MINUTES

of the
Ordinary Meeting of Council

held in
Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 14 October 2015

The meeting commenced at 3.30pm

File No. 100/2015
1. OPENING OF THE MEETING

2. ACKNOWLEDGMENT OF COUNTRY

3. PRAYER

4. APOLOGIES
   Clr J R Clark

5. ADOPTION OF MINUTES OF PREVIOUS MEETING
   Ordinary Meeting of Council held on 23 September 2015

6. BUSINESS ARISING

7. DECLARATIONS OF INTEREST

8. MAYORAL MINUTES

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9. PUBLIC FORUM

COMMITTEE OF THE WHOLE

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    Nil

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PRESENT:
Clr L A C Whipper (Mayor – in the Chair)
Clr J G Arkwright
Clr H R Campbell
Clr T D Gair
Clr G McLaughlin
Clr I M Scandrett
Clr G M Turland
Clr J Uliana

IN ATTENDANCE:
General Manager Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk Mr Barry W Paull
Deputy General Manager Corporate, Strategy and Development Services Mr Mark Pepping
Group Manager Corporate and Community Mr Nick O’Connor
Group Manager Planning, Development and Regulatory Services Mr Nicholas Wilton
Acting Team Leader Town Planners Ms Ellie Varga
Acting Coordinator Strategic Planning Mrs Susan Stannard
Administration Officer Ms Liz Johnson

1. OPENING OF THE MEETING

The Mayor Cllr L A C Whipper opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Cllr L A C Whipper acknowledged country:

“We acknowledge the Traditional Owners and Custodians of this Land and we pay respect to the past and present Elders of the Country we are meeting on today.”

3. PRAYER

The meeting was led in prayer by Mr Peter Thomas, Director, Capernwray Australia.
4. APOLOGY

MN 522/15

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

THAT apology of Clr J R Clark be accepted and leave of absence granted.

PASSED

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 23 SEPTEMBER 2015

MN 523/15

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr J Uliana

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 23 September 2015 MN 487/15 to MN 521/15 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

1. GENERAL BUSINESS - QUESTION NO 6 – REPRESENTATION TO THE NSW PREMIER

Clr T D Gair referred to question 6 (on page 48 of the Minutes) raised by Clr Arkwright about whether he had met with the Premier and he advised that he had not met with the Premier, but noted that on page 7 of the Sydney Morning Herald that day it was mentioned that Council had met with the Premier. Clr Gair advised that the Goulburn Post noted that the Premier was in Goulburn on 22 August 2014 and the Premier's diary notes that Wingecarribee met with him on 22 August 2014, so that it appears last year that Clr Arkwright thought that he had met with the Premier but it was actually Clr Arkwright who had met with the Premier.

Clr J G Arkwright advised that she was surprised that no-one had met with the Premier since that time but the reference was to the last calendar year and this term of office.
7. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

101/3.1, 15/0081

Clr G M Turland declared a less than significant non-pecuniary interest in Item 10.1 – DA 15/0081 – Construction of a 25 Multi-dwelling Housing Development, 18 Kangaloon Road, Bowral - as he is director of a company that owns land in a similar zoning. He stated that he will be absent from the Chambers for consideration of that item.

101/3.1, 5302

Clr H R Campbell declared a less than significant non-pecuniary interest in Item 13.2 – Development Applications Received 24.8.2015 to 30.0.2015 - as she knows a person in her capacity as a member of the Moss Vale Chamber of Commerce who is applying for a DA. She stated that she would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1, PN193900

Clr T D Gair declared a less than significant non-pecuniary interest in Item 13.5 – Planning Agreement – 391-397 Bong Bong Street, Bowral - as he is in the same line of business. He stated that he will be absent from the Chambers for consideration of that item.
8. MAYORAL MINUTES

8.1 Wingecarribee Art Prize - Request for Annual Contribution

Reference: 102, 1660/4
Report Author: Mayor
Authoriser: Mayor
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

A request has been received from the President of the Bowral and District Art Society (BDAS) in regard to the funding and frequency of the Wingecarribee Shire Council Art Prize, known as the Wingecarribee Art Prize.

Since 2007, Council has funded the Wingecarribee Art Prize to the value of $3000 bi-annually. Since that time, the prestige of the prize has grown and it now draws an average of 90 entries from both our local district and from a number of other regions making it a major prize exhibition in the art world.

In order to maintain the prestige of the prize and bring it into line with the Society’s other sponsored exhibitions, BDAS have requested that Council consider increasing the prize to $4000 on an annual basis, commencing in 2016.

As the calendar of exhibitions for 2016 is being finalised and the Wingecarribee Prize does not feature, an indication of Council’s support for the changes in the prize is needed as soon as possible.

In order to fund the prize for 2016, an additional Council allocation of $2500 will need to be found from the 2015/16 Budget. As these funds have not been budgeted in the Arts and Culture Budget, it is proposed to allocate $2500 from the Contingency Fund for this purpose.

The funding of the Prize for future years will be referred to the Arts and Culture Committee for recommendations in regards to ongoing frequency and budget allocation.

The Bowral and District Art Society have chosen a “Landscape” theme for the 2016 prize and when advising the BDAS of Council’s funding decision, I would also suggest that the Prize be promoted to the Aboriginal community and that they ensure that Indigenous representations of landscape be included in guidelines for the Prize.

Clr H R Campbell left the Chamber, the time being 3.47 pm.
MN 524/15

MOTION moved by Mayor L A C Whipper and seconded by Clr J G Arkwright

1. **THAT** Council support the request to stage the Wingecarribee Art Prize in 2016.

2. **THAT** the additional funds required of $2500.00 for the 2016 Wingecarribee Art Prize (“the Prize”) be allocated from the 2015/16 Contingency Fund.

3. **THAT** Council support the Wingecarribee Art Prize “Landscape” theme for 2016 and request that the Prize be promoted to the Aboriginal community AND **THAT** Indigenous representations of landscape be included in guidelines for the Prize.

4. **THAT** the request to change the Wingecarribee Art Prize from Bi-Annually to Annually, with an increase in the prize monies, be referred to the Arts & Culture Committee for discussion and recommendation be brought back to Council.

**PASSED**

Clr H R Campbell returned to the meeting, the time being 3.49 pm.
9. PUBLIC FORUM

ITEM 13.4 – PLANNING PROPOSAL TO AMEND SCHEDULE 1 OF WLEP 2010 TO PERMIT DEVELOPMENT FOR THE PURPOSE OF A HEALTH SERVICES FACILITY BEING A HOSPICE ON LAND AT LOT 2 DP 546287, 25 GREENHILLS ROAD, BERRIMA

Ms Mary Cawood, representing the Berrima Residents Association, requested and was granted approval to speak on this matter which is listed on the Agenda.

Clr J Uliana left the Chambers, the time being 3.52 pm and returned to the meeting at 3.53 pm.

Dr Margaret Rosenthal, representing the Southern Highlands Community Hospice Board, also requested and was granted approval to speak on this matter.

The Mayor Clr L A C Whipper thanked Ms Cawood and Dr Rosenthal for their comments and noted that the matter will be considered later in the meeting.
REPORT ON KANGAROO MARCH

1670/13

Clr I M Scandrett provided an update on the Kangaroo March. He advised that the march commenced at Wagga and travelled 520 kms over almost 40 days, and ended up at Campbelltown last Saturday, and advised that he attended the end of the march on behalf of the Mayor and Council.

Clr Scandrett advised that the idea started in Exeter 3 years ago when a group got together with the idea of re-enacting the march from Wagga, 100 years after the original march, with Council initially sponsoring the endeavour for $5,000 and resourced with Council staff.

He advised that the logistics were huge as the march was on highways - although a lot of the time it was off road - but there were times when the marchers were heavily involved with traffic and the various Councils along the way provided traffic support, including our Council.

Clr Scandrett wished to record the 8 members on the committee who served for 3 years and gave up a great deal of their time – President Graham Brown, Rhonda Vanzella, the Vice President, O J Rushton, David Williamson, Jan Brown, Angela Williamson, Nick Illek, and Clr Scandrett’s wife Julie.

The Mayor Clr L A C Whipper advised that the event was quite a success.

Clr J Uliana left the Chambers, the time being 4.00 pm.
MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr T D Gair

THAT in accordance with Section 373 of the Local Government Act, 1993, Council moves into Committee of the Whole to consider various matters detailed in the Agenda with Clr G McLaughlin to take the Chair.

PASSED

Clr J Uliana returned to the meeting, the time being 4:01 pm.
10. VISITOR MATTERS

OPERATIONS

There were no Visitor Matters – Operations – at this Meeting.
CORPORATE & STRATEGY

10.1 DA 15/0081 - Construction of a 25 Multi-dwelling Housing Development, 18 Kangaloon Road, Bowral

Reference: 15/0081
Report Author: Acting Team Leader Town Planning
Authoriser: Group Manager Planning, Development & Regulatory Services
Applicant: Tina Tziallas Architecture Studio
Owner: DH MB Pty Ltd
Link to Corporate Plan: Ensure future development respects the character of the areas in which it is located, and reinforce that character with appropriately sited and designed new development

PURPOSE

The purpose of this report is to reconsider a development application, 15/0081 which seeks consent to construct a 25 multi-dwelling housing development at 18 Kangaloon Road, Bowral. The application was considered at Council’s Ordinary Meeting on 8 July 2015. At this meeting, it was resolved that the application be deferred pending the submission of revised plans that would achieve strict compliance with the prescriptive standards within the Bowral Town Development Control Plan, and that would demonstrate an overall reduction in ridge height of Blocks D & E by 2m to achieve a reduced bulk and scale. This report considers additional information that has been provided by the applicant to address Council’s concerns with the proposal. The report considers the modifications to the design of the development as being adequate to achieve compliance with the nominated DCP controls and recommends approval, subject to conditions.

Interest: Cllr G M Turland declared a less than significant non-pecuniary interest in this matter as he director of a company that owns land in a similar zoning. He left the chamber, the time being 4.33 pm, took no part in the debate and refrained from voting on the matter.

Mr Scott Lee addressed Council on this matter on behalf of the objectors.
Mr Darren Hogan addressed Council on behalf of the applicant.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.
MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

1. THAT Development Application DA 15/0081 for the construction of a 25 multi-dwelling housing development on proposed Lot 842 in DA 14/0393, 18 Kangaloon Road, Bowral be DEFERRED to allow Council to assess the proposed amendments to the development consisting of the removal of units 15 and 21 from the proposal against the provisions of the Bowral Town DCP subject to the submission of amended plans.

2. THAT Council resolve to prepare an amendment to the Bowral Town DCP to amend Figure C3.8 to change the floor space ratio density of the site currently known as 18 Kangaloon Road to R3-A which has a maximum floor space ratio of 0:40:1.

3. THAT the density of other adjoining sites in the same vicinity be reviewed given the context of their location to R2 Low Density Zoned land.

AMENDMENT moved by Clr H R Campbell and seconded by

THAT development application DA 15/0081 for the construction of a 25 multi-dwelling housing development on proposed Lot 842 in DA14/0393, 18 Kangaloon Road, Bowral be issued with a DEFERRED COMMENCEMENT subject to conditions described in Attachment 1 to the report and subject to the applicant’s submission of amended architectural and landscaping plans prior to the Construction Certificate being awarded showing the deletion of Units 15 and 21 achieving setbacks and separations and reduced density to improve the DA.

THE AMENDMENT LAPSED THROUGH THE WANT OF A SECONDER

Clr H R Campbell left the Chambers, the time being 4.55 pm, and returned to the meeting at 4.58 pm.

AMENDMENT moved by Clr J Uliana and seconded by Deputy Mayor I M Scandrett

1. THAT Development Application DA 15/0081 for the construction of a 25 multi-dwelling housing development on proposed Lot 842 in DA 14/0393, 18 Kangaloon Road, Bowral be REFUSED and the applicant be advised of Council’s decision, for the following reasons:

   (a) The impact on the residential amenity on the community including inadequate setbacks and the lack of endeavour to maximise integration of higher density forms into existing neighbourhood character.

   (b) The 6m setback as advised by Council’s Heritage Adviser.

   (c) The height along the eastern boundary being excessive and the constriction of parking and delivery arrangements to Biota not achieving the objectives of the R3 zone.

   (d) The unbroken wall mass being excessive leading to severe amenity impacts to the neighbours.
(e) The bulk and scale to Martha Street not being reflective of the general character of the precinct.

(f) The conflict that would exist between the commercial premises adjacent to this development and its relation to the residential neighbours.

(g) The reduction of the easement to 4.6 metres instead of 6 metres.

(h) The privacy and noise issues associated with the Biota outdoor dining areas that would affect the amenity of any proposed development.

(i) That generally the non-compliances have material impacts that reflect poorly on the suitability of the site, the built form and the relationship that the development will have with its neighbours.

(j) That the overlooking into the rear yards of low density neighbours is not an acceptable outcome.

(k) That the resolution of individual garbage pick-up is unsatisfactory.

2. THAT Council resolve to prepare an amendment to the Bowral Town DCP to amend Figure C3.8 to change the floor space ratio density of the site currently known as 18 Kangaloon Road to R3-A which has a maximum floor space ratio of 0:40:1.

3. THAT the density of other adjoining sites in the same vicinity be reviewed given the context of their location to R2 Low Density Zoned land.

THE AMENDMENT WAS PUT TO THE VOTE AND PASSED

VOTING ON THE AMENDMENT

For the Amendment: Cllr J G Arkwright, Deputy Mayor I M Scandrett, Cllr J Uliana and Mayor L A C Whipper

Against the Amendment: Cllr H R Campbell, Cllr T D Gair and Cllr G McLaughlin

THE AMENDMENT BECAME THE MOTION

THE MOTION WAS PUT TO THE VOTE AND PASSED

VOTING ON THE MOTION

For the Motion: Cllr J G Arkwright, Deputy Mayor I M Scandrett, Cllr J Uliana, and Mayor L A C Whipper

Against the Motion: Cllr H R Campbell, Cllr T D Gair and Cllr G McLaughlin

Clr G M Turland returned to the meeting, the time being 5.14 pm.
10.2 DA 14/1103 Alterations and Additions to State Listed Item of Heritage "Former Post Office", Construction of a Detached Garage/Office Space and Change of Use to a Food and Drink Premises and Tourist and Visitor Accommodation - 5 Station Street, Mittagong

Reference: 14/1103
Report Author: Acting Team Leader Town Planning
Authoriser: Group Manager Planning, Development & Regulatory Services
Applicant: Accomplished Development Services
Owner: M Henderson & LG O’Connor-Henderson
Link to Corporate Plan: Identify and promote buildings, places, trees, gardens, landscapes and other areas of significant cultural heritage value

PURPOSE

The purpose of this report is to consider DA 14/1103 which seeks integrated development consent for a commercial mixed use proposal including restoration works to the State listed item of heritage ‘Former Post Office’ and construction of a detached garage/office/storage space at 5 Station Street, Mittagong. The mixed use component of the application would comprise a food and drink premises on the ground floor with tourist and visitor accommodation on the first floor.

The report recommends Council accept the restoration works to the State listed heritage item in lieu of full provision of car parking on the site. Consequently, this report is prepared for determination by Councillors and recommends approval, subject to conditions.

Interest: Cllr J Uliana declared a less than significant non-pecuniary interest in this matter as he is the owner of an accommodation, food and drink premises as part of major tourism accommodation venue. He remained in the Chambers, took part in the debate and voted on the matter.

Mr Peter Mitchell addressed Council on this matter on behalf of the Applicant.

The General Manager left the Chambers at 5.18 pm.

Mayor L A C Whipper left the Chambers, the time being 5.18 pm and returned to the meeting at 5.20 pm.

The General Manager returned to the meeting at 5.27 pm.
VOTING ON THE MOTION
Councillors are required to record their votes on this matter.

MN 527/15

MOTION moved by Clr T D Gair and seconded by Mayor L A C Whipper

THAT development application DA 14/1103 for alterations and additions to State Listed Item of Heritage ‘Former Post Office’, construction of a detached garage/office/storage space and change of use to a food and drink premises and tourist and visitor accommodation at Lot 1 DP 746469, 5 Station Street, Mittagong be APPROVED subject to conditions as described in Attachment 1 to the report.

PASSED

VOTING ON THE MOTION

For the motion: Clr J G Arkwright, Clr H R Campbell, Clr T D Gair, Clr G McLaughlin, Deputy Mayor I M Scandrett, Clr G M Turland, Clr J Uliana and Mayor L A C Whipper

Against the motion: Nil
MAYOR RESUMES THE CHAIR

**MN 528/15**

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

THAT Council move from Committee of the Whole back into Council, the time being 5.34 pm with the Mayor Clr L A C Whipper resuming the Chair to conduct the remainder of Council Business.

**PASSED**
11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.
12. OPERATIONS FINANCE & RISK

12.1 Lease, 1 Old Hume Highway, Mittagong

Reference: PN676300; 7142/2
Report Author: Senior Property Officer
Authoriser: Manager Business Services
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this Report is to:

• advise Council in respect of the future expiry of the current Lease of the Mittagong Caravan Park at 1 Old Hume Highway Mittagong; and

• to have Council endorse the processes to ensure that Council complies with its obligations under the Local Government Act 1993 with respect to a further Lease of the Council Property.

This matter is referred to Closed Council 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 proposed to conduct) business and under clause 10a(2)(d)(i) as it contains commercial information of a confidential nature that would, if disclose, prejudice the commercial position of the person who supplied it.

MN 529/15

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

THAT the report concerning Lease, 1 Old Hume Highway Mittagong – Item 22.1 - be considered in Closed Council.

AMENDMENT moved by Clr T D Gair and seconded by Clr H R Campbell

THAT the report concerning Lease, 1 Old Hume Highway Mittagong - Item 22.1 - be dealt with in Open Council.

ON BEING PUT TO THE MEETING THE VOTING ON THE AMENDMENT WAS TIED AT FOUR (4) VOTES ALL AND THE MAYOR USED HIS CASTING VOTE IN FAVOUR OF THE MOTION

MOTION PASSED
Note: In accordance with Council’s Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

There were no objections from the public.
12.2 Proposed Licence Agreement, Land Adjoining Lot 1 Deposited Plan 591154, Railway Avenue, Balmoral

Reference: PN1231900
Report Author: Senior Property Officer
Authoriser: Manager Business Services
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to gain Council approval to enter into a new Licence Agreement for the continuation of use of land adjoining Lot 1 Deposited Plan 591154, Railway Avenue, Balmoral. This is land that is currently under licence by Council from RailCorp for the Balmoral Rural Fire Service (‘RFS’).

MN 530/15

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

1. THAT the General Manager be delegated authority to negotiate the terms and conditions of the Licence Agreement with Rail Corp for the land adjoining Lot 1 Deposited Plan 591154 Railway Avenue Balmoral AND THAT it is noted that the purpose of the licence is for Rural Fire Service operations.

2. THAT the General Manager and Mayor be delegated authority to execute the Licence Agreement (referred to in resolution number 1) under the Common Seal of Council.

PASSED
12.3 Lease Mittagong Recreation Centre, Part 1 Old Hume Highway, Mittagong - Police Citizens Youth Club Facility

Reference: PN676300; 1830/24
Report Author: Senior Property Officer
Authoriser: Manager Business Services
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The objective of this report is to gain Council approval to enter into a lease of Council property at part 1 Old Hume Highway, Mittagong with the Police Citizens Youth Club (‘PCYC’) for the exclusive occupation and use of the Mittagong Recreation Centre as a PCYC facility.

MN 531/15

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

1. THAT Council grant a five (5) year lease with a five (5) year option to renew to the Police Citizens Youth Club New South Wales (‘PCYC NSW’) of the premises known as the Mittagong Recreation Centre, part 1 Old Hume Highway Mittagong being part Lot 1 Deposited Plan 724437 AND THAT it be noted that during the fifth year negotiations for the renewal of the lease are undertaken.

2. THAT the proposed lease be publicly exhibited for a minimum twenty eight (28) day period AND THAT it is noted that any objection to the proposed lease will require Council to refer the lease to the Minister for Local Government for consent.

3. THAT if there is no objection to the proposed lease following the public exhibition of the lease document, the General Manager and Mayor are delegated authority to execute the lease of the Mittagong Recreation Centre under the Common Seal of the Council for the exclusive use and occupation of the premises to the PCYC NSW.

4. THAT Council grant a twelve (12) month licence agreement to the PCYC NSW for the premises known as the Mittagong Recreation Centre, part 1 Old Hume Highway, Mittagong, should there be delays in having the lease of the Council property executed prior to the due date for the opening of the new PCYC facility

PASSED
12.4 Proposed Right of Access over Council Property, 12 Hill Road, Moss Vale

Reference: PN1785300, 7702/2  
Report Author: Senior Property Officer  
Authoriser: Manager Business Services  
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to obtain Council approval to negotiate with NBN Limited for a right of access over Council property at 12 Hill Road, Moss Vale.

MN 532/15

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr J Uliana

1. THAT a valuation report be obtained from a registered valuer to assess the compensation that is payable to Council as property owner for the grant of a right of access over the property known as 12 Hill Road, Moss Vale in favour of NBN Co Limited.

2. THAT the General Manager is delegated authority to negotiate with NBN Co Limited within 10% range of the formal valuation referred to in resolution 1 above.

3. THAT the General Manager and Mayor are delegated authority to execute the agreement or real property dealing granting a right of access over 12 Hill Road, Moss Vale in favour of NBN Co Limited under the Common Seal of the Council.

PASSED
12.5 Reinstatement of the Water and Sewerage Advisory Committee

Reference: 7799/2.1  
Report Author: Manager Projects & Contracts  
Authoriser: Deputy General Manager Operations, Finance & Risk  
Link to Corporate Plan: Conserve the key natural resources of the Shire water catchments, arable land, key wildlife corridors, vegetation and scenic landscapes

PURPOSE

To recommend to Council the reinstatement of the Water and Sewerage Advisory Committee.

MN 533/15

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

1. **THAT** Council endorses the re-establishment of the Water and Sewer Advisory Committee.

2. **THAT** Council endorses the following Councillors for the positions on the Water and Sewer Advisory Committee:
   
   (a) Clr LA C Whipper (Mayor of the Day - Chair)  
   (b) Clr T D Gair (Alternate Chair)  
   (c) Clr G M Turland (Councillor)  
   (d) Clr J R Clark (Alternate Councillor)

3. **THAT** Council endorses the following staff attend meeting of the Water and Sewer Advisory Committee:

   (a) General Manager  
   (b) Deputy General Manager Operations, Finance and Risk  
   (c) Manager Projects & Contracts  
   (d) Chief Financial Officer  
   (e) Manager Assets  
   (f) Manager Water & Sewer

4. **THAT** Council endorses that the Water and Sewer Advisory Committee meet on an approximate regular three (3) monthly basis.

5. **THAT** Council writes to WaterNSW, Department of Primary Industries – Water and the NSW Environment Protection Authority and invites them to provide representatives for the Water and Sewer Advisory Committee.

**PASSED**
12.6 Donations to the Highlands District Cricket Association

Reference: 6607/1, 107/30
Report Author: Parks Assets Coordinator
Authoriser: Acting Manager Assets
Link to Corporate Plan: Foster community participation

PURPOSE

The purpose of this report is to seek Council’s support to provide cricket wicket materials to the Highlands District Cricket Association for use on private property.

MN 534/15

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr J Uliana

THAT Council supports the donation of $6,900 to the Highlands District Cricket Association for the provision of 2 synthetic grass wickets and glue for 3 cricket wickets AND THAT the funds be drawn from the Contingency Fund.

PASSED
13. CORPORATE STRATEGY & DEVELOPMENT SERVICES

13.1 Development Applications Determined 20.8.2015 to 30.9.2015

Reference: 5302
Report Author: Administration Officer
Authoriser: Group Manager Planning, Development & Regulatory Services
Link to Corporate Plan: Ensure future development respects the character of the areas in which it is located, and reinforce that character with appropriately sited and designed new development

PURPOSE

This report provides a list of development consents determined from 24 August 2015 to 30 September 2015.

MN 535/15

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

THAT the information relating to Development Consents Determined by Way of Approval under Delegated Authority Nos 1 to 78 be received and noted.

PASSED
## 13.2 Development Applications Received 24.8.2015 to 30.9.2015

| Reference: | 5302 |
| Report Author: | Administration Officer |
| Authoriser: | Group Manager Planning, Development & Regulatory Services |

**Link to Corporate Plan:** Ensure future development respects the character of the areas in which it is located, and reinforce that character with appropriately sited and designed new development.

### PURPOSE

This report provides a list of development applications which have been received between 24 August 2015 and 30 September 2015, some of which have been dealt with under delegated authority.

**Interest:** Cllr H R Campbell declared a less than significant non-pecuniary interest in this matter as she knows a person in her capacity as a member of the Moss Vale Chamber of Commerce who is applying for a DA. She remained in the Chambers, took part in the debate and voted on the matter.

**Interest:** Cllr J Uliana declared a pecuniary interest in this matter as he and his wife are the owners of a parcel of land the subject of a DA for a dwelling house. He remained in the Chambers, took part in the debate and voted on the matter.

The Group Manager Planning, Development and Regulatory Services addressed Council on this matter.
MN 536/15

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

1. THAT the information relating to the List of Development Applications Received Nos 1 to 118 be received and noted.

2. THAT the following items be referred to Council for determination:

   (a) Item 42 – Boundary Adjustment – 24 Queen Street, Bowral – Lots 42, 43 and 44 DP 80794 (DA 15/0917)
   (b) Item 52 – Outbuildings (Shed) – The Mill, 1 Throsby Park Road, Moss Vale – Lot H DP 109154 (DA 15/0869)
   (c) Item 78 – New Dwelling – 35A Werrington Street, Burradoo – Lot 30 DP 1025047 (DA 15/0898)

3. THAT information be provided in the Weekly Circular on the following items:

   (a) Item 21 – Use of Existing Barn for an Agricultural Produce Industry (Brewery) – 392 Exeter Road, Sutton Forest – Lot 4 DP 233035 (DA 15/0858)
   (b) Item 27 – Development Application – Hume Highway, Braemar – Lots 2 and 4 DP 870698 (DA 15/0832)

PASSED
13.3  Darraby Sewer Planning Agreement

Reference: 5701/39  
Report Author: Acting Coordinator Strategic Planning  
Authoriser: Group Manager Planning, Development & Regulatory Services  
Applicant: Darraby Pty Ltd & Broughton Street Moss Vale Pty Ltd  
Owner: Wingecarribee Shire Council  
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to consider the Darraby Sewer Planning Agreement (Voluntary Planning Agreement), which is proposed to be entered into by Darraby Pty Ltd, Broughton Street Moss Vale Pty Ltd (Developers) and Wingecarribee Shire Council. The Planning Agreement forms a legally binding agreement between Council and the Developers of Darraby in respect to the design, construction and dedication of a new sewerage main and two pumping stations connecting the remainder of the Darraby residential development to the Moss Vale Sewerage Treatment Plant (STP). The new sewerage main and pumping stations must be operational prior to any further housing being released in the subdivision, as there is no further capacity in the current system servicing Darraby to enable further development.

This report recommends that the Darraby Sewer Planning Agreement (Attachment 1 to the report) be placed on public exhibition for 28 days and individual owners of private property affected by the proposed main informed in writing of the effect of the Planning Agreement.

The Deputy General Manager Corporate, Strategy & Development Services addressed Council on this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.
MN 537/15

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr H R Campbell

1. THAT the Draft Darraby Sewer Planning Agreement (Attachment 1 to the report) to be entered into by Darraby Pty Ltd, Broughton Street Moss Vale Pty Ltd and Wingecarribee Shire Council be placed on public exhibition for twenty eight (28) days in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

2. THAT private land affected by the proposed sewer main route be informed in writing of the effect of the Darraby Planning Agreement and invited to comment during the public exhibition period.

3. THAT parties to the Draft Planning Agreement, other than Council, be informed of Council’s decision.

PASSED

VOTING ON THE MOTION

For the motion: Clr J G Arkwright, Clr H R Campbell, Clr T D Gair, Clr G McLaughlin, Deputy Mayor I M Scandrett, Clr G M Turland, Clr J Uliana and Mayor L A C Whipper

Against the motion: Nil
13.4 Planning Proposal to Amend Schedule 1 of WLEP2010 to Permit Development for the Purpose of a Health Services Facility Being a Hospice on Land at Lot 2 DP 546287, 25 Greenhills Road, Berrima

Reference: 5901
Report Author: Acting Coordinator Strategic Planning
Authoriser: Group Manager Planning, Development & Regulatory Services
Link to Corporate Plan: Maintain strong public institutions and facilities in the district to match the evolving needs of the community

PURPOSE

The purpose of this report is to present to Council a submission to amend Wingecarribee Local Environmental Plan 2010 (WLEP2010) to enable the establishment of a community hospice on a two (2) hectare portion of Lot 2 DP 546284, 25 Greenhills Road, Berrima.

The Acting Coordinator Strategic Planning addressed Council on this matter.

Clr J Uliana left the Chambers, the time being 5.48 pm and returned to the meeting at 5.52 pm.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 538/15

MOTION moved by Deputy Mayor I M Scandrett and seconded by Clr J Uliana

THAT a Planning Proposal be prepared and submitted to the NSW Department of Planning and Environment to amend Schedule 1 of Wingecarribee Local Environmental Plan 2010 to permit development for the purpose of a Health Services Facility being a Hospice on an allotment of no less than two (2) hectares created from Lot 2 DP 546287, 25 Greenhills Road, Berrima.

LOST

VOTING ON THE MOTION

For the Motion: Deputy Mayor I M Scandrett, Clr G M Turland and Mayor L A C Whipper

Against the Motion: Clr J G Arkwright, Clr H R Campbell, Clr T D Gair, Clr G McLaughlin and Clr J Uliana
13.5 Planning Agreement - 391-397 Bong Bong Street, Bowral

<table>
<thead>
<tr>
<th>Reference:</th>
<th>PN193900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report Author:</td>
<td>Deputy General Manager Corporate, Strategy &amp; Development Services</td>
</tr>
<tr>
<td>Authoriser:</td>
<td>Deputy General Manager Corporate, Strategy &amp; Development Services</td>
</tr>
<tr>
<td>Link to Corporate Plan:</td>
<td>Strengthen the connectivity, liveability and vibrancy of towns and villages</td>
</tr>
</tbody>
</table>

**PURPOSE**

The purpose of this report is to discuss the Planning Agreement for 391-397 Bong Bong Street Bowral (Dirty Janes), which has been drafted under Section 93F of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and placing the Planning Agreement on Public Exhibition in accordance with the EP&A Act and *Environmental Planning and Assessment Regulation 2000* (EP&A Reg).

It is recommended that the Planning Agreement be placed on public exhibition.

**Interest:** Councillor T D Gair declared a less than significant non-pecuniary interest in this matter as he is in the same line of business. He left the Chambers, the time being 6.25 pm, took no part in the debate and refrained from voting on the matter.

The Group Manager Planning, Development and Regulatory Service addressed Council on this matter.

**VOTING ON THE MOTION**

Councillors are required to record their votes on this matter.
MN 539/15

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

1. THAT the Planning Agreement – 391-397 Bong Bong Street, Bowral as contained in Attachment 1 to the report be placed on public exhibition for twenty eight (28) days in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

2. THAT should there be no public submissions to the exhibition of the Planning Agreement, no further report to Council be required AND THAT the General Manager be delegated authority to execute the Planning Agreement between Council and the Developers by signing the Execution Page of the Planning Agreement.

3. THAT the Developers be advised of Council’s decision.

PASSED

VOTING ON THE MOTION

For the Motion: Clr J G Arkwright, Clr H R Campbell, Clr G McLaughlin, Deputy Mayor I M Scandrett, Clr G M Turland, Clr J Uliana and Mayor L A C Whipper

Against the Motion: Nil

Clr T D Gair returned to the meeting, the time being 6.27 pm.
13.6  Environment Policy Review

Reference: 5450/28
Report Author: Environmental Policy Officer
Authoriser: Environment & Health Systems Coordinator
Link to Corporate Plan: Conserve the key natural resources of the Shire water catchments, arable land, key wildlife corridors, vegetation and scenic landscapes

PURPOSE

This report seeks approval to adopt the revised Wingecarribee Shire Council's Environment Policy, last updated in 2013. The policy has been reviewed and amendments proposed reflect updates to Council's environmental management and assessment procedures.

MN 540/15

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

THAT Council adopt the amended Environment Policy which supersedes the current Environment Policy.

PASSED
13.7 Local Orders Policy (Order 21) Review

**Reference:** 201/5.1  
**Report Author:** Environmental Policy Officer  
**Authoriser:** Manager Environment & Sustainability  
**Link to Corporate Plan:** Conserve the key natural resources of the Shire water catchments, arable land, key wildlife corridors, vegetation and scenic landscapes

**PURPOSE**

This report seeks approval for the public exhibition of the updated draft Local Orders Policy (Order 21), in line with the requirements of the *Local Government Act 1993*. The policy has been reviewed and minor amendments are proposed reflecting updates to Council’s procedures.

**MN 541/15**

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

**THAT** Council endorse the public exhibition of the draft Local Orders Policy (Order 21).

**PASSED**
13.8 Policy Review: Payment of Expenses and Provision of Facilities to the Mayor and Councillors

Reference: 101/5
Report Author: Integrated Planning & Reporting Coordinator
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Section 252 of the Local Government Act 1993 requires the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy be reviewed and adopted within five months after the end of each financial year. The purpose of this report is to place the draft reviewed policy on public exhibition for a period of twenty eight (28) days.

Deputy Mayor I M Scandrett left the Chambers, the time being 6.38 pm and returned to the meeting at 6.40 pm.
MN 542/15

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

1. THAT the draft revised Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public, with the following amendments to the draft Policy – Attached 1 to the Report:

(i) Reimbursement for attendance at “Council Committees” will generally be limited to Committees of the Whole, or committees or working groups of which the councillor has been appointed as a member by the Council, noting however should a councillor who chooses to attend other committees (ie, a committee of which they are not a member), or non-Council committees (unless appointed by Council resolution as a delegate) or community functions or information sessions, will be reimbursed for travel and reasonable out of pocket expenses to an annual limit of $400.

(ii) The following clauses be removed from the definitions section of the draft policy on page 284 of the Business Paper to ensure consistency with Council’s Code of Meeting Practice:

“(a) Councillors wishing to attend a Committee meeting of Council when not the appointed delegate are to seek approval in accordance with item (d) Business of Council, at least twenty four (24) hours prior to the commencement of the committee meeting; and

(b) Ensure the appropriate form as provided by council is duly signed; and”

2. THAT a further report be submitted to Council following conclusion of the public exhibition period.

PASSED
14. GENERAL MANAGER

14.1 Submission on Joint Organisations, Emerging Directions Paper

Reference: 200/11
Report Author: Integrated Planning & Reporting Coordinator
Authoriser: General Manager
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

On the 10 September 2015 the Office of Local Government released its Joint Organisations, Emerging Directions Paper. A draft response to this Discussion Paper has been prepared and this report seeks Council’s endorsement for its submission to the Office of Local Government.

The General Manager addressed Council on this matter.

MN 543/15

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

THAT Council endorse the draft submission to the Office of Local Government as Council’s response to the Joint Organisations, Emerging Directions Paper – refer Attachment 2 to the report.

PASSED
14.2 Disclosures by Councillors and Designated Persons

**Reference:** 101/3
**Report Author:** Governance Officer
**Authoriser:** Integrated Planning & Reporting Coordinator
**Link to Corporate Plan:** Ensure systems and processes are in place to achieve mutual trust and collaboration

**PURPOSE**

To table the Register of Pecuniary Interest Declarations as at 30 September 2015, as required by the *Local Government Act 1993*.

The Group Manager Corporate & Community addressed Council on this matter and tabled the Register of Pecuniary Interest Declarations.

**MN 544/15**

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

*THAT the information in the report in relation to the Pecuniary Interest Returns as at 30 September 2015 be received and noted.*

**PASSED**
15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.
16. PETITIONS

There were no Petitions at this Meeting.
17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.
18. COMMITTEE REPORTS

There were no Committee Reports at this Meeting.
19. QUESTIONS WITH NOTICE

19.1 Question with Notice 07/2015 - Schedule of Operational Works from the Traffic Committee

| Reference:       | 101/2,107/6          |
| Report Author:   | Administration Officer |
| Authoriser:      | Deputy General Manager Operations, Finance & Risk |
| Link to Corporate Plan: | Ensure systems and processes are in place to achieve mutual trust and collaboration |

To:          Deputy General Manager Operations, Finance & Risk  
From:        Clr John Uliana  
Received:    7 October 2015

Subject: Schedule of Operational Works from the Traffic Committee

Question:
Is it possible for all outstanding operational works to be brought forward and completed by year’s end? If not, why not? Please list each item.

Response:
Staff have reviewed the outstanding matters and developed a works program to ensure that all outstanding matters will be completed and an update on the status of those matters will be provided to the Traffic Committee Meeting to be held on 20 November 2015.

MN 545/15

MOTION moved by Clr J Uliana and seconded by Deputy Mayor I M Scandrett

THAT the information in relation to Question with Notice 07/2015 – Schedule of Operational Works from the Traffic Committee - be noted.

PASSED
19.2 Question with Notice 08/2015 - Mittagong Pool

Reference: 101/2, 6703/4, 6703/4.1, 6703/4.2
Report Author: Administration Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: Deputy General Manager Operations, Finance & Risk
From: Mayor Clr Larry Whipper
Received: 7 October 2015

Subject: Mittagong Pool

Question:
Could you please advise the delay in the opening of the Mittagong Pool and a breakdown of all budget overruns from original forecast.

Response:

Project completion has been delayed due to the need to upgrade the power supply to the Centre to provide sufficient power to service the new water treatment plant. In order to provide water treatment on the site that is closer to health department guideline requirements, the water turnover rates at the Centre have been significantly increased.

Therefore the Centre requires larger pumps to service the water rates and therefore increased electrical demand.

Council has been working through design and construction approvals with Endeavour Energy and the required approvals are now in place.

Surveyors should have been on site prior to the Council meeting to mark out boundaries on site and electrical works should commence on site soon.

Full detail budget report has been prepared including proposed additional works requested outside the original scope and will be reported to the next Finance Committee meeting for consideration.

MN 546/15

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

THAT the information in relation to Question with Notice 08/2015 – Mittagong Pool - be noted.

PASSED
19.3 Question with Notice 09/2015 - Schedule of Operational Works from the Access Committee

Reference: 101/2, 1828/3
Report Author: Administration Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: Deputy General Manager Operations, Finance & Risk
From: Clr Ian Scandrett
Received: 7 October 2015

Subject: Schedule of Operational Works from the Access Committee

Question:
Can all the outstanding works be scheduled to be completed within this year? I note some of these works are 3 years old. If not by year end, please give a detailed response as to each of the items remaining on the list.

Response:
Noting the short notice of this request, Council officers will need time to review the outstanding matters to provide an appropriate response back to Council. A report will be presented to the next Access Committee Meeting indicating how the outstanding matters will be addressed.

MN 547/15

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

THAT the information in relation to Question with Notice 09/2015 – Schedule of Operational Works from the Access Committee - be noted.

PASSED
19.4  Question with Notice 10/2015 - KKKK Sign on Moss Vale Road

Reference: 101/2, 7415
Report Author: Administration Officer
Authoriser: Group Manager Planning, Development & Regulatory Services
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

To: General Manager
From: Clr Garry Turland
Received: 7 October 2015

Subject: KKKK Sign on Moss Vale Road

Question:
I refer to the letter sent to Mr Tony Springett re the KKKK sign on Moss Vale Road and request to know who made the complaint. Has this letter been sent to all sign advertisers such as SHCAG and Shokatoo?

Response:
Information cannot be disclosed about who made the complaint in accordance with Council’s Policy.
Letters were sent to all advertisers and/or owners of variable message signs.

MN 548/15
MOTION moved by Clr G M Turland and seconded by Clr G McLaughlin

THAT an information session be held for Councillors in relation to Council’s signage controls.

PASSED
20. NOTICES OF MOTION

20.1 Notice of Rescission of Resolution 10/2015 – SHCAG (in liquidation)

Reference: 100/5, 5305/11
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Duncan Gair, Garry Turland and Graham McLaughlin have given notice that it is their intention to move the following Notice of Rescission of Resolution at the Ordinary Meeting of Council on 14 October 2015:

THAT the motion passed by Council on Wednesday, 9 September 2015, being Item 20.4 Notice of Motion 40/2015 – Endorsement of SHCAG’s Submission to the Federal Department of the Environment – MN 480/15, be rescinded.

MN 549/15

MOTION moved by Clr T D Gair and seconded by Clr G M Turland

THAT the motion passed by Council on Wednesday, 9 September 2015, being Item 20.4 Notice of Motion 40/2015 – Endorsement of SHCAG’s Submission to the Federal Department of the Environment – MN 480/15, be rescinded.

LOST

Clr J G Arkwright left the Chambers, the time being 7.21 pm and returned to the meeting at 7.24 pm.

The General Manager left the Chambers, the time being 7.24 pm and returned to the meeting at 7.28 pm.
MN 550/15

**MOTION** moved by Clr T D Gair and seconded by Clr J Uliana

**THAT** Council moves into Closed Council at 7.50 pm.

**MOTION PASSED**

Clr G McLaughlin left the Chambers, the time 7.44 pm, and retired from the Meeting.
20.2 Notice of Motion 44/2015 – Council Facilities Committee – Change to Structure

Reference: 100/4, 107/39
Report Author: Administration Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Councillors Ian Scandrett and Juliet Arkwright have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 14 October 2015:

THAT the Council Facilities Committee be amended as follows:

(a) Councillor – Chair
(b) Councillor – Alternate Chair
I Three (3) Community Representatives

Clr H R Campbell left the Chambers, the time being 7:45 pm, and retired from the Meeting.

Clr G M Turland left the Chambers, the time being 7:47 pm and retired from the Meeting.

MN 551/15

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

THAT Notice of Motion 44/2015 – Council Facilities Committee – Change of Structure be noted.

PASSED
20.3 Notice of Motion 45/2015 – Exeter Hall Project – Program of Works

Reference: 100/4, 7209, 6330/15.15
Report Author: Administration Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

*This Item was deferred to the next Ordinary Meeting of Council to be held on Wednesday, 28 October 2015.*
20.4 Notice of Motion 46/2015 – Ellsmore Road – Program of Works

Reference: 100/4, RD2304 0010, RD 2304 0040
Report Author: Administration Officer
Authoriser: Deputy General Manager Operations, Finance & Risk
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

This Item was deferred to the next Ordinary Meeting of Council to be held on Wednesday, 28 October 2015.
## 20.5 Notice of Motion 47/2015 – Sport and Recreation Budget – List of Projects

<table>
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<tbody>
<tr>
<td>Report Author:</td>
<td>Administration Officer</td>
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<tr>
<td>Authoriser:</td>
<td>Deputy General Manager Operations, Finance &amp; Risk</td>
</tr>
<tr>
<td>Link to Corporate Plan:</td>
<td>Ensure systems and processes are in place to achieve mutual trust and collaboration</td>
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</table>

*This Item was deferred to the next Ordinary Meeting of Council to be held on Wednesday, 28 October 2015.*
20.6 Notice of Motion 48/2015 – Mayor’s Official Diary

Reference: 100/4, 102
Report Author: Administration Officer
Authoriser: Group Manager Corporate & Community
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

This Item was deferred to the next Ordinary Meeting of Council to be held on Wednesday, 28 October 2015.
21. GENERAL BUSINESS

There was no General Business at this Meeting.
22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

At this juncture, the time being 7.56 pm, Council moved into Closed Council.

MN 552/15

MOTION moved by Cllr T D Gair and seconded by Mayor L A C Whipper

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:

   22.1 Lease, 1 Old Hume Highway, Mittagong

Relevant Legal Provisions

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

Brief description

The objective of this Report is to:

• advise Council in respect of the future expiry of the current Lease of the Mittagong Caravan Park at 1 Old Hume Highway Mittagong; and

• to have Council note the processes to ensure that Council complies with its obligations under the Local Government Act 1993 with respect to a further Lease of the Council Property; and

• to have Council grant a short-term lease of the Council property to the current lessee pursuant to Section 47A of the Local Government Act 1993 from 31 January 2017 to 30 January 2018.

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

PASSED
22.1 Lease, 1 Old Hume Highway, Mittagong

Reference: PN676300; 7142/2
Report Author: Senior Property Officer
Authoriser: Manager Business Services
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and under clause 10A(2)(d)(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The objective of this Report is to:

• advise Council in respect of the future expiry of the current Lease of the Mittagong Caravan Park at 1 Old Hume Highway Mittagong; and

• to have Council note the processes to ensure that Council complies with its obligations under the Local Government Act 1993 with respect to a further Lease of the Council Property; and

• to have Council grant a short-term lease of the Council property to the current lessee pursuant to Section 47A of the Local Government Act 1993 from 31 January 2017 to 30 January 2018.

MN 553/15

MOTION moved by Clr J Uliana and seconded by Clr J G Arkwright

1. THAT Council notes that the current Lease of 1 Old Hume Highway, Mittagong, will expire on 31 January 2017.

2. THAT no Deed of Variation of the current lease be executed, extending the term of the lease up to a maximum of an additional 12 months from 31 January 2017.

3. THAT following the expiration of the current lease on 31 January 2017 a Manager be appointed to run the facility until such time as Council decides what to do moving forward.

PASSED
RESUMPTION OF OPEN COUNCIL

107/10

MN 554/15

MOTION moved by Clr J Uliana and seconded by Clr J G Arkwright

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chambers.

ADOPTION OF CLOSED COUNCIL

107/9

MN 555/15

MOTION moved by Clr J G Arkwright and seconded by Clr J Uliana

THAT the recommendations of the Closed Council held on Wednesday, 14 October 2015 being MN 553/15 be adopted.

PASSED

23. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 556/15

MOTION moved by Clr J G Arkwright and seconded by Clr J Uliana

THAT the recommendations of the Committee of the Whole held on Wednesday, 14 October 2015 being MN 526/15 to MN 528/15 be adopted.

PASSED
24. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.05 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 14 October 2015 numbered M/N 522/15 to M/N 556/15 were signed by me hereunder at the Council Meeting held on Wednesday, 28 October 2015.

__________________________
CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY, 28 OCTOBER 2015

__________________________
CHAIRMAN

__________________________
PUBLIC OFFICER