

# MINUTES

of the  
Ordinary Meeting of Council on  
held remotely using audio visual link and open to  
members of the community via webcast on

**24 February 2021**

The meeting commenced at 3.30pm

# MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 February 2021



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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 February 2021



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## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 February 2021



### 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 24 FEBRUARY 2021 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\* (in part)  
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        |
| Chief Information Officer  | Mr John Crawford          |
| Coordinator Assets, Parks & Buildings                              | Ms Rachel Forte (in part) |
| Coordinator Media and Communications                               | Mr David Sommers*         |
| Administration Officer   | Ms Michelle Richardson    |

**NOTE:** Due to current government requirements around social distancing due to the COVID-19 pandemic, some Councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by \*. The Mayor and remaining staff were present in the Council Chambers for this meeting. The Deputy Mayor attended the majority of the meeting remotely however was present in the Council Chambers to act as the Chair when the Mayor temporarily left the 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

Deputy Mayor Cllr G J Andrews 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."*

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### 3. PRAYER

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

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### 4. APOLOGY

There were no apologies at this Meeting.

PERS

The Mayor Cllr T D Gair noted Cllr Scandrett was yet to join the meeting.

### 5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 10 FEBRUARY 2021

**MN 28/21**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 10 February 2021 MN 1/21 to MN 27/21 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.

100/4

*On 24 February 2021 the Acting General Manager declared a significant non-pecuniary interest in Item 18.1 Notice of Motion 2/2021 Recruitment of General Manager as he is an applicant for the role of General Manager with Council. He will be absent from the meeting for consideration of that item.*

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21/0257

*On 24 February 2021 Cllr P W Nelson declared a less than significant non-pecuniary interest in Item 9.2 Development Application 21/0257 - Two (2) Lot Subdivision Part Lot 313 DP1245164, 27 Kimberley Drive Bowral as he was previously a work colleague of Ms McMillan and knows Mr McMillan through his club membership at Moss Vale Golf Club however he has no personal relationship with either of them. He will remain in the meeting when this matter is discussed and take part in the debate and voting thereon.*

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## 7. MAYORAL MINUTES

Nil.

## 8. PUBLIC FORUM

### 18.1 Notice of Motion 2/2021 Recruitment of General Manager

Ms Rachel Russell addressed Council in support of the motion on 24 February 2021

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Clr I M Scandrett joined the meeting at 3.41pm on 24 February 2021

### 18.3 Notice of Motion 4/2021 Mittagong Playhouse and Bowral Memorial Hall Projects Community and Stakeholder Meeting

Ms Roma Dix addressed Council in support of the motion on 24 February 2021

### 18.4 Notice of Motion 5/2021 - Animal Fur and Skin Sales

Mr Paul Samulski addressed Council against the motion on 24 February 2021

Ms Heather Edwards addressed Council in support of the motion on 24 February 2021

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## 9. VISITOR MATTERS

### **OPERATIONS**

Nil



## CORPORATE AND STRATEGY

### 9.1 Development Application 21/0333 Community Title Subdivision Consisting of 13 Allotments, 25-29 North Street, Robertson

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 21/0333  |
| Report Author:                    | Consultant Planner   |
| Authoriser:                       | Deputy General Manager Corporate, Strategy and Development Services                              |
| Applicant:                        | John Codling   |
| Owner:                            | Knollfitzgerald Pty Ltd  |
| Link to Community Strategic Plan: | Identify and protect the unique characteristics of towns and villages to retain a sense of place |

#### PURPOSE

The objective of this report is to present to Council a development proposal for a 13-lot Community Title Subdivision at the above site with a recommendation to refuse the development.

Mr Richard Langford addressed Council against the development

#### VOTING ON THE MOTION

*Councillors are required to record their votes on this matter.*

#### MN 29/21

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

**THAT** Development Application 21/0333 for a proposed 13-lot Community Title Subdivision at Lot 343 DP 751302, Nos 25-29 North Street Robertson be **REFUSED** for the reasons outlined in Attachment 1 to the report.

#### 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, Clr I M Scandrett, Clr G M Turland and Clr L A C Whipper

**Against the motion:** Nil

**PASSED**

## 9.2 Development Application 21/0257 - Two (2) Lot Subdivision Part Lot 313 DP1245164, 27 Kimberley Drive Bowral

|                                      |   |
|--------------------------------------|---|
| Reference:                           | DA21/0257   |
| Report Author:                       | Development Assessment Planner  |
| Authoriser:                          | Manager Development Assessment  |
| Applicant:                           | Tujilo Pty Ltd  |
| Owner:                               | Dobler Properties Pty Ltd   |
| Link to Community<br>Strategic Plan: | Conserve the key natural resources of the Shire and<br>minimise the impact from development |

### PURPOSE

The purpose of this report is to present Development Application 21/0257 for the Council's consideration and recommends APPROVAL subject to the conditions specified in **(Attachment 1)**.

Ms Louise Mitchell addressed Council against the development.

Mr Mark Dobler addressed Council for the development.

The Acting General Manager left the meeting, the time being 4.18pm.

The Acting General Manager returned to the meeting, the time being 4.22pm.

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

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

Clr I M Scandrett left the meeting, the time being 4:35pm.

Clr I M Scandrett returned to the meeting, the time being 4:45pm.

### VOTING ON THE MOTION

*Councillors are required to record their votes on this matter.*

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

**THAT** Development Application DA21/0257 for a two (2) Lot Subdivision of land at Part Lot 313 DP 1245164, No 27 Kimberley Drive Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

**AMENDMENT** moved by Cllr G McLaughlin and seconded by Cllr I M Scandrett

**THAT** Development Application DA21/0257 for a two (2) Lot Subdivision of land at Part Lot 313 DP 1245164, No 27 Kimberley Drive Bowral be DEFERRED pending an inspection of the site to enable all Councillors to understand the issues and concerns relating to the proposal.

**VOTING ON THE AMENDMENT**

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

**Against the amendment:** Mayor Cllr T D Gair, Cllr G M Turland and Deputy Mayor Cllr G J Andrews

**THE AMENDMENT WAS PASSED AND BECAME THE MOTION**

**MN 30/21**

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

**THAT** Development Application DA21/0257 for a two (2) Lot Subdivision of land at Part Lot 313 DP 1245164, No 27 Kimberley Drive Bowral be DEFERRED pending an inspection of the site to enable all Councillors to understand the issues and concerns relating to the proposal.

**VOTING ON THE MOTION**

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

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

**PASSED**

### 9.3 Modification Application 19/1439.02 to Modify Development Consent 19/1439.01 - Information and Education Facility and Function Centre, 93-95 Kirkham Road, Bowral

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 19/1439.02   |
| Report Author:                    | Deputy General Manager Corporate, Strategy and Development Services                    |
| Authoriser:                       | Deputy General Manager Corporate, Strategy and Development 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 re-present Modification Application 19/1439.02 for consideration which seeks Council's approval to waive the Developer Charges under Council's Development Services Plan which were levied against the development. The report provides options for Council to consider so as to determine the Application.

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

The Acting General Manager addressed Council on this item.

The Coordinator Strategic Land Use Planning addressed Council on this item

#### VOTING ON THE MOTION

*Councillors are required to record their votes on this matter.*

**MN 31/21**

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

1. **THAT** the Applicant be invited to formally withdraw Modification Application 19/1439.02 to modify 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 to remove Condition 14 **AND THAT** Council, in recognition of the significant historical value of the collection and public benefit to the Shire, offer the Applicant a donation of \$35,082.17 being equivalent to 50% as at 24 February 2021 of the development contribution charges as levied under Development Consent 19/1439.01.
2. **THAT** Council give public notice under Section 356 of the Local Government Act 1993 for 28 days of the Council's proposal to pass the resolution to offer a donation for the amount of \$35,082.17 to the Applicant towards the Development Services Plan charges as per Condition 14 of development consent 19/1439.01.
3. **THAT** Council determine the source of the funds for the donation to the Applicant as part of the March Quarterly budget review.

**VOTING ON THE MOTION**

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

**Against the motion:** Cllr K J Halstead OAM and Cllr G M Turland

**PASSED**

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

1. **THAT** the Applicant be invited to formally withdraw Modification Application 19/1439.02 to modify 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 to remove Condition 14 **AND THAT** Council, in recognition of the significant historical value of the collection and public benefit to the Shire, offer the Applicant a donation of \$46,308.46 being equivalent to 66% as at 24 February 2021 of the development contribution charges as levied under Development Consent 19/1439.01.
2. **THAT** Council give public notice under Section 356 of the Local Government Act 1993 for 28 days of the Council's proposal to pass the resolution to offer a donation for the amount of \$46,308.46 to the Applicant towards the Development Services Plan charges as per Condition 14 of development consent 19/1439.01.
3. **THAT** Council determine the source of the funds for the donation to the Applicant as part of the March Quarterly budget review.

**VOTING ON THE AMENDMENT**

**For the amendment:** Deputy Mayor Cllr G J Andrews, Cllr I M Scandrett and Cllr G M Turland

**Against the amendment:** Mayor Cllr T D Gair, Cllr G McLaughlin, Cllr P W Nelson and Cllr L A C Whipper and Cllr K J Halstead OAM

**LOST**

## 9.4 MOD14/0571.07 Modification to Approved Subdivision Boundary Adjustment at 15 Market Place Berrima

Reference: 14/0571.07  
Report Author: Manager Development Assessment  
Authoriser: Group Manager Planning, Development and Regulatory Services  
Applicant: RS Blay, D Blay  
Owner: RS Blay, D Blay  
Link to Community Strategic Plan: Work in partnership to ensure a safe road network

### PURPOSE

The purpose of this report is to provide Council with the planning assessment for the proposed modification to approved DA14/0571 for a subdivision boundary adjustment previously approved on 01 October 2014. This report is prepared for determination, and recommends **REFUSAL**, subject to attached reasons for refusal (**Attachment 1**).

The Acting General Manager left the meeting, the time being 5.33pm.

The Acting General Manager returned to the meeting, the time being 5.35pm.

Ms Claudia Novati addressed Council in support of the development.

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

The Acting General Manager addressed Council on this item.

The Acting General Manager left the meeting, the time being 5.42pm.

The Acting General Manager returned to the meeting, the time being 5.43pm

Mayor Clr T D Gair left the meeting, the time being 5:43pm, and the Deputy Mayor Clr G Andrews took the Chair.

Mayor Clr T D Gair returned to the meeting, the time being 5:45pm, and resumed the Chair.

### VOTING ON THE MOTION

*Councillors are required to record their votes on this matter.*

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**MN 32/21**

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

**THAT Council modifies the development consent in such a manner as is agreed at the date of this meeting and delegation is given to the Acting General Manager in regard to the preparation of amended condition 27 of development consent 14/0571.**

**VOTING ON THE MOTION**

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

**Against the motion:** Nil

**PASSED**

## 9.5 Development Application 21/0772 - Interim Wastewater Treatment System to Service Stage 1 of the Residential Urban Release at Chelsea Gardens Lot 12 DP 866036, 32 Lovelle Street and Coomungie Lot 3 DP 706194, 141 Yarrawa Road Moss Vale

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 21/0772  |
| Report Author:                    | Manager Development Assessment   |
| Authoriser:                       | Group Manager Planning, Development and Regulatory Services  |
| Applicant:                        | Prime Moss Vale Pty Limited  |
| Owner:                            | Prime Moss Vale Pty Limited  |
| Link to Community Strategic Plan: | Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living |

### PURPOSE

The purpose of this report is to consider Development Application 21/0772 which seeks development consent for the construction and operation of an interim Wastewater Treatment System to service Stage 1 Subdivision under DA 20/0227 at Lot 12 DP 866036, 32 Lovelle Street and Lot 3 DP 706194, 141 Yarrawa Road, Moss Vale. This report is prepared for determination, and recommends **DEFERRED COMMENCEMENT APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

Mr Paul Hume addressed Council in support of the development

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

The Acting General Manager addressed Council on this item.

Mayor Cllr T D Gair declared a significant non-pecuniary interest in Item 9.5 Development Application 21/0772 - Interim Wastewater Treatment System to Service Stage 1 of the Residential Urban Release at Chelsea Gardens Lot 12 DP 866036, 32 Lovelle Street and Coomungie Lot 3 DP 706194, 141 Yarrawa Road Moss Vale as he is a member of the Southern Regional Planning Panel (JRPP) which will consider this item. He will be absent from the meeting for consideration of that item.

Mayor Cllr T D Gair left the chambers, the time being 06:05pm and the Deputy Mayor, Cllr G Andrews took the Chair.

### VOTING ON THE MOTION

*Councillors are required to record their votes on this matter.*



**MN 33/21**

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

**THAT Development Application 21/0772 which seeks Development Consent for the construction and operation of an interim Wastewater Treatment System to service the proposed Stage 1 Subdivision under DA 20/0227 at Lot 12 DP 866036, 32 Lovelle Street and Lot 3 DP 706194, 141 Yarrowa Road, Moss Vale, be APPROVED by way of a Deferred Commencement Consent, subject to attached conditions of consent as described in Attachment 1 to the report.**

**VOTING ON THE MOTION**

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

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

**PASSED**

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

1. **THAT Development Application 21/0772 which seeks Development Consent for the construction and operation of an interim Wastewater Treatment System to service the proposed Stage 1 Subdivision of 172 lots under DA 20/0227 at Lot 12 DP 866036, 32 Lovelle Street and Lot 3 DP 706194, 141 Yarrowa Road, Moss Vale, be APPROVED by way of a Deferred Commencement Consent, subject to attached conditions of consent as described in Attachment 1 to the report.**
2. **THAT the interim waste water approval be restricted to Stage One only.**

**VOTING ON THE AMENDMENT**

**For the amendment:** Cllr K J Halstead OAM, Cllr I M Scandrett and Cllr L A C Whipper

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

**LOST**

## **10. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

## 11. OPERATIONS FINANCE AND RISK

### 11.1 Tender for Refurbishment Bowral Memorial Hall

|                                   |   |
|-----------------------------------|---|
| Reference:                        | 6330/20.28  |
| 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 present the evaluation of the Request for Tender for the refurbishment of the Bowral Memorial Hall.

Mayor Cllr T D Gair returned to the meeting, the time being 6:13pm, and resumed the Chair.

The Coordinator Assets - Parks and Building addressed Council on this item.

The Acting General Manager addressed Council on this item.

Cllr L A C Whipper left the meeting, the time being 6:53pm.

Cllr L A C Whipper returned to the meeting, the time being 6:55pm.

Cllr K J Halstead OAM left the meeting, the time being 6:56pm.

Cllr K J Halstead OAM returned to the meeting, the time being 6:57pm.

**MOTION** moved by Cllr G McLaughlin

*THAT the report concerning Tender for Bowral Memorial Hall Refurbishment - be considered in Closed Council – Item 19.1. 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.*

**THE MOTION LAPSED THROUGH WANT OF A SECONDER**

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

*THAT the report concerning Tender for Bowral Memorial Hall Refurbishment be DEFERRED until the community and stakeholders meet to work through their concerns within the next fortnight.*

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

**THAT** in relation to the report concerning the Tender for Refurbishment Bowral Memorial Hall Refurbishment - Council adopts the recommendations contained within the Closed Council report – Item 19.1.

**ON BEING PUT TO THE MEETING VOTING ON THE AMENDMENT WAS TIED AT FOUR VOTES ALL, MAYOR GAIR USED HIS CASTING VOTE IN THE AFFIRMATIVE. THE AMENDMENT WAS PASSED AND BECAME THE MOTION**

**MN 34/21**

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

1. **THAT** in relation to the report concerning the Tender for Refurbishment Bowral Memorial Hall Refurbishment - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. **THAT** Council accepts the tender from Belmadar Pty Ltd at a Lump Sum amount of \$5,825,050 (Inclusive of GST) to undertake the Refurbishment of Bowral Memorial Hall.

**ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL, MAYOR GAIR USED HIS CASTING VOTE IN THE AFFIRMATIVE. THE MOTION WAS PASSED AND BECAME THE MOTION**

**PASSED**

**SUSPENSION OF STANDING ORDERS** moved by Cllr G M Turland and seconded by Cllr I M Scandrett

**THAT** Standing Orders be suspended in order to deal with Item 12.5 Draft Code of Meeting Practice.

**LOST**

## 11.2 Tender for Oxley Drive Reservoir Major Repairs

|                                   |   |
|-----------------------------------|---|
| Reference:                        | 6330/20.30  |
| Report Author:                    | Senior Operational Programs 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 Oxley Drive Reservoir Major Repairs.

### **MN 35/21**

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

1. **THAT** in relation to the report concerning the Tender for Oxley Drive Major Repairs, Council adopts the recommendations contained within the Closed Council report – Item 19.2.
2. **THAT** Council accepts the tender from Southern Cross Reservoir Services Australia Pty Ltd at a Lump Sum of \$279,203 (Inclusive of GST) to undertake the Oxley Drive Reservoir Major Repairs.

**PASSED**

## 11.3 Willow Vale Shared Pathway - Lease from Australian Rail Track Corporation Limited

|                                   |  |
|-----------------------------------|--|
| Reference:                        | RD1427   |
| Report Author:                    | Coordinator Property Services  |
| Authoriser:                       | Acting Deputy General Manager Operations Finance and Risk                          |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

### PURPOSE

The purpose of this report is to obtain Council approval to enter into a Lease with Australian Rail Track Corporation Limited ("ARTC") to enable construction of the Willow Vale shared pathway between Railway Terrace and Renwick Drive, Renwick.

### MN 36/21

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

1. **THAT** the Acting General Manager be delegated authority to negotiate a new Lease with Australian Rail Track Corporation Limited (ARTC) for the land between Renwick Drive and Railway Terrace adjacent and south of the Picton to Mittagong Loop Line immediately west of the road bridge at "Braemar 124.022km" being part of Lot 3918 DP1216297, part Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 in DP783641 and part Lot 3917 DP1216297 for a period of five (5) years with a five (5) year option.
2. **THAT** the Mayor and Acting General Manager be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of Council.

### **PASSED**

## 11.4 Hampden Park Robertson - Application to be Appointed as Reserve Trust Manager

Reference: 1002200, 1002199, 530065, 1002201  
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 Lots 1, 2, 3 and 4 Section 18 in Deposited Plan 758882 being part of Hampden Park in Robertson.

### **MN 37/21**

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

**THAT Council formally lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for Lots 1, 2, 3 and 4 Section 18 in Deposited Plan 758882 being part of Hampden Park, Hoddle Street, Robertson.**

### **PASSED**

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## 11.5 Investment Report - January 2021

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 2104   |
| Report Author:                    | Accounting Officer (Banking and Investments)                                       |
| Authoriser:                       | Acting Chief Financial Officer   |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

---

### **PURPOSE**

The purpose of this report is to present Council's Investment Portfolio held at 31 January 2021.

### ***MN 38/21***

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

***THAT*** the information on Council's Investments as at 31 January 2021 be received and noted.

***PASSED***

## 12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Post Exhibition Report - Planning Proposal for a New Heritage Item and Change in Minimum Lot Size at 102-104 Old Wingello Road, Bundanoon ('Rochester Park')

|                                   |   |
|-----------------------------------|---|
| Reference:                        | 5901/69   |
| Report Author:                    | Strategic Land Use Planner (Heritage)                                 |
| Authoriser:                       | Coordinator Strategic Land Use Planning                               |
| Link to Community Strategic Plan: | Identify, protect and promote places of significant cultural heritage |

#### PURPOSE

The purpose of this report is to inform Council of the outcome of the public exhibition and the subsequent re-exhibition of the Planning Proposal for 'Rochester Park', 102-104 Old Wingello Road, Bundanoon. The Planning Proposal seeks to heritage list the site and to change the minimum lot size to reduce opportunities for subdivision.

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

Clr Scandrett was absent from the meeting, the time being 6.42pm. It was noted that Clr I M Scandrett's internet had failed. The Mayor Clr T D Gair determined to suspend the item in emergency circumstances so as to facilitate Clr I M Scandrett's online reconnection to the meeting.

This item was determined on page 23 MN 41/21.



## 12.2 Green Wattle Creek and Morton Fires - Commonwealth Government Disaster Recovery Grant

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 6437/4   |
| 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

The purpose of this report is to provide a progress update on the expenditure of funds provided by the Commonwealth Government Disaster Recovery Grant which Council received as a result of the impact of the Green Wattle Creek and Morton Fires in 2019/20. In early 2020 Council received \$1.225 million to provide immediate assistance to fire impacted communities in the Wingecarribee Shire

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

The Acting General Manager addressed Council on this item.

Clr Scandrett returned to the meeting, the time being 7.25pm.

### MN 39/21

**MOTION** moved by Clr G M Turland and seconded by Clr G McLaughlin

1. **THAT** Council note the report on the expenditure of funds provided by the Commonwealth Government Disaster Recovery Grant.
2. **THAT** Council reallocate the funding from the Tree Removal Works, now covered under the Disaster Recovery Funding Arrangements, towards the installation of water storage tanks at Wingello, Penrose and Balmoral and that \$282,000 be voted in the 2020/21 Budget to cover this expense.
3. **THAT** Council defer any works for the water tank at the Balmoral Village Fire Station until further consultation is had with the Balmoral Village Association.
4. **THAT** Council invite representatives of the Balmoral Village Association to an information session to discuss their circle of safety concept.

**PASSED**

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 February 2021



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### **MN 40/21**

**EXTENSION OF TIME** moved by Cllr G McLaughlin and seconded by Cllr L A C Whipper

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

**PASSED**

**AMENDMENT** moved by Cllr G M Turland and seconded by Cllr I M Scandrett

**THAT the meeting be stopped due to failing internet connectivity.**

**THE MAYOR RULED THE AMENDMENT INVALID AS THE MOTION HAD ALREADY BEEN PASSED**

## 12.1 Post Exhibition Report - Planning Proposal for a New Heritage Item and Change in Minimum Lot Size at 102-104 Old Wingello Road, Bundanoon ('Rochester Park')

|                                   |   |
|-----------------------------------|---|
| Reference:                        | 5901/69   |
| Report Author:                    | Strategic Land Use Planner (Heritage)                                 |
| Authoriser:                       | Coordinator Strategic Land Use Planning                               |
| Link to Community Strategic Plan: | Identify, protect and promote places of significant cultural heritage |

### PURPOSE

The purpose of this report is to inform Council of the outcome of the public exhibition and the subsequent re-exhibition of the Planning Proposal for 'Rochester Park', 102-104 Old Wingello Road, Bundanoon. The Planning Proposal seeks to heritage list the site and to change the minimum lot size to reduce opportunities for subdivision.

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

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

**MN 41/21**

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

1. **THAT** Council endorse the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to add a new heritage item called "Rochester Park' house and garden" at 102-104 Old Wingello Road, Bundanoon (Lot 32 DP 1205423) into Schedule 5 (Environmental heritage) Part 1 (Heritage items); and increase the minimum lot size of this property from 700m<sup>2</sup> to 1 hectare on the Lot Size Map.
2. **THAT** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for completion.

### VOTING ON THE MOTION

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

**Against the motion:** Cllr G M Turland

**PASSED**

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 February 2021



**AMENDMENT** moved by Cllr G M Turland

*THAT Council not endorse the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to add a new heritage item called “Rochester Park’ house and garden” at 102-104 Old Wingello Road, Bundanoon (Lot 32 DP 1205423) into Schedule 5 (Environmental heritage) Part 1 (Heritage items); and increase the minimum lot size of this property from 700m<sup>2</sup> to 1 hectare on the Lot Size Map.*

**THE AMENDMENT LAPSED FOR WANT OF A SECONDER.**

## 12.3 Delivery Program 2017-2021 Bi-Annual Progress Report, 1 July - 31 December 2020

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 501/2020   |
| Report Author:                    | Coordinator Corporate Strategy and Governance  |
| Authoriser:                       | Group Manager Corporate and Community  |
| Link to Community Strategic Plan: | An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities |

### PURPOSE

This report presents the Delivery Program 2017-2021 Bi-Annual Progress Report for the period from 1 July to 31 December 2020. The report records Council's progress towards achieving the actions of the Delivery Program 2017-2021.

The Acting General Manager addressed Council on this item.

### **MN 42/21**

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

**THAT** Council receives and notes the Delivery Program 2017-2021 Bi-Annual Progress Report, 1 July to 31 December 2020.

### **PASSED**

Cllrs I M Scandrett and G M Turland requested their dissenting votes be recorded.

## 12.4 Compliance Update (October - December 2020)

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 20/0003  |
| Report Author:                    | Manager of Certification and Compliance  |
| Authoriser:                       | Group Manager Planning, Development and Regulatory 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 provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and *Swimming Pools Act 1992*.

Clr I M Scandrett declared a pecuniary interest in this matter as the list in Confidential included details of an order served on him.

### MN 43/21

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

**THAT** the report concerning *Compliance Update - Notices and Orders (October – December 2020)* be considered in Closed Council – Item 19.3.

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law.*

**PASSED**

## 12.5 Draft Code of Meeting Practice

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 100/3  |
| Report Author:                    | Coordinator Corporate Strategy and Governance  |
| Authoriser:                       | Group Manager Corporate and Community  |
| Link to Community Strategic Plan: | An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities |

### PURPOSE

The purpose of this report is to enable Council to consider amending Council's Code of Meeting Practice (Meeting Code) to:

1. permit Councillors to grant an extension of time for members of the public who speak at a Council meeting in the Public Forum or in relation to a Visitor Item
2. permit Councillors to submit a preamble with notices of motion.

The report also seeks Council's endorsement to publicly exhibit any proposed amendments to the Meeting Code, in accordance with the *Local Government Act 1993*.

Finally, the report provides clarification as to whether it is permissible for a question with notice to become a motion at a Council meeting.

The Group Manager Corporate and Community addressed Council on this item.

The Acting General Manager addressed Council on this item.

### **MN 44/21**

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

**THAT the matter be deferred and an information session be provided to Councillors before the next meeting.**

### **PASSED**

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## **19. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

107/9

At this juncture, the time being 7.45pm, Council moved into Closed Council on 24 February 2021.



**MN 45/21**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr 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:***

**19.1 Tender for Refurbishment Bowral Memorial Hall**

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 refurbishment of the Bowral Memorial Hall.

**19.2 Tender for Oxley Drive Reservoir Major Repairs**

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 Oxley Drive Reservoir Major Repairs.

**19.3 Compliance Actions - Notices and Orders Update (October - December 2020)**

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)(e) as it contains information that would, if disclosed, prejudice the maintenance of law 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 provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and *Swimming Pools Act 1992*.

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 February 2021



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

**PASSED**

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## 19.1 Tender for Refurbishment Bowral Memorial Hall

|                                   |   |
|-----------------------------------|---|
| Reference:                        | 40145   |
| 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 |

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### 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.*

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### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the refurbishment of the Bowral Memorial Hall.

This item was dealt with earlier in the meeting, see page 14 MN 34/21

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## 19.2 Tender for Oxley Drive Reservoir Major Repairs

|                                   |   |
|-----------------------------------|---|
| Reference:                        | 6330/20.30  |
| Report Author:                    | Senior Operational Programs Engineer  |
| Authoriser:                       | Group Manager Water & Sewer   |
| Link to Community Strategic Plan: | Manage and plan for future water, sewer and stormwater infrastructure needs |

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### 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.*

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### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Oxley Drive Reservoir Major Repairs.

This item was dealt with earlier in the meeting, see page 16 MN 35/21

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## 19.3 Compliance Actions - Notices and Orders Update (October - December 2020)

|                                   |  |
|-----------------------------------|--|
| Reference:                        | 20/0003  |
| Report Author:                    | Manager of Certification and Compliance  |
| Authoriser:                       | Group Manager Planning, Development and Regulatory 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 |

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### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law.*

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#### PURPOSE

The purpose of this report is to provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and *Swimming Pools Act 1992*.

The Acting General Manager addressed Council on this item.

#### **MN 46/21**

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

**THAT** Council receive and note the **Compliance Actions (Notices and Orders) report for October – December 2020.**

#### **PASSED**

## 20. RESUMPTION OF OPEN AGENDA

107/10

**MN 47/21**

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

**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.

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### ADOPTION OF CLOSED COUNCIL

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107/9

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#### 19.3 Compliance Actions - Notices and Orders Update (October - December 2020)

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

**THAT** Council receive and note the Compliance Actions (Notices and Orders) report for October – December 2020.

During Closed Council, the Mayor Cllr T D Gair expelled Cllr G M Turland from the meeting, the time being 07:48pm.

## 13. GENERAL MANAGER

### 13.1 Legal Report

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

#### **PURPOSE**

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 25 November 2020.

#### **MN 48/21**

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

1. **THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.**
2. **THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 19.4.**

***This report is confidential in accordance with section 10A(2) of the Local Government Act 1993, under section 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***

#### **PASSED**

*Note: The Council, or a committee of the Council, may allow member of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (15.9 – Code of Meeting Practice).*

*Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice).*

## 13.2 Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding of NSW

Reference: 7457  
Report Author: Group Manager Corporate and Community  
Authoriser: Acting General Manager  
Link to Community  
Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to provide Council with the Memorandum of Understanding between Wingecarribee Shire Council and Transport Asset Holdings Entity of New South Wales for the Station Street Upgrade Project.

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

### RECOMMENDATION

***THAT the Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding of NSW be considered in Closed Council – Item 19.5.***

***This report is confidential in accordance with section 10A(2) of the Local Government Act 1993, under section 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***

*Note: The Council, or a committee of the Council, may allow member of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (15.9 – Code of Meeting Practice).*

*Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice).*



**14. DELEGATE REPORTS**

Nil

**15. PETITIONS**

Nil

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## 16. COMMITTEE REPORTS

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### 16.1 Minutes of the Environment and Sustainability Committee Meeting of 16 December 2020

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

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#### **PURPOSE**

This report provides the Minutes of the Environment and Sustainability Committee Meeting held on 16 December 2020.

#### **MN 49/21**

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

**THAT** recommendations Nos 36/20 to 39/20 – as detailed in the Minutes of the Environment and Sustainability Committee Meeting held on 16 December 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 Wingecarribee Community Safety Committee Meeting of 1 February 2021

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

### PURPOSE

This report provides the Minutes of the Wingecarribee Community Safety Committee Meeting held on 1 February 2021.

### **MN 50/21**

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

**THAT recommendations Nos WCSC6/20 – WCSC11/20 – as detailed in the Minutes of the Wingecarribee Community Safety Committee Meeting held on 1 February 2021 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**

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## **16.3 Minutes of the Finance Committee Meeting held on 17 February 2021**

|                                   |  |
|-----------------------------------|--|
| 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 |

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### **PURPOSE**

This report provides the Minutes of the Finance Committee Meeting held on 17 February 2021.

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

## 17. QUESTIONS WITH NOTICE

### 17.1 Question with Notice 5/2021 - Riverview Cottage, Jellore Street, Berrima

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

**To:** Acting General Manager  
**From:** Cllr L A C Whipper  
**Received:** 29 January 2021

**Subject:** Riverview Cottage, Jellore Street, Berrima

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

#### Question:

Could the General Manager please provide answers to this four part question:

1. Why has Council approved DA20/1279, the demolition of the locally listed 1830's Riverview Cottage Complex in Jellore Street Berrima
2. What protections do Local Heritage Listing provide for significant heritage buildings such as Riverview Cottage?
3. How can DA's relating to Local Heritage Items be determined under delegation and not considered by full Council?
4. In Council's Flood Planning Study for Berrima, it was recommended that Council purchase the historic 1830s Riverview Cottage. Why was this option not pursued and put to Council for consideration?

#### Response:

1. Council determined DA 20/1279 by way of approval subject to conditions as the application had merit. Council's assessment of the proposal included the notification of the application to Council's Heritage Committee who provided support for the application and the proposal was referred to Council's heritage advisor who supported the application including demolition of existing structures subject to a number of amendments to the built form of the proposed dwelling on the site. The site currently has two original buildings in very dilapidated condition. The building closest to the street is Riverview Cottage and as part of the approved application will be reconstructed as a separate studio with bathroom. The building reconstruction is consistent with the Georgian style of architecture and scale of the current structure. The building sitting behind the cottage was a detached kitchen which will be reconstructed as an outdoor barbeque area.

The application was supported by a heritage impact statement that was prepared by a Heritage Consultant dated 17 April 2020. The report concluded that the local heritage listed Riverview Cottage and the kitchen outbuilding at 23 Jellore Street Berrima are in extremely poor condition and are continuing to deteriorate. The report further concluded that the proposal is considered to be an appropriate way to acknowledge the heritage significance of these structures given their state of decline, whilst maintaining the heritage character of the Berrima Heritage Conservation Area.

Council undertook a rigorous assessment of the proposal in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979* which concluded that the proposal could be supported.

2. It is noted that the subject property was until several years ago listed on the State Heritage Register. The State Heritage Listing was subsequently removed by the Heritage Office. The subject site remains listed as a local item of heritage under schedule 5 of the Wingecarribee Local Environment Plan 2010. Accordingly, the proponent is required to undertake a heritage impact assessment for Council's consideration as part of the assessment of the application. The application also is subject to additional assessment requirements including consideration of clause 5.10 under the LEP and also referral to Council's Heritage Advisor for assessment and comment. Heritage Listing does not prevent an owner of a structure seeking full or partial demolition, minor or major alterations rebuilding a structure subject to a full assessment against Council's planning policies. As stated in 1 above, the proposal was referred to the Heritage Committee and Heritage Advisor who were satisfied the proposal had heritage merit.
3. Development relating to local items of heritage under schedule 5 are assessed on merit and determined under delegation where such matters are not resolved to be determined by full Council or in the case of where two (2) Councillors have called the matter up for determination. The matter was listed in the DA's received business paper report being item 3 on 10 June 2020 and was nominated to be determined under delegation. No Council resolution was passed that required the matter to be reported to Council.

Council's assessment of the proposal did not trigger any criteria for the application to be forwarded to full Council for consideration.

4. Any recommendation for the purchase of land within a flood study is subject to the identification and allocation of appropriate funding sources as approved by Council. Council has no identified funding source to purchase the land at 23 Jellore Street Berrima.

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## RECOMMENDATION

***THAT the information in relation to Question with Notice 5/2021 - Riverview Cottage, Jellore Street, Berrima - be noted.***

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## 17.2 Question with Notice 6/2021 - General Manager Contract

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

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To: Acting General Manager

From: Cllr I M Scandrett

Received: 29 January 2021

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Subject: General Manager's Contract

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

### Question:

Could Council confirm that the Standard LGA (NSW) contract will be offered to the new General Manager and provide a copy to this response, and detail any changes envisaged to such draft and why.

### Response:

Yes, in accordance with the provisions of Section 338 of the *Local Government Act, 1993* the General Manager will be employed under the "*Standard Contract of Employment for General Managers of Local Government Councils*". A copy of the Standard Contract of Employment for General Managers of Local Councils in New South Wales can be accessed at <https://www.olg.nsw.gov.au/wp-content/uploads/Standard-Contract-of-Employment-General-Managers.pdf>

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### RECOMMENDATION

***THAT the information in relation to Question with Notice 6/2021 - General Manager Contract - be noted.***

## 17.3 Question with Notice 7/2021 - Councillor Dinners

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

To: Acting General Manager

From: Cllr G Turland

Received: 29 January 2021

Subject: Councillor's Dinners

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

### Question:

1. What are the dates of councillor dinners from February 2020 to February 15.2.21.
2. Who attended the Councillor dinners and who invited the councillors.
3. Who paid for these dinners after council meetings.

### Response:

Sustenance is provided to Councillors in accordance with the *Expenses and Facilities for the Mayor and Councillors Policy* adopted on the 23 August 2017.

The Policy states appropriate refreshments will be available for Council meetings, Council Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.

No formal record was kept for the dates and attendance by Councillors for dinners after Council meetings during the COVID Pandemic period (February 2020 to February 2021). These dinners occurred when permitted; giving due consideration to the restrictions in place as a result of the COVID Pandemic. During periods of shutdowns, these dinners did not take place.

Council's financial records are maintained to account for the cost of Councillor sustenance. This includes sustenance during Councillor briefings and Councillor dinners. The total cost of Councillor sustenance for the period of this Council Term is provided in the table below:

| Financial Year | Amount      |
|----------------|-------------|
| 2016/17        | \$16,621.09 |
| 2017/18        | \$18,161.77 |
| 2018/19        | \$22,085.46 |
| 2019/20        | \$13,660.47 |



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 February 2021



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| Financial Year | Amount     |
|----------------|------------|
| 2020/21 YTD    | \$5,729.40 |

These amounts relate to Councillor sustenance only. Provisions are made as part of the Annual Budget for these expenses.

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### RECOMMENDATION

***THAT the information in relation to Question with Notice 7/2021 - Councillor Dinners - be noted.***

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## 17.4 Question with Notice 8/2021 - Station Street Budget

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

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To: Acting General Manager

From: Cllr G Turland

Received: 29 January 2021

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Subject: Station Street Budget

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

### Question:

1. When will council provide an updated budget cost for the Station Street project as per our councillor briefing of 9.12.20.
2. Why in the February Finance meeting is there not the new project budget costing.
3. Why has council removed items from the Finance February meeting all other statements made in other Finance meetings on Station Street works (Wattle Street carpark, Mittagong carpark, Kirkham Road)

### Response:

1. Council is finalising the detailed design package for the Station Street Project. Ultimately; the final costings will not be known until the project's detailed design and scope are finalised and the project is put out to the competitive market via a tender process.
2. The budget estimate reported to the Finance Committee is the current (adopted) budget estimate. Only Council has the authority to amend a budget estimate and at this stage no recommendation has been presented to Council for consideration.
3. The purpose of the comments provided by Council officers in the major capital works report is to provide Councillors with an update on the project status at that point in time. Wattle Lane carpark and Kirkham Road construction works have been completed therefore no further updates were provided at the end of December. As the Mittagong Carpark project moves into the delivery phase, updates will be provided to Council via the Major Capital Works report.

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**RECOMMENDATION**

***THAT the information in relation to Question with Notice 8/2021 - Station Street Budget - be noted.***

## 18. NOTICES OF MOTION

### 18.1 Notice of Motion 2/2021 Recruitment of General Manager

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

#### PURPOSE

Councillor Scandrett have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 February 2021:

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

*The Acting General Manager declared a less than significant non-pecuniary interest in Item 18.1 Notice of Motion 2/2021 Recruitment of General Manager as he is an applicant for the role of General Manager with Council.*

THAT the recruitment process for the new General Manager be suspended so as to be business for the new Council which is to be elected on September 4.

#### RECOMMENDATION

***Submitted for determination.***

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## 18.2 Notice of Motion 3/2021 Traffic and Parking Study Funston Street, Bowral

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

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### PURPOSE

Councillor Scandrett have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 February 2021:

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

THAT Council accept the offer by the applicant to conduct a traffic and parking study into Funston Street and surrounding streets to be funded by the applicant, such study to be promptly reported to Council.

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### RECOMMENDATION

***Submitted for determination.***

### 18.3 Notice of Motion 4/2021 Mittagong Playhouse and Bowral Memorial Hall Projects Community and Stakeholder Meeting

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

#### PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 February 2021:

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

THAT Council hold a community and stake holders meeting on the Mittagong Playhouse and the Bowral Memorial Hall Projects;

- The meeting is to be held on site with councillors, council staff, the architect, the community and stakeholders;
- The meeting is to be after working hours;
- The purpose is to engage with all users groups and to address their concerns re. the redevelopment of the Hall for the best use and budget.

#### RECOMMENDATION

***Submitted for determination.***

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## 18.4 Notice of Motion 5/2021 - Animal Fur and Skin Sales

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

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To: Acting General Manager

From: Cllr L A C Whipper

Received: 29 January 2021

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Subject: Animal Fur and Skin Sales

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

1. That Council join with other Councils such as Inner West, Blue Mountains, City of Sydney and Canterbury Bankstown Councils and a growing number of governments around the world including the UK, Brazil, and the USA to ban the sale of animal fur and skin sales on Council land.
2. That Council also write to the State and Federal governments to enact a ban on the trade of these products.

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### RECOMMENDATION

***THAT the information in relation to Notice of Motion 5/2021 - Animal Fur and Skin Sales - be noted.***

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## 19.4 Legal Report - Closed Council

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

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### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 25 November 2020.

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**



## 19.5 Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding Entity of New South Wales

Reference: 7457  
Report Author: Group Manager Corporate and Community  
Authoriser: Acting General Manager  
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

### CONFIDENTIAL ITEM

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

### PURPOSE

The purpose of this report is to provide Council with the Memorandum of Understanding between Wingecarribee Shire Council and Transport Asset Holdings Entity of New South Wales for the Station Street Upgrade Project.

**THIS ITEM WAS NOT DEALT WITH DURING MEETING. TO BE DEALT WITH IN THE ORDINARY MEETING OF COUNCIL ON 10 MARCH 2021.**

## 21. MEETING CLOSURE

### THE MEETING CLOSED AT 8.00 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 24 February 2021 numbered M/N 28/21 to M/N 50/21 were signed by me hereunder at the Council Meeting held on Wednesday 10 March 2021.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 10 MARCH 2021**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER