

MINUTES

Ordinary Meeting of Council



We're With **YOU**

Wednesday 19 April, 2023

Council Chambers, Wingecarribee Shire Council Civic Centre

68 Elizabeth Street, Moss Vale

The meeting commenced at 3:30pm

**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 APRIL 2023**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL
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MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 19 APRIL 2023 COMMENCING AT 3:30 PM

| | | |
|----------------|--|---------------------|
| Present: | Administrator | Mr Viv May |
| In Attendance: | | |
| | General Manager | Ms Lisa Miscamble |
| | Director Corporate Strategy and Resourcing | Ms Carmel Foster |
| | Director Communities and Place | Mr Adan Davis |
| | Director Service and Project Delivery | Ms Karin Targa |
| | Executive Manager Strategic Outcomes | Mr Michael Park |
| | Executive Manager People and Culture | Ms Sally Sammit |
| | Executive Manager Business Transformation | Mr Pav Kuzmanovski |
| | Chief Financial Officer | Mr Carl Conrad |
| | Manager Governance and Corporate Performance | Ms Danielle Lidgard |
| | Manager Project Delivery | Mr Ned Tripkovic |
| | Manager Business and Property | Mr Salomon Kloppers |
| | Manager Assets | Mr Shaun Robinson |
| | ICT Support Officer | Mr Brett Murray |
| | Governance Officer | Ms Michelle Gordon |

1 OPENING OF THE MEETING

The Administrator, Mr Viv May PSM, opened the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

The Administrator, Mr Viv May PSM acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here or watching today.”

“As Administrator I will undertake the duties of the Office of Administrator in the best interests of the people of the Wingecarribee Shire Council area and to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

I am committed to the declaration of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting, in accordance with the Code of Conduct and Code of Meeting Practice.”

4 APOLOGIES

Nil.

5 ADOPTION OF MINUTES OF PREVIOUS MEETING

MN 2023/360

MOTION moved by Administrator

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 15 March 2023 MN 2022/341 to MN 2022/358 inclusive, be adopted as a correct record of the proceedings of the meeting

DECLARED CARRIED BY THE ADMINISTRATOR

6 DECLARATIONS OF INTEREST

The General Manager addressed the meeting and advised of one declaration of interest.

The Executive Manager Strategic Outcomes, Mr Michael Park declared a non-significant non-pecuniary interest in Item 8.2 Bowral South New Living Area Master Plan and Servicing Strategy – Tender Evaluation Report, as he had previous professional relationships with a number of the companies who tendered for the project while working in the private industry, including the preferred lead consultant Maker ENG. Mr Park has no current professional relationship with these companies, and was not involved in the tender assessment panel or the preparation of the Council report.

He will not be absent from the Chambers for consideration of that item.

7 ADMINISTRATOR MINUTES

7.1 Administrator Minute

MESSAGE OF CONDOLENCE

The Administrator addressed the meeting to acknowledge the passing of the Honourable John Kerin AO on 29 March 2023 and John Olsen AO OBE who passed on 11 April 2023, both are mourned with profound sadness.

John Kerin served our Shire as a member of the former Mittagong Shire Council during the period 1965 to 1971. He represented the Shire with distinction. Following that in 1972 he went on to serve our Nation in the Whitlam and Hawk governments where he held various ministerial appointments with great distinction. His distinguished services for Australia's primary industries was recognised in 2018 when he was appointed an Officer of the Order of Australia and he played an important role in modernising and strengthening Australia's primary industries.

John Henry Olsen was one of Australia's most celebrated artists and a Highlands local. John made an outstanding contribution to Australian art by expressing his passion for the natural world through his art for more than half a century. Amongst his many achievements he was the winner of the Archibald Prize in 2005 and was awarded the Order of the British Empire and the OBE in 1977 for services to the arts and was made an Officer of the Order of Australia in 2001.

Wingecarribee Shire Council extends its deepest condolences to Mr Kerin's and Mr Olsen's families.

I would ask all in the Chamber to join with me in a minute's silence for Mr John Kerin and Mr John Olsen.

At this point those in attendance observed a minute's silence.

ADMINISTRATOR MINUTE

<https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2023/a-minute-administrator-minute-19-april-2023.pdf>

April 2023

The March elections saw a change in Government in NSW with Wendy Tuckerman MP being re-elected representing the Goulburn Electorate and Judy Hannan MP the successful candidate for Wollondilly.

MINUTES OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 APRIL 2023

The General Manager and I have written to both members offering congratulations and initiating meetings to ensure that the best interests of the Shire are put forward, particularly the Council's Election Priorities.

We have also written to the former Member for Wollondilly, Nathaniel Smith, acknowledging and thanking him for the work that he has done for the Shire over the past four years.

Recently the General Manager and I met with the Federal Member for Whitlam, the Hon. Stephen Jones MP, in relation to our Election Priorities and recent work of the Canberra Region Joint Organisation in preparing a submission highlighting the damage to Shire Infrastructure from Natural Disasters and next week, we are meeting with the Member for Hume Angus Taylor MP in relation to the same matters.

A particular concern is the future of the Mittagong Playhouse. Council is undertaking a project to restore the Mittagong Memorial Hall's structural integrity which includes design and construction works required to make safe, meet compliance and renew the facility for future generations whilst retaining the heritage values of this historic building.

In adopting the 2021/22 budget, Council allocated \$2 million towards the restoration project for the Mittagong Playhouse to be funded by external loans. Approximately \$375,000 has been expended via application fees, resource costs and design costs funded from reserves. It is now estimated that the works to the Mittagong Playhouse will be approximately \$7.1M and staff are recommending the project be deferred under Council's Long Term Financial Plan until additional funding has been identified. In 2022, Council applied for two grants being the NSW Regional Tourism Activation Fund Round 2 for the shortfall in funding and under the State Government's Creative Capital Stage 2 Medium to Large Projects Round. Both were unsuccessful. This leaves the project with an estimated shortfall of \$5,475,000.

The scope of the works originally planned are beyond the financial capacity of Council at this time.

There is considerable disquiet in the community about the temporary measures Council put in in 2020 to hold the failing wall possibly collapsing into the carpark. I have asked the General Manager to review the necessity for these measures or any other option that may assist this unsightly intrusion in the centre of Mittagong and also if there are any temporary options that would allow an earlier reopening of the facility.

Minister Jones has agreed to visit the site and the problems associated with the Playhouse and its heritage listings will of course also be discussed with the incoming member for Wollondilly.

In February 2022, Council made an application for a Grant of \$132,000 under the Saluting Their Service Commemorative Grants Program on behalf of the Vietnam Veterans Peace Makers and Peace Makers Association of Australia Southern Highlands Sub-Branch and was successful in obtaining \$61,000 for works to the Bowral Vietnam War Memorial.

The Grant was linked and justified by the 50th Anniversary of the end of the Vietnam War and commemoration services that are planned in August 2023. Works were to include paving, adjusting the inner and outer rings and addressing granite failures. Unfortunately, the Grant received does not allow the major work associated with the granite and other opportunities in that regard are being explored.

While the successful grant has the support of all ex-service organisations across the Shire, several persons associated with the original construction are unhappy and having regard to the sensitivities

MINUTES OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 19 APRIL 2023

I have met on site with all parties separately on at least three (3) occasions, in an endeavour to negotiate an outcome. This has been unsuccessful. I have now agreed, with a recommendation from the staff, that as a minimalist outcome and in order to ensure the site is presentable for August that the outer ring only be re-aligned and missing cherry trees planted and all other works be deferred until a conservation plan has been prepared.

While not satisfying all parties, the Sub-Branches are happy to proceed on this basis and I have undertaken to ensure that there is ample public notice given of the conservation process to ensure participation. The works proposed will realign the outer ring to a consistent height and offset from the inner ring generally by 2.3 metres with the existing pavers being reused and backfill being used to realign the levels to ensure that a potential 0.4m concrete wall is not visible. A copy of a briefing note from the General Manager in relation to the matter and plan are attached to the Minute.

Section 438(V) of the Local Government Act 1993 provides that the Chief Executive Officer, Office of Local Government on behalf of the State, may recover the reasonable expenses incurred in holding a public inquiry if the inquiry relates to a recurring problem with the administration of a Council. The Chief Executive may make a determination on the amount of the expenses and serve a notice on Council requiring the amount so determined to be paid in recovery of the expenses.

Council has now been served with a draft Notice under the Act by the Deputy Secretary Office of Local Government that seeks reimbursement of reasonable expenses incurred in relation to the Wingecarribee Public Inquiry of \$420,782.30 and a copy of the Notice is attached to this Minute.

Council is invited to make a submission in respect of the Notice to allow the Deputy Secretary to consider whether to formally issue the notice and, if so, in what amount. Council has been advised that the total cost of the Inquiry to the State was \$559,575.88.

In my view, this is an unreasonable impost on the ratepayers of the Shire and I am seeking to negotiate a substantial reduction.

In a Minute to Council in September 2021, I foreshadowed that the Act did provide that the Office of Local Government may recover reasonable expenses having regard to previous Ministerial intervention through the issue of a Performance Order that residents are well-aware failed. I previously reported that prior to its suspension, the Council spent of \$202,000 on Code of Conduct complaints between Councillors and another \$65,000 trying to comply with the State Government Performance Improvement Order in an attempt to stay in office. The Public Inquiry put an enormous strain on the organisation and over 26,000 pages were provided in hard and soft copy of files subpoenaed by the Commissioner and these costs were absorbed and taken to account in the 2021/2022 financial year as were additional staffing costs associated with the online web cast.

One of the issues that led to the dysfunction in the Council was its response to, and post, the 2019/2020 Black Summer Fires. Residents will recall that a report was commissioned and undertaken by former Deputy Police Commissioner Dave Owens. Mr Owens made 44 recommendations and there have been a number of reports to Council (including this agenda) on progress including the establishment of an Emergency Operations Centre at Council. The cost of the Centre is estimated at \$490,000 with the fit out being approximately \$250,000 and I am endeavouring to negotiate with the Office of Local Government to have this amount deducted from the amount sought in the draft Notice.

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Negotiations are proceeding with NSW Reconstruction Authority for the provision of equipment totalling approximately \$240,000 but, in any event, it is important that Council has facilities available.

In my view, forgoing \$250,000 on the above basis would be positive recognition by the OLG that Council is responding to many legacy issues that were identified not only at the Public Inquiry, but during the Administration period and left unresolved by the failed Council.

It should be noted that while the decisions taken in relation to the Performance Order, Suspension, Inquiry and the ultimate decision to place the Council in Administration until September 2024 were taken at a Ministerial level, the decision to recover expenses is a matter for the Deputy Secretary (Chief Executive) Office of Local Government.

I will continue to ensure that residents are advised of the outcome of the negotiations.

It is recommended that the Minute be received and noted.

MN 2023/361

MOTION *moved by the Administrator*

THAT *the minute be received and noted.*

DECLARED CARRIED BY THE ADMINISTRATOR

8 GENERAL MANAGER

8.1 Organisational Restructure Update

Report Author: Executive Manager People and Culture

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT Council note the implementation of the organisational structure and the detail of the Manager Level (Tier 3) functions and responsibilities.

The General Manager introduced the item.

MN 2023/362

MOTION moved by the Administrator

THAT Council note the implementation of the organisational structure and the detail of the Manager Level (Tier 3) functions and responsibilities.

DECLARED CARRIED BY THE ADMINISTRATOR

8.2 Bowral South New Living Area Master Plan and Servicing Strategy - Tender Evaluation Report

Report Author: Senior Strategic Planner

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT:

1. Council accepts the offer from Maker ENG for the Bowral South New Living Area – Master Plan & Servicing Strategy at a lump sum price of \$350,820 (inclusive of GST).
2. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.
3. Council endorses the additional funding of \$100,000 funded from s7.11 funds as outlined in financial implications of this report.

The Executive Manager Business Transformation introduced the item.

MN 2023/363

MOTION moved by the Administrator

THAT:

1. *Council accepts the offer from Maker ENG for the Bowral South New Living Area – Master Plan & Servicing Strategy at a lump sum price of \$350,820 (inclusive of GST).*
2. *Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.*
3. *Council endorses the additional funding of \$100,000 funded from s7.11 funds as outlined in financial implications of this report.*

DECLARED CARRIED BY THE ADMINISTRATOR

9 REPORTS

9.1 Community Reference Panels - Appointment of Invited Technical Specialists

Report Author: Manager Governance and Corporate Performance

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT:

1. Council amend the Community Reference Panel Terms of Reference to allow for the appointment of two (2) to four (4) Invited Technical Representatives.
2. Council appoint the following Invited Technical Specialists to the Climate Change and Environment Community Reference Panel until the September 2024 local government election:
 - a. Ms Jacqueline Holland - South East Local Land Services
 - b. Mr Chris Page - Department Planning and Environment
3. Council appoint the following Invited Technical Specialists to the Community focused Community Reference Panel until the September 2024 local government election:
 - a. Mr Dominic Zappia - South Western Sydney PHN
 - b. Ms Melanie Brindley - NSW Department of Education
4. Council appoint the following Invited Technical Specialists to the Economy Community Reference Panel until the September 2024 local government election:
 - a. Ms Shannan Perry Hall - Destination Sydney Surrounds South
 - b. Ms Liz Dixon - Department of Regional NSW
 - c. Ms Michelle Pontello - TAFE NSW Moss Vale Campus
 - d. Mr Stephen Lowe - University of Wollongong – Moss Vale Campus
5. Council appoint the following Invited Technical Specialists to the Sports, Recreation and Leisure Community Reference Panel until the September 2024 local government election:
 - a. Mr Steve Manning - NSW Office of Sport
 - b. Mr Blair Oliver - Transport for NSW

The Manager Governance and Corporate Performance introduced the item.

The General Manager addressed the meeting.

MN 2023/364

MOTION *moved by the Administrator*

THAT:

- 1. Council amend the Community Reference Panel Terms of Reference to allow for the appointment of two (2) to four (4) Invited Technical Representatives.**
- 2. Council appoint the following Invited Technical Specialists to the Climate Change and Environment Community Reference Panel until September 2025:**
 - a. Ms Jacqueline Holland - South East Local Land Services**
 - b. Mr Chris Page - Department Planning and Environment**
- 3. Council appoint the following Invited Technical Specialists to the Community focused Community Reference Panel until September 2025:**
 - a. Mr Dominic Zappia - South Western Sydney PHN**
 - b. Ms Melanie Brindley - NSW Department of Education**
- 4. Council appoint the following Invited Technical Specialists to the Economy Community Reference Panel until September 2025:**
 - a. Ms Shannan Perry Hall - Destination Sydney Surrounds South**
 - b. Ms Liz Dixon - Department of Regional NSW**
 - c. Ms Michelle Pontello - TAFE NSW Moss Vale Campus**
 - d. Mr Stephen Lowe - University of Wollongong – Moss Vale Campus**
- 5. Council appoint the following Invited Technical Specialists to the Sports, Recreation and Leisure Community Reference Panel until September 2025:**
 - a. Mr Steve Manning - NSW Office of Sport**
 - b. Mr Blair Oliver - Transport for NSW**
- 6. A report be presented to Council in relation to the Department of Communities and Justice Child and Family Leadership group and subgroup and the exchange of correspondence between that department and Council about the group and subgroup.**

DECLARED CARRIED BY THE ADMINISTRATOR

9.2 Community Engagement Strategy - Post Exhibition Report

Report Author: Acting Community Engagement Coordinator

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT:

1. Council adopt the Community Engagement Strategy included in Attachment 2 to this report.
2. Council adopt the Community Engagement Policy included in Attachment 3 to this report.

The Manager Governance and Corporate Performance introduced the item and advised that Table 2 in the Community Engagement Strategy has been updated to correct errors from what was included in the March 2023 Council report. Table 2 in the attachment is consistent with what was placed on public exhibition.

MN 2023/365

MOTION *moved by the Administrator*

THAT:

1. Council adopt the Community Engagement Strategy included in Attachment 2 to this report.
2. Council adopt the Community Engagement Policy included in Attachment 3 to this report.

DECLARED CARRIED BY THE ADMINISTRATOR

9.3 Accessibility of Council Information Under Legislative Framework

Report Author: Governance Officer
Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT Council note the legislative framework currently in place to provide access to information to members of the public, as outlined in Council's Agency Information Guide at Attachment 1 to this report, and the further action to be undertaken to improve access to information held by Council.

The Manager Governance and Corporate Performance introduced the item.

The General Manager addressed the meeting.

The Director People and Place addressed the meeting.

MN 2023/366

MOTION *moved by the Administrator*

THAT *the advice is noted.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.4 Wingecarribee Shire Council Bushfire Response and Recovery Review 2021 - Update

Report Author: Community Resilience Officer

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT Council note the responses to the *Bushfire Response and Recovery Review 2021* recommendations and that the review be closed.

The Manager Governance and Corporate Performance introduced the item.

MN 2023/367

MOTION moved by the Administrator

THAT Council note the responses to the *Bushfire Response and Recovery Review 2021* recommendations and that the review be closed.

DECLARED CARRIED BY THE ADMINISTRATOR

9.5 Water Supply Economic Risk Review

Report Author: Manager Assets
Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Implementation of Wingecarribee Water Supply Augmentations continue unchanged.
2. Operation and maintenance of the Bundanoon water supply system, minor upgrades and renewals at the Bundanoon Water Treatment Plant (WTP) and Werai Water Pump Station (WPS) are continued to be undertaken until such time that the following projects are completed:
 - a. Wingecarribee WTP process improvement and 2031 augmentation;
 - b. Wingecarribee WTP to Moss Vale pipeline;
 - c. Moss Vale reservoir duplication; and
 - d. Renewal of transfer pipeline Moss Vale to Exeter.
3. Upon completion of the above projects the Bundanoon raw water supply, treatment plant and Werai WPS are decommissioned.
4. A qualified and experienced consultant is engaged to prepare a contingency plan in the unlikely event of total failure of Wingecarribee Dam.

The Manager Assets introduced the item.

MN 2023/368

MOTION moved by the Administrator

THAT:

1. *Implementation of Wingecarribee Water Supply Augmentations continue unchanged.*
2. *Operation and maintenance of the Bundanoon water supply system, minor upgrades and renewals at the Bundanoon Water Treatment Plant (WTP) and Werai Water Pump Station (WPS) are continued to be undertaken until such time that the following projects are completed:*
 - a. Wingecarribee WTP process improvement and 2031 augmentation;*
 - b. Wingecarribee WTP to Moss Vale pipeline;*
 - c. Moss Vale reservoir duplication; and*
 - d. Renewal of transfer pipeline Moss Vale to Exeter.*

3. *Upon completion of the above projects the Bundanoon raw water supply, treatment plant and Werai WPS are decommissioned.*
4. *A qualified and experienced consultant is engaged to prepare a contingency plan in the unlikely event of total failure of Wingecarribee Dam.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.6 Bowral Memorial Hall - Schedule of Fees and Charges for the Hire Post Exhibition Report

Report Author: Coordinator Property Services

Authoriser: Acting General Manager

The Director Corporate Strategy and Resourcing introduced the item.

MN 2023/369

MOTION moved by the Administrator

THAT Council adopt the 2022/23 Schedule of Fees and Charges for the Hire of Bowral Memorial Hall as placed on public exhibition, with the following administrative corrections to 9.2.1.4 Bonds:

1. Refundable bond and key deposit for events without alcohol per booking fee be amended from \$1000 to \$500 inclusive GST.
2. Refundable bond and key deposit for events alcohol per booking fee be amended from \$500 to \$1000 inclusive GST.

DECLARED CARRIED BY THE ADMINISTRATOR

9.7 Grant of Easement over Community Land at Public Reserve off Emily Circuit, Bowral - Post Exhibition Report

Report Author: Property and Project Officer

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT:

1. Council refer the issue of the grant of an Easement for Battery Storage over Council Community Land at Public Reserve, Emily Circuit, Bowral (being Lot 198 in Deposited Plan 1014858) to the Minister for Local Government for consent as required pursuant to Section 47(5) of the *Local Government Act, 1993* as written objections to the proposed Easement have been received during the public exhibition period.
2. If the Minister grants consent to the Easement referred to in Item 1 above, the General Manager and Administrator be delegated authority to execute the Plan of Easement and to affix the Common Seal of Council to any document required to be sealed in respect of the Easement.
3. Authority be delegated to the General Manager and Administrator to execute on behalf of Council any documents associated with the Easement referred to in Item 1 above not requiring affixing of the Common Seal of Council.
4. If the Minister does not grant consent to the Easement, a further report be forwarded to a future Ordinary Meeting of Council for consideration.
5. Council write to those residents who lodged a submission advising them that the issue of the Easement will now be referred to the Minister for Local Government.

The Director Corporate Strategy and Resourcing introduced the item.

MN 2023/375

MOTION *moved by the Administrator*

THAT *the matter be deferred to the Extraordinary Meeting of Council to be held on Wednesday 26 April 2023.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.8 Part 23-31 Leopold Street Mittagong - Proposed Acquisition

Report Author: Property and Project Officer

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT:

1. The General Manager be delegated authority to negotiate with the owner of Lot 2 in Deposited Plan 184723 and Lot 8 in Deposited Plan 176038, being part 23-31 Leopold Street, Mittagong for the acquisition of the land for the purpose of Public Reserve AND THAT compensation be negotiated within 10% range of independent formal valuation.
2. If the acquisition referred to in Item 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 for 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. Council affix the Common Seal of Council to any documents required to be sealed for the land referred to in Item 1 above AND THAT authority be delegated to the Mayor/Administrator and General Manager to execute those documents.
4. Authority be delegated to the Mayor/Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of the land referred to in Item 1 above that do not require the Common Seal of Council.
5. Upon acquisition the land be classified as Community Land.

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The Director Corporate Strategy and Resourcing introduced the item.

MN 2023/370

MOTION moved by the Administrator

THAT:

1. ***The General Manager be delegated authority to negotiate with the owner of Lot 2 in Deposited Plan 184723 and Lot 8 in Deposited Plan 176038, being part 23-31 Leopold Street, Mittagong for the acquisition of the land for the purpose of Public Reserve AND THAT compensation be negotiated within 10% range of independent formal valuation.***
2. ***If the acquisition referred to in Item 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 for 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. ***Council affix the Common Seal of Council to any documents required to be sealed for the land referred to in Item 1 above AND THAT authority be delegated to the Mayor/Administrator and General Manager to execute those documents.***
4. ***Authority be delegated to the Mayor/Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of the land referred to in Item 1 above that do not require the Common Seal of Council.***
5. ***Upon acquisition the land be classified as Community Land.***

DECLARED CARRIED BY THE ADMINISTRATOR

9.9 Investments Report as at 31 March 2023

Report Author: Deputy Chief Financial Officer

Authoriser: Acting General Manager

OFFICER'S RECOMMENDATION

THAT Council receives and notes this Cash Investment Report as at 31 March 2023.

MN 2023/371

MOTION *moved by the Administrator*

THAT Council receives and notes this Cash Investment Report as at 31 March 2023.

DECLARED CARRIED BY THE ADMINISTRATOR

9.10 Traffic Committee Meeting Minutes of 23 February 2023

Report Author: Administration Officer - Assets

Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. the Minutes of the Traffic Committee Meeting held on Thursday 23 February 2023 are received and noted.
2. Council adopts recommendation TC 2023/10 - Item 6.7 of the Minutes.

MN 2023/372

MOTION *moved by the Administrator*

THAT:

1. *the Minutes of the Traffic Committee Meeting held on Thursday 23 February 2023 are received and noted.*
2. *Council adopts recommendation TC 2023/10 - Item 6.7 of the Minutes.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.11 Audit, Risk and Improvement Committee Meeting Minutes of 2 March 2023

Report Author: Governance Officer

Authoriser: Manager Governance and Corporate Performance

OFFICER'S RECOMMENDATION

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday, 2 March 2023 be received and noted.

The General Manager addressed the meeting.

MN 2023/373

MOTION *moved by the Administrator*

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday, 2 March 2023 be received and noted.

DECLARED CARRIED BY THE ADMINISTRATOR

9.12 Country Mayors Association Meeting Minutes of 9 March 2023

Report Author: Executive Assistant to General Manager
Authoriser: General Manager

OFFICER'S RECOMMENDATION

THAT the report and minutes be noted.

MN 2023/374

MOTION moved by the Administrator

THAT the report and minutes be noted.

DECLARED CARRIED BY THE ADMINISTRATOR

10 MEETING CLOSURE

The General Manager advised of the Extraordinary Meeting of Council to be held on Wednesday 26 April 2023 at 3:30 pm. As part of the meeting Council will move into Committee of the Whole which will be conducted less formally, providing an opportunity for the management team to brief the Council and the community on the operational plan and budget. The community will also have the opportunity to ask questions in terms of clarity of the draft operational plan and budget ahead of the report to Council on 10 May 2023. The intent is to endorse the draft operational plan and budget at the meeting to go out on public exhibition to receive formal submissions.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.20pm