT** a further report be brought back to Council.

VOTING ON THE MOTION

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

Against the motion: Clr I M Scandrett and Clr G M Turland

PASSED.

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

1. **THAT** application 19/1439.02 for modification of development consent 19/1439.01 for an information and education facility and function centre at Lot 15 DP 846332, No 93-95 Kirkham Road, Bowral be APPROVED for one additional tenement for both water and sewer charges in accordance with the current existing Developer Services Plan.
2. **THAT** Council, in accordance with section 356 of the Local Government Act 1993, give public notice of the financial benefit for the reduction in of the Council Developer Services Plan charges and that the matter be reported to Council at the expiration of the exhibition period.

VOTING ON THE AMENDMENT

For the amendment: Deputy Mayor Clr G J Andrews, Clr P W Nelson, Clr I M Scandrett and Clr G M Turland

Against the amendment: Mayor Clr T D Gair, Clr K J Halstead OAM, Clr G McLaughlin and Clr L A C Whipper

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. THE AMENDMENT WAS LOST.

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

Reference:	19/1650
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services 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

Council at its meeting of 25 November 2020 considered Development Application 19/1650 which seeks development consent for an Eco-Tourist facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh, and resolved:

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

This report is the same as the report considered by Council on 25 November 2020 with the inclusion of a new section under the heading discussion of Key Issues to address the application of restrictions to user as resolved by Council on 25 November 2020.

The purpose of the report is to reconsider 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**).

Mr David McKinley addressed Council against the development.

Mr Frank Maly addressed Council in support of the development.

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

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

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

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 the approval of an eco-tourism accreditation be part of the conditions of consent.*

VOTING ON THE MOTION

For the motion: Deputy Mayor Cllr G J Andrews, Cllr K J Halstead OAM, Cllr I M Scandrett and Cllr G M Turland

Against the motion: Mayor Cllr T D Gair, Cllr G McLaughlin, Cllr P W Nelson and Cllr L A C Whipper

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. THE MOTION WAS LOST.

FORESHADOWED MOTION proposed by Cllr L A C Whipper

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 REFUSED for the following reasons:

- *Inadequate details in the flora/fauna report and lack of measures to minimise impacts on natural environment;*
- *Resident's concerns about compliances with Bushfire Management Plan;*
- *Lack of detail and justification for meeting the recognised standards of an Eco Tourism Facility;*
- *Resident's concerns about the traffic impacts generated by this proposal, including safety, lack of passing areas due to road width, dust; and*
- *Access and egress restrictions to road users during natural disasters (e.g. bushfires) and for emergency vehicles.*

AS THE ORIGINAL MOTION WAS LOST, THE FORESHADOWED MOTION BECAME THE MOTION.

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

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 **REFUSED** for the following reasons:

- Inadequate details in the flora/fauna report and lack of measures to minimise impacts on natural environment;
- Resident's concerns about compliances with Bushfire Management Plan;
- Lack of detail and justification for meeting the recognised standards of an Eco Tourism Facility;
- Resident's concerns about the traffic impacts generated by this proposal, including safety, lack of passing areas due to road width, dust; and
- Access and egress restrictions to road users during natural disasters (e.g. bushfires) and for emergency vehicles.

VOTING ON THE MOTION

For the motion: Mayor Cllr T D Gair, Cllr G McLaughlin, Cllr P W Nelson and Cllr L A C Whipper

Against the motion: Cllr I M Scandrett, Cllr G M Turland, Deputy Mayor Cllr G J Andrews

Cllr K J Halstead OAM abstained from voting as such it is taken he voted against the motion.

ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL. MAYOR GAIR DID NOT EXERCISE HIS CASTING VOTE AS SUCH THE MOTION WAS LOST.

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Post Exhibition Report - Proposed Road Closure - Part Waverley Parade, Mittagong

Reference:	RD 3211
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 formal approval from Council for the closure of part of the road reserve at Waverley Street, Mittagong.

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

The Acting General Manager addressed Council on this item.

MOTION moved by Deputy Mayor Clr G J Andrews and seconded by the Mayor Clr T D Gair

1. THAT pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of part Waverley Parade Mittagong.
2. THAT upon registration of the newly created lot, positive covenants/restrictions be registered against the title to the land as follows:
 - (a) The area of the closure is to remain as a formed road.
 - (b) Staff of the School will continue to use the area for parking.
 - (c) Appropriate access control measures will be put in place which will allow for access for emergency services, public utility authorities and Council.
 - (d) Pedestrian access will remain in place to allow access from Range Road through to Oxford Street.
3. THAT the Mayor and Acting General Manager be delegated authority to execute under the Common Seal of Council all documents associated with the road closure.
4. THAT authority be delegated to the Mayor and Acting General Manager to execute on behalf of Council any other documents associated with the road closure which does not require the affixing of the Common Seal of Council.

VOTING ON THE MOTION

For the motion: Deputy Mayor Clr G J Andrews

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

LOST.

FORESHADOWED MOTION proposed by Cllr K J Halstead OAM

1. **THAT** Waverley Parade Mittagong not be closed **AND THAT** local area traffic management devices be implemented to facilitate the safe movement of students of the Frensham School.
2. **THAT** this matter be placed before the Local Traffic Committee and Finance Committee.

AS THE ORIGINAL MOTION WAS LOST, THE FORESHADOWED MOTION BECAME THE MOTION.

MN 495/20

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

1. **THAT** Waverley Parade Mittagong not be closed **AND THAT** local area traffic management devices be implemented to facilitate the safe movement of students of the Frensham School.
2. **THAT** this matter be placed before the Local Traffic Committee and Finance Committee.

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 SCADA and Control System Support and Maintenance

Reference:	6330/20.15
Report Author:	Electrical Engineer
Authoriser:	Group Manager Water & Sewer
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 SCADA and Control System Support and Maintenance.

MN 496/20

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

1. **THAT** in relation to the report concerning the tender for SCADA and Control System Support and Maintenance - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. **THAT** Council accepts the tenders from the following 3 tenderers to form a contractor panel to undertake SCADA and Control System Support and Maintenance for a two (2) year period, with provision in place for two (2) x one (1) year optional extension periods:
 - Concept Engineering Services Pty Ltd
 - Alliance Automation Pty Ltd
 - SAFEgroup Automation Pty Ltd

PASSED.

11.3 Tender for Water and Sewer Main Renewals - Throsby Street, Moss Vale

Reference:	6330.20.27
Report Author:	Project Manager - Civil
Authoriser:	Manager Design, Construction and Maintenance
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 Water and Sewer Renewals – Throsby Street, Moss Vale.

MN 497/20

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

1. **THAT** in relation to the report concerning the Tender for the Water and Sewer Renewals – Throsby Street, Moss Vale - Council adopts the recommendations contained within the Closed Council report – Item 19.2.
2. **THAT** Council accepts the tender from Carve Earthworks & Construction Pty Ltd at a Lump Sum of \$1,431,723.98 (Inclusive of GST) to undertake water and sewer main renewals as part of the Throsby Street, Moss Vale Upgrade.
3. **THAT** Council vote additional funding from the Water and Sewer Augmentation Reserves of \$275,000 to undertake the water and sewer main renewals as part of the Throsby Street, Moss Vale Upgrade.

PASSED.

11.4 Draft Masterplan - Casburn Park

Reference:	6559/2
Report Author:	Asset Strategy Officer Sport and Recreation
Authoriser:	Asset Coordinator Parks and Buildings
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

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

MN 498/20

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

1. **THAT** the Draft Casburn Park Masterplan be endorsed for public exhibition for a period of twenty-eight (28) days commencing 27 January 2021.
2. **THAT** the Draft Casburn Park Masterplan incorporating community submissions be submitted to Council for adoption following the public exhibition.

PASSED.

11.5 Classification of Land - Renwick Community Centre

Reference:	PN1828910
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 classify the Renwick Community Centre at 55 Renwick Drive, Renwick (being Lot 100 in Deposited Plan 1267562) as Operational Land.

MN 499/20

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

1. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to classify Lot 100 in Deposited Plan 1267562 in Renwick as Operational Land **AND THAT** if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.
2. **THAT** if there are no objections during the period of public exhibition, the land known as Lot 100 in Deposited Plan 1267562 be classified as Operational Land pursuant to the Local Government Act 1993.
3. **THAT** the Mayor and General Manager be delegated authority to execute under the Common Seal of Council any documentation to enable the transfer to Council and classification of Lot 100 in Deposited Plan 1267562 referred to in Resolution 1 above.
4. **THAT** authority be delegated to the Mayor and General Manager to execute on behalf of Council any document associated with the transfer and classification referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.

PASSED.

11.6 Application to be Appointed as Reserve Trust Manager of Various Crown Reserves Within Wingecarribee Shire

Reference:	R19861, R100106, R190, R191, R253, R530062, R73406
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 lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for a number of Crown reserves which are currently managed by Council as devolved land.

MN 500/20

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

THAT Council formally lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for the following Crown Reserves:

Reserve No.	Lot/Deposited Plan No.	Location	Name Reserve Known As (unofficial)
19861	Lot 273 DP 1153794	Mandemar Road, Berrima	Apple Street Reserve
100106	Lots 138-139 DP 751271	Wilson Drive, Balmoral	Commemoration Park
190	Lot 7013 DP 1026277	Wilkinson Street, Berrima	Berrima Weir Reserve
191	Lot 7012 DP 1026277	Iran Street, Berrima	Berrima Weir Reserve
253	Lots 701-702 Sec 20 DP 92837	Bowral Street, Welby	Mt Alexandra Reserve
530062	Lot 7301 DP 1132416	Argyle Street, Berrima	Part Recreation Reserve
73406	Lot 7300 DP 1146983	Railway Parade, Medway	Part Recreation Reserve
57815	Lots 3, 7-8, 10-12, 24-25, 76-79, 101-106 DP 751267, Lot 7010 DP 1024525, Lot 7006 DP 1056760, Lot 7005 DP 1056761, Lots 7001-7003 DP 1072639, Lot 7300 DP 1130816, Lot 7303 DP 1144615, Lot 4 DP 1158322	Leopold Street, Mittagong	Mt Alexandra Reserve
530067	Lots 7306-7307 DP 1146411	Leopold Street, Mittagong	Mt Alexandra Reserve
90284	Lot 3 DP 1158322	Leopold Street, Mittagong	Mt Alexandra Reserve
223	Lot 7003 DP 1120076, Lots 94-100, 104, 132-142 DP 751275, Lot 7018 DP 1120085	Old Hume Highway, Welby	Welby Recreation Reserve
63869	Lots 1-3 Sec 4 DP 192048	Hume Highway, Paddys River	Paddys River Reserve
86099	Lot 7004 DP 1074737, Lots 1, 11-24 Sec 1 DP 192048, Lots 5-7 DP 250693, Lots 22-23 DP 250694, Lots 7021-7022 DP 1074735, Lots 7012-7014 DP 1074736	Hume Highway, Paddys River	Paddys River Reserve
88061	Lot 7005 DP 1074737, Lot 7309 DP 1167686	Hume Highway, Paddys River	Paddys River Reserve
55750	Lot 7017 DP 1032251	Pine Tree Road, Wingello	Wingello Recreational Reserve
89582	Lots 291, 405 DP 751302	Yeola Road, Robertson	Old Garbage Depot

PASSED.

11.7 Land Acquisition - Bowral

Reference: PN1827780
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 water services which will facilitate the installation of a permanent backup generator to the existing Wingecarribee Shire Council water pumping station, located adjacent to the affected property.

MN 501/20

MOTION moved by Cllr P W Nelson and seconded by Cllr K J Halstead OAM

THAT the report concerning the potential acquisition of land in Bowral be considered in Closed Council – Item 19.3. 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.

11.8 Civic Centre Refurbishment Project

Reference:	7100/19
Report Author:	Group Manager Capital Projects
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to seek Council's direction with respect to opportunities within the Civic Centre Refurbishment project to enhance the functionality of the building.

The Acting General Manager addressed Council on this item.

MOTION moved by Cllr I M Scandrett

THAT Council adopts the proposal to modify the scope of the Civic Centre Refurbishment project insofar as to proceed with the floor on the northern side only at this time.

THE MOTION LAPSED FOR WANT OF A SECONDER.

MN 502/20

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

THAT Council adopts the proposal to modify the scope of the Civic Centre Refurbishment project and formally resolve to fund the increase in the project budget by a further \$850,000 AND THAT this increase be funded through additional loan borrowings in the 2020/21 Budget of \$850,000.

PASSED.

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 26 October 2020 to 23 November 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 26 October 2020 to 23 November 2020.

MN 503/20

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

THAT the information relating to the lists of Development Applications Determined for the period 26 October 2020 to 23 November 2020 be received and noted.

PASSED.

12.2 Development Applications Received from 26 October 2020 to 23 November 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 Received for the period 26 October 2020 to 23 November 2020.

MN 504/20

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

1. **THAT** the information relating to Development Applications Received from 26 October 2020 to 23 November 2020 be received and noted.
2. **THAT** the following Item be reported to Council:
 - 18 - 21/0781 37 Sir James Fairfax Circuit Bowral.
3. **THAT** the following Item be placed on Council's Weekly Circular:
 - 51 - 21/0744 Invergowrie 72-74 Bundanoon Road Exeter.

PASSED.

12.3 Draft Development Control Plan Amendments - Engineering Specifications - Outcomes of Public Exhibition

Reference: 5700
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to seek a resolution of Council to adopt the draft Amendments to Council's Development Control Plans (as exhibited) to ensure consistency with Council's draft Engineering Design and Construction Specifications.

The Coordinator Strategic Land Use Planning addressed Council on this item.

VOTING ON THE MATTER

Councillors are required to record their vote.

MN 505/20

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

1. **THAT** Council adopt the draft Development Control Plan (DCP) amendments as exhibited (Attachment 1);
2. **THAT** the amendments be reflected in relevant sections of all Development Control Plans for the Shire; and
3. **THAT** the amended DCP provisions and accompanying updated Engineering Design and Construction Specifications be in effect from 01 January 2021 AND **THAT** Council accepts a three (3) month transition period commencing 1 January 2021.
4. **THAT** the adoption of the updated Engineering Design and Construction Specifications and the DCP amendments be notified to local planning and engineering consultants, as well as notified on the Community Update page on Council's website, **AND THAT** a Media Release be prepared.

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.

12.4 Modification No. LUA08/1042.09 being condition updates and request for material change from concrete to crushed granite for pathway at 24 Exeter Road, Exeter.

Reference:	LUA08/1042.09
Report Author:	Manager Development Assessment
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Malcolm Holdings Pty Ltd
Owner:	Malcolm Holdings Pty Ltd
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

The purpose of this report is to consider Modification Application 08/1042.09 which seeks development consent for the updating of conditions in regard to the previous modification determined by the NSW LEC and the amendment of condition 41 to remove a requirement for bollards and a concrete pathway and enable the use of crushed aggregate instead at Lot 1 DP 596495, Lot A DP 927745, Lot 4 DP 660174, being 24 Exeter Road, Exeter. The variation proposed being the pathway construction material is a departure from council's standards and therefore requires a Council resolution to approve or refuse the request. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 506/20

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

THAT Modification Application 08/1042.09 for the updating of conditions in regard to the previous modification determined by the NSW LEC and the amendment of condition 41 to remove a requirement for bollards and a concrete pathway and enable the use of crushed aggregate at Lot 1 DP 596495, Lot A DP 927745, Lot 4 DP 660174 No 24 Exeter Road, Exeter be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

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

PASSED.

12.5 Proposed Amendment to Lease Conditions for 1A Rainbow Street, Mittagong

Reference:	PN 70000
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is for Council to consider the written request from Illawarra Local Aboriginal Land Council to sub-let part of the unused land at 1A Rainbow Street, Mittagong and seek Council's approval to amend one (1) clause of the Lease for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong.

MN 507/20

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

1. **THAT** Council approves the request from the Illawarra Local Aboriginal Land Council to sub-let part of the unused land 1A Rainbow Street, Mittagong.
2. **THAT** Council approves the amendment to clause 28 of the Lease for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong as requested by the Illawarra Local Aboriginal Land Council **AND THAT** the Indigenous Advisory Committee consists of a maximum of twelve (12) members with seven (7) voting members and five (5) non-voting members and as a minimum the advisory committee should consist of a minimum seven (7) voting members.

PASSED.

12.6 Councillor Nominations for the Southern Regional Planning Panel

Reference:	5605; 5300
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to seek Councillor nominations for the Southern Regional Planning Panel (SRPP) as the memberships of the current Councillor appointees expire on 14 February 2021. The recommendation is that the Councillor appointed representatives remain in place only up until the 2021 Local Government Elections and that following the election of the new Council, new Councillor representatives will be appointed.

The following nominations for Councillor Delegate were put to the meeting:

- Councillor G M Turland;
- Mayor Councillor T D Gair; and
- Councillor I M Scandrett.

The Mayor Clr T D Gair asked for Councillors to vote on the nominations.

Clr G M Turland received votes from:

- Clr G M Turland
- Clr K J Halstead OAM
- Clr I M Scandrett.

Mayor Clr T D Gair received votes from:

- Mayor Clr T D Gair
- Deputy Mayor Clr G J Andrews
- Clr G McLaughlin
- Clr P W Nelson
- Clr L A Whipper

The Mayor declared Clr T D Gair received the most votes and was declared Delegate.

The following nomination for Alternate Councillor Delegate was received:

- Clr G McLaughlin.

The Mayor declared Clr G McLaughlin elected Alternate Councillor Delegate unopposed.

MN 508/20

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

1. **THAT** Council nominate Mayor Clr T D Gair as a member of the Southern Regional Planning Panel for the period until 3 September 2021.

2. **THAT** Council nominate Clr G McLaughlin as an alternate member of the Southern Regional Planning Panel for the period until 3 September 2021.

PASSED

12.7 Code of Conduct Complaint Statistics, 1 September 2019 to 31 August 2020

Reference:	101/15
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This purpose of this report is to advise Council of the complaints received and finalised under Council's Code of Conduct during the period from 1 September 2019 to 31 August 2020.

MN 509/20

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

THAT the information in relation to the Code of Conduct Complaints for 1 September 2019 to August 2020 be received and noted.

PASSED.

13. GENERAL MANAGER

Nil

14. DELEGATE REPORTS

Nil

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Finance Committee Meeting held on 18 November 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 18 November 2020.

MN 510/20

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

THAT recommendation Nos FC 21/20 to FC 25/20 as detailed in the Minutes of the Finance Committee Meeting held on 25 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.

16.2 Minutes of the Traffic Committee held on Thursday 19 November 2020

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 19 November 2020.

MN 511/20

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr P W Nelson

THAT recommendation Nos TC50/20 to TC55/20 as detailed in the Minutes of the Traffic Committee Meeting held on Thursday, 19 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 Audit, Risk and Improvement Advisory Committee Meeting held on 20 November 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 Audit, Risk and Improvement Advisory Committee ('the Committee') Meeting held on Friday 20 November 2020.

MN 512/20

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

THAT recommendation Nos AR 35/20 to AR 43/20 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 20 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.

16.4 Management Advisory Committee Reports

Reference: 107/30
Report Author: Committee Coordinator

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled:

1. Mittagong Memorial Hall Management Committee held on 3 September 2020.
2. East Bowral Community Centre Management Committee held on 29 September 2020.
3. Moss Vale Senior Citizens and Community Centre Hall Committee held on 20 July 2020.

MN 513/20

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

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

1. ***Mittagong Memorial Hall Management Committee held on 3 September 2020.***
2. ***East Bowral Community Centre Management Committee held on 29 September 2020.***
3. ***Moss Vale Senior Citizens and Community Centre Hall Committee held on 20 July 2020.***

PASSED.

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 48/2020 Station Street Traffic Count

Reference:	101/2 7460/8
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: 30 November 2020

Subject: Station Street Traffic Count

Question:

1. Has Council undertaken an updated traffic count from all roads leading into Station Street?
2. Has Council surveyed the traffic from Oxleys Hill Road as to why they are using this road and the destination both ways morning and afternoon at peak times leading into Station Street.

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

1. THAT Council undertake an updated traffic count from all roads leading into Station Street.
2. THAT Council survey the traffic from Oxleys Hill Road as to why they are using this road and the destination both ways morning and afternoon at peak times leading into Station Street
3. THAT Council provide an updated budget and changes to Station Street be advertised to the public to comply with Council's public consultation policy
4. THAT the matter be brought before the Finance Committee.

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. THE MOTION WAS LOST.

17.2 Question with Notice 49/2020 Bushfire Update

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: Acting General Manager

From: Cllr G Turland

Received: 30 November 2020

Subject: Bushfire Update

Question:

1. Can Councillors have a report on what bushfire measures have been implemented to protect our community for this bushfire season.
2. Has Council adopted all the outcomes in the NSW Bushfire Inquiry and the Royal Commission into Natural Disasters.

The Acting General Manager addressed Council on this item.

MN 514/20

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

1. **THAT** the information in relation to Question with Notice 49/2020 – Bushfire Update – be noted **AND THAT** The Acting General Manager be thanked for the detailed report provided.
2. **THAT** Council note Council staff are undertaking the installation of three static water tanks at Wingello, Penrose and Balmoral with the assistance of grant funding from the Federal Government.

PASSED.

MN 515/20

EXTENSION OF TIME moved by Cllr L A C Whipper and seconded by Cllr P W Nelson

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

EXTENSION OF TIME PASSED.

17.3 Question with Notice 50/2020 Unsealed Road Maintenance

Reference: 101/2 7810/3
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: Acting General Manager
From: Cllr G Turland
Received: 30 November 2020

Subject: Unsealed Road Maintenance

Question:

1. That Council provide a detailed list of all maintenance to be undertaken on unsealed roads in our Shire. The report is to contain dates and costing to all unsealed roads in our Shire and in particular Old Argyle Road works schedule.

MN 516/20

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

THAT the information in relation to Question with Notice 50/2020 Unsealed Road Maintenance – be noted.

PASSED.

17.4 Question with Notice 51/2020 Council Policy and Codes

Reference:	101/2 101/15 800/2
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 I M Scandrett

Received: 30 November 2020

Subject: Council Policy and Codes

Question:

Could the Acting General Manager please:

1. Advise what Council policies and codes [internal or external] etc are in place that address bullying, intimidation and sexual harassment, and the processes for dealing with same;
2. Also outline when these policies and codes etc were adopted, and when they are due for review.

MN 517/20

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

THAT the information in relation to Question with Notice 51/2020 Council Policy and Codes – be noted.

PASSED.

18. NOTICES OF MOTION

18.1 Notice of Motion 41/2020 Amendment to WLEP 2010

Reference:	100/4 5320 5320/60 5901
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 Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 December 2020:

Clr G McLaughlin declared a pecuniary interest in Item 18.1 Notice of Motion 41/2020 Amendment to WLEP 2010 as he owns a corner block property with a granny flat on the block.

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

Clr I M Scandrett left the meeting, the time being 07:28pm.

Clr I M Scandrett returned to the meeting, the time being 07:29pm.

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

MN 518/20

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

1. **THAT** Council have a briefing session in February 2021 to discuss changes to Council's LEP in regard to section 7.2 involving the provisions for the subdivision of dual occupancy residences in the R2 Residential Zone on corner allotments.
2. **THAT** after the Briefing Session that Council make a determination on this matter.

VOTING ON THE MOTION

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

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

PASSED.

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

1. THAT Council have a briefing session in February 2021 to discuss changes to Council's LEP in regard to section 7.2 involving the provisions for the subdivision of dual occupancy residences in the R2 Residential zones on corner allotments.
2. THAT after the Briefing Session that Council make a determination on this matter.
3. THAT Council write to the Department Planning Industry and Environment seeking advice on the proposed amendments AND THAT it be discussed as part of the briefing session.

VOTING ON THE AMENDMENT

For the amendment: Deputy Mayor Cllr G J Andrews, Cllr P W Nelson and Cllr G M Turland

Against the amendment: Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr I M Scandrett and Cllr L A C Whipper

LOST

18.2 Notice of Motion 42/2020 Bong Bong Street Improvements

Reference:	100/4 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

PURPOSE

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 December 2020:

THAT the Acting General Manager provide a response to the following communication which I have received from a member of the public:

“in the Have Your Say website re. the Bong Bong St improvement issue, I found that council says the RMS controls the traffic lanes on Bong Bong Street and the Council is responsible for the parking lanes and the ‘sidewalk’ (sic). So why has Council up to now continually claimed that it needs to swap the Main Road classification from Bong Bong St to Station St before it can make pedestrian and streetscape improvements to Bong Bong Street.”

Clr G McLaughlin returned to the meeting, the time being 07:37pm.

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

THAT the Acting General Manager provide a response to the following communication which I have received from a member of the public:

“in the Have Your Say website re. the Bong Bong St improvement issue, I found that council says the RMS controls the traffic lanes on Bong Bong Street and the Council is responsible for the parking lanes and the ‘sidewalk’ (sic). So why has Council up to now continually claimed that it needs to swap the Main Road classification from Bong Bong St to Station St before it can make pedestrian and streetscape improvements to Bong Bong Street.”

LOST

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

THAT the information on Item 18.2 – Notice of Motion 42/2020 Bong Bong Street Improvements - be noted.

PASSED

THE AMENDMENT BECAME THE MOTION

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 9 December 2020



MN 519/20

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

THAT the information on Item 18.2 – Notice of Motion 42/2020 Bong Bong Street Improvements - be noted.

PASSED

18.3 Notice of Motion 43/2020 Local Strategy and Local Strategic Planning Statement Further Review

Reference:	100/4 5612/18
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 Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 December 2020:

MN 520/20

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

1. **THAT** Council undertake consultation with the community of Robertson in regard to the Local Housing Strategy and Local Strategic Planning Statement in February 2021 to remove the identified North Eastern Land Release in Robertson.
2. **THAT** following the consultation, the outcomes of both the Colo Vale consultations and Robertson consultation be reported to Council.

VOTING ON THE MOTION

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

Against the motion: Deputy Mayor Cllr G J Andrews and Cllr P W Nelson

PASSED.

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7.46pm, Council moved into Closed Council.

MN 521/20

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

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

19.1 Tender for SCADA and Control System Support and Maintenance

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 SCADA and Control System Support and Maintenance.

19.2 Tender for Water and Sewer Main Renewals - Throsby Street, Moss Vale

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 renewal of water and sewer mains between Spring Street and Spencer Street, Moss Vale.

19.3 Land Acquisition - Bowral

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(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 water services which will facilitate the installation of a permanent backup generator at the existing Evans Lane Water Pumping Station, Bowral.

In addition to the above, a Right of Carriageway (10m wide) in favour of Council is required over part of the land to formalise legal access to the Water Pumping Station. This will allow Council staff and contractors to undertake maintenance and renewal works as required.

The subject property is part of land owned by Siesta Holdings Australia Pty Ltd. The legal description is Lot 2 in Deposited Plan 1174588 being part 'Gibbergunyah Estate', 123-125 Old Bowral Road, Mittagong and is referred to in this report as 'the Land'.

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 SCADA and Control System Support and Maintenance

Reference:	6330/20.15
Report Author:	Electrical Engineer
Authoriser:	Group Manager Water & Sewer
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 SCADA and Control System Support and Maintenance.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 12 MN 497/20.

19.2 Tender for Water and Sewer Main Renewals - Throsby Street, Moss Vale

Reference:	6330.20.27
Report Author:	Project Manager - Civil
Authoriser:	Manager Design, Construction and Maintenance
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 renewal of water and sewer mains between Spring Street and Spencer Street, Moss Vale.

THIS ITEM WAS DEALT WITH EARLIER IN THE MEETING ON PAGE 13 MN 498/20.

19.3 Land Acquisition - Bowral

Reference:	PN1827780
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 water services which will facilitate the installation of a permanent backup generator at the existing Evans Lane Water Pumping Station, Bowral.

In addition to the above, a Right of Carriageway (10m wide) in favour of Council is required over part of the land to formalise legal access to the Water Pumping Station. This will allow Council staff and contractors to undertake maintenance and renewal works as required.

The subject property is part of land owned by Siesta Holdings Australia Pty Ltd. The legal description is Lot 2 in Deposited Plan 1174588 being part 'Gibbergunyah Estate', 123-125 Old Bowral Road, Mittagong and is referred to in this report as 'the Land'.

MN 522/20

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

1. **THAT** the Acting General Manager be delegated authority to negotiate with the owner of Lot 2 in Deposited Plan 1174588 at Mittagong for the acquisition of part of the land known as Lot 2 in Deposited Plan 1174588 (being part 'Gibbergunyah Estate', 123-125 Old Bowral Road, Mittagong) for the purpose of Water Services.
2. **THAT** if the acquisition referred to in Resolution 1 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 (NSW).
 - (b) approve the making of an application to the Minister of Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) 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 (NSW) with respect of the Land.
3. **THAT** Council affix the Common Seal of Council to any documents required to be sealed for the Land referred to in Resolution 1 above **AND THAT** authority be delegated to the Mayor and Acting General Manager to execute those documents.
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 do not require the Common Seal of Council.
5. **THAT** upon acquisition, the Land is classified as Operational land.

PASSED.

20. RESUMPTION OF OPEN AGENDA

107/10

MN 523/20

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

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 Motion from Closed Council.

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.57PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 9 December 2020 numbered MN 492/20 to MN 523/20 were signed by me hereunder at the Council Meeting held on Wednesday 10 February 2021.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 10 FEBRUARY 2021

CHAIRMAN

PUBLIC OFFICER