

MINUTES

of the Ordinary Meeting of Council

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Wednesday 24 March 2021

The meeting commenced at 3.30pm

File No. 100/2021

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 March 2021



1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Extraordinary Meeting of Council on 9 March 2021	
Ordinary Meeting of Council held on 10 March 2021	
Ordinary Meeting of Council held on 17 March 2021	
6. DECLARATIONS OF INTEREST	3
7. INTERIM ADMINISTRATOR MINUTES	4
7.1 Community Update	4
7.2 Development Servicing Plan Charges - NSW Ombudsman's Final Report	7
7.3 Development Servicing Plan Charges - NSW Ombudsman's Final Report	8
8. PUBLIC FORUM.....	9
9. VISITOR MATTERS.....	9
OPERATIONS	
Nil	
CORPORATE AND STRATEGY	
9.1 Development Application 21/0257 - Two (2) Lot Subdivision Part Lot 313 DP1245164, 27 Kimberley Drive Bowral	10
10. EN BLOC MOTION	10
11. OPERATIONS FINANCE AND RISK	11
11.1 Tender for Design Services - Bowral to Moss Vale Duplication Water Main	11
11.2 Proposed Transfer of Crown Road known as Wombat Lane, Wingello	12
11.3 Compulsory Acquisition of Crown Land - Kangaroo Valley.....	13
11.4 Investment Report - February 2021	15
11.5 Drinking Water Quality Policy.....	16
12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES.....	17
12.1 Establishment of a Local Planning Panel	17
12.2 Review of the Urban Backyard Burning of Vegetation Policy	19
12.3 Update of the Asbestos Management Policy	20
12.4 2021 National General Assembly of Local Government	21

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 March 2021



12.5	Amendment to Code of Meeting Practice and Committee Structure	22
12.6	Amendment to Payment of Expenses and Facilities for the Mayor and Councillors Policy	24
13.	GENERAL MANAGER	25
13.1	Legal Report.....	25
13.2	Resignation of Councillor Garry Turland	26
14.	DELEGATE REPORTS	27
15.	PETITIONS	27
	Nil	
16.	COMMITTEE REPORTS	27
	Nil	
17.	QUESTIONS WITH NOTICE.....	27
	Nil	
18.	NOTICES OF MOTION	28
18.1	Notice of Motion 2/2021 Recruitment of General Manager	28
18.2	Notice of Motion 3/2021 Traffic and Parking Study Funston Street, Bowral	29
18.3	Notice of Motion 4/2021 Mittagong Playhouse and Bowral Memorial Hall Projects Community and Stakeholder Meeting	30
19.	CLOSED COUNCIL	30
	Moving into Closed Session	30
19.1	Legal Report.....	31
20.	RESUMPTION OF OPEN AGENDA.....	32
21.	MEETING CLOSURE	32

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 March 2021



MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 24 MARCH 2021 COMMENCING AT 3.30PM

Present:	Interim Administrator	Mr Viv May PSM
In Attendance:	Acting General Manager	Mr Les McMahon
	Acting Deputy General Manager	
	Operations, Finance and Risk	Mr Richard Mooney
	Deputy General Manager Corporate	
	Strategy and Development Services	Mr Mark Pepping
	Group Manager Corporate and	
	Community	Ms Danielle Lidgard
	Group Manager Organisational	
	Development	Mr John Burgess
	Chief Information Officer	Mr John Crawford
	Coordinator Media and Communications	Mr David Sommers
	Administration Officer	Ms Michelle Richardson

1. OPENING OF THE MEETING

The Interim Administrator, Mr Viv May PSM opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Interim Administrator, Mr Viv May PSM acknowledged country: "Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The Interim Administrator, Mr Viv May PSM led the civic prayer.

"Let us meet in this Council Chamber in a spirit of fellowship and goodwill to represent all the members of the community in its cultural and religious diversity. To be honest and objective in all our deliberations. To respect the view of the residents, the rights of all to express their opinions without fear or favour and to make decisions for the common good of the community."

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON TUESDAY 9 MARCH 2021

MN 82/21

MOTION moved by Interim Administrator V May PSM

THAT the minutes of the Extraordinary Meeting of Council held on Tuesday 9 March 2021 MN 51/21 to 52/21 be adopted as a correct record of the proceedings of the meeting.

MOVED AND DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

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

MN 83/21

MOTION moved by Interim Administrator V May PSM

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 10 March 2021 MN 53/21 to MN 80/21 inclusive be adopted as a correct record of the proceedings of the meeting.

MOVED AND DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 17 MARCH 2021

MN 84/21

MOTION moved by Interim Administrator V May PSM

THAT the minutes of the Extraordinary Meeting of Council held on Wednesday 17 March 2021 MN 81/21 be adopted as a correct record of the proceedings of the meeting.

MOVED AND DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

6. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any interest now be disclosed 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.

There were no declarations of interest made at this meeting.

7. INTERIM ADMINISTRATOR MINUTES

7.1 Community Update

Reference: 101; 102; 103/6

Report Author: Interim Administrator

The recent prolonged rain event that impacted Queensland and NSW reached our Shire, starting last Tuesday 16 March and has now eased. Rainfall recorded in Bowral topped 250mm whilst Moss Vale recorded only 120mm.

Council is currently awaiting the outcome of its application to Resilience NSW to have our Shire included in the Natural Disaster Declaration.

The rain event has kept Council crews, SES, Police, Endeavour Energy and other agencies extremely busy working around the clock attending to dozens of fallen trees which had blocked roads, sometimes bringing down power lines and water blocking roads. On behalf of the Wingecarribee community, I thank them all.

The saturated roads resulted in hundreds of potholes which will take Council crews weeks to repair. Road users need to be especially cautious and patient now and in the next few weeks whilst road repairs are being undertaken and fallen trees are being removed from roadsides.

A big thank you, on behalf of the community is due to Council's wonderful crews, support staff and Customer Services staff who have worked tirelessly in maintaining important services to our community and endeavouring to re-open roads safely and with minimal delay. On a personal note, could I thank those who provided me with very detailed and professional status briefings.

I would like to take this opportunity to welcome and thank Mr Les McMahon for taking on the role of Acting General Manager for the next couple of months. As I said previously 'fresh eyes' will be important for the Council Administration as we work to restore the proper and effective functioning of the Council as generally outlined in the Minister for Local Government's correspondence of 2 March 2021.

The recruitment of a new General Manager is a priority and the advertising for the position has been reopened until Tuesday, 6 April 2021. I am now seeking two community representatives to assist in the selection process and residents are encouraged to put their name forward. As I said earlier, suspended and former Councillors and candidates for Local Government election, past and prospective, will not be considered. There will be a considerable amount of reading and the need for complete confidentiality and in the circumstances, as the process may take a couple of days and in fairness, a stipend will be offered.

Interested residents should forward me their details and in a few words advising their experience in such matters and what they believe should be the attributes from a community perspective for the new General Manager.

The Selection Panel will consist of four people and be facilitated by LGNSW and Mr John

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 March 2021



Rayner, the former long serving General Manager of Sutherland Shire Council and currently the Special Advisor and Financial Controller of Armidale Regional Council, has agreed to assist in the process. No Wingecarribee Shire Council personnel, including the Acting General Manager, will be involved.

The staff are thanked for pulling together so quickly an Interim Advisory Planning and Assessment Panel. I will be moving an amendment to the recommendation for the Panel to have determination powers for Development Applications for its first meeting.

I have asked the Acting General Manager to immediately commence the process of expanding the community representation base of the Panel so there is a bigger pool that hopefully covers all areas of the Shire.

In my Minute to the 17 March meeting in relation to the introduction of a Panel, I noted the actions would assist in validating or exposing the professionalism and competence of planning staff. It has now been brought to my attention that there is local commentary on the fact that residents will no longer have 'advocacy' from Councillors, in my view this is not correct.

In my short time here, I have taken an early view that there appears to be some blurring by elected officials and Council staff on their respective roles and responsibilities. The *Local Government Act* is very clear in Section 232 of the roles of a Councillor, one of which states inter alia:

- (d) to represent the collective interests of residents, ratepayers and the local community.

Residents will be able to make personal representation to the Panel and no doubt some will also be represented by professionals. Nothing stops a Councillor also appearing, recognising their Section 232 Statutory obligations. Even a suspended Councillor can appear if they are not exercising any of the functions of Civic Office.

I alluded previously to the fact that I am being approached by residents and staff about the operations of Council and I would encourage people to come forward in that regard. Some people are not very happy and the Planning section in particular and development application assessment appears to be a consistent theme. In consultation with the Acting General Manager the decision has now been taken to have an independent consultant review the effectiveness of the Council's overall planning, development and compliance functions and processes. A brief is being prepared that will include the opportunity for residents to speak directly on a confidential basis to the selected consultant. Residents who are writing to me with concerns will be directed to the consultant who will have the necessary expertise, experience and qualifications to give constructive comment.

I wish to make it very clear that the decision to allow direct access should not be seen as an opportunity to re-open already determined matters, nor will the consultant become involved in the assessment of matters presently before Council.

In my role as Interim Administrator I have an obligation to submit a report to the Minister about my administration of the Council which is to include any recommendations in relation to improving or restoring the proper and effective functioning of the Council. This report is to be provided to the Minister no less than 14 days before the end of the suspension period.

To assist me in coming to an informed conclusion, I think it necessary to visit all towns and villages in the Shire to consult locally with any resident who may wish to do so. While this

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 March 2021



will be time consuming I consider it essential. The staff are presently planning visits that will be held in mid-April to early May and ample notice will be given of location and dates to enable residents to make appointments. If it is considered necessary for the visits to be held at night, I will be only too happy to do so as it is important that all views are considered.

Finally, I would advise that Council's normal office hours will revert to 8:30am to 4:30pm effective from Monday, 29 March 2021 following the continued easing of COVID-19 restrictions by the NSW Government. I have asked the Acting General Manager to liaise with staff to see if it is possible in the future for the offices to close at 5:00pm in line with normal business operating hours.

MN 85/21

MOTION moved by Interim Administrator V May PSM

THAT this minute be received and noted.

RESOLVED ACCORDINGLY



**7.2 Development Servicing Plan Charges - NSW Ombudsman's Final Report
Rescission of MN57/21**

Reference: 101; 102; 103/6

Report Author: Interim Administrator

At the meeting of Council held on 10 March 2021, the final report delivered by the NSW Ombudsman in response to their investigation of a complaint relating to developing servicing charges was tabled.

Details in relation to the complaint that initiated the investigation are well known and I do not propose to restate them in this Minute.

Unfortunately, Council Officers did not make a recommendation in relation to the final report and gave Councillors three options with Council ultimately resolving as follows:

THAT Council accept recommendations 2 and 6 made by the NSW Ombudsman as outlined on page 3 of the report in Attachment 1 at this time acknowledging recommendation 5 has been satisfied having tabled the Ombudsman's Final Report as attached in a Public Council Meeting AND THAT a report be brought back to Council following the period of public notification.

In my view the most recent report of the Ombudsman on this matter has not been handled well either administratively or politically.

Accordingly, I **recommended** that the Council's decision of 10 March 2021 be rescinded.

MN 86/21

MOTION moved by Interim Administrator V May PSM

THAT the Council's decision of 10 March 2021 be rescinded.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

7.3 Development Servicing Plan Charges - NSW Ombudsman's Final Report

Reference: 101; 102; 103/6

Report Author: Interim Administrator

At the meeting of Council held on 10 March 2021, the final report delivered by the NSW Ombudsman in response to their investigation of a complaint relating to developing servicing charges was tabled.

The motion passed by Council on 10 March 2021 being:

THAT Council accept recommendations 2 and 6 made by the NSW Ombudsman as outlined on page 3 of the report in Attachment 1 at this time acknowledging recommendation 5 has been satisfied having tabled the Ombudsman's Final Report as attached in a Public Council Meeting AND THAT a report be brought back to Council following the period of public notification.

has been rescinded.

I now recommend that Council adopt all recommendations of the Ombudsman Final Report as follows:

1. Refund the complainant the difference between the rates listed in the initial development consent and those that they were ultimately required to pay.
2. Post a notice on its website, issue a media release and advertise in a local newspaper inviting developers to contact Council if their consents include the standard condition and were granted before 1 January 2007, so Council can:
 - Consider whether to refund any fees these developers paid over and above the fees listed in their consents.
 - If necessary, amend its records to ensure Council does not charge the relevant developers higher fees in the future.
3. Write to the developers who hold consents LUA 04/0597, LUA 04/1850 and LUA 99/1754, and advise them that any water and sewerage fees they are required to pay if they apply for a compliance certificate will be the fees listed in their consents.
4. Ensure its practice regarding closing Council meetings – and providing the required public record of why part of a meeting is closed – comply with the *Local Government Act 1993* and Office of Local Government guidelines.
5. Table the final Ombudsman report on this matter in a public Council meeting.
6. Give its Audit, Risk and Improvement Advisory Committee a copy of the final Ombudsman report.
7. Provide us with updates every six months on its progress implementing the above recommendations.



MN 87/21

MOTION moved by Interim Administrator V May PSM

I now recommend that Council adopt all recommendations of the Ombudsman Final Report as follows:

- 1. Refund the complainant the difference between the rates listed in the initial development consent and those that they were ultimately required to pay.***
- 2. Post a notice on its website, issue a media release and advertise in a local newspaper inviting developers to contact Council if their consents include the standard condition and were granted before 1 January 2007, so Council can:***
 - Consider whether to refund any fees these developers paid over and above the fees listed in their consents.***
 - If necessary, amend its records to ensure Council does not charge the relevant developers higher fees in the future.***
- 3. Write to the developers who hold consents LUA 04/0597, LUA 04/1850 and LUA 99/1754, and advise them that any water and sewerage fees they are required to pay if they apply for a compliance certificate will be the fees listed in their consents.***
- 4. Ensure its practice regarding closing Council meetings – and providing the required public record of why part of a meeting is closed – comply with the Local Government Act 1993 and Office of Local Government guidelines.***
- 5. Table the final Ombudsman report on this matter in a public Council meeting.***
- 6. Give its Audit, Risk and Improvement Advisory Committee a copy of the final Ombudsman report.***
- 7. Provide us with updates every six months on its progress implementing the above recommendations.***

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

8. PUBLIC FORUM

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

Ms Roma Dix addressed Council on this item.

The Interim Administrator addressed Council on this item.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

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

Mr Mark Dobler addressed Council in support of the officers' recommendation.

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

OFFICERS' RECOMMENDATION:

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.

MN 88/21

MOTION moved by Interim Administrator V May PSM

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 referred to the meeting of the Interim Advisory Planning and Assessment Panel to be held on 7 April 2021.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.



11. OPERATIONS FINANCE AND RISK

11.1 Tender for Design Services - Bowral to Moss Vale Duplication Water Main

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

OFFICERS' RECOMMENDATION

THAT Council accepts Separable Portion 1, Separable Portion 2 & Separable Portion 3 of the Bowral to Moss Vale Duplication Water Main – Design Services from GHD Pty Ltd at a Lump Sum of \$418,302.73 (Inclusive of GST) AND THAT Council rejects Separable Portion 4 and pursues alternative means of undertaking the works.

MN 89/21

MOTION moved by Interim Administrator V May PSM

THAT Council accepts Separable Portion 1, Separable Portion 2 & Separable Portion 3 of the Bowral to Moss Vale Duplication Water Main – Design Services from GHD Pty Ltd at a Lump Sum of \$418,302.73 (Inclusive of GST) AND THAT Council rejects Separable Portion 4 and pursues alternative means of undertaking the works.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



11.2 Proposed Transfer of Crown Road known as Wombat Lane, Wingello

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

OFFICERS' RECOMMENDATION

THAT Council make an application to NSW Department of Planning, Industry and Environment – Crown Lands for the transfer of Crown road known as Wombat Lane, Wingello to Council as roads authority.

MN 90/21

MOTION moved by Interim Administrator V May PSM

THAT Council make an application to NSW Department of Planning, Industry and Environment – Crown Lands for the transfer of Crown road known as Wombat Lane, Wingello to Council as roads authority.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



11.3 Compulsory Acquisition of Crown Land - Kangaroo Valley

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

OFFICERS' RECOMMENDATION

1. *THAT the Acting General Manager be delegated authority to negotiate with NSW Department of Planning, Industry and Environment – Crown Lands for the acquisition of land known as Lot 1 Deposited Plan 1251105 for the purpose of road AND THAT compensation be negotiated within 10% range of the formal valuation obtained by Council in respect of the proposed acquisition.*
2. *THAT if the acquisition referred to in Resolution 1 cannot be negotiated by agreement, Council resolves to:*
 - (a) *acquire the Land by compulsory acquisition in accordance with the requirements of Section 177 and 178 of the Roads Act 1993;*
 - (b) *approve the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;*
 - (c) *approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land.*
3. *THAT upon acquisition, the Land is classified as Operational land.*
4. *THAT Council affix the Common Seal of Council to any documents required to be sealed for the Land referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and Acting General Manager to execute those documents.*
5. *THAT authority be delegated to the Acting General Manager to execute on behalf of Council any documents associated with the acquisition of land referred to in Resolution 1 not requiring affixing of the Common Seal of Council.*

MN 91/21

MOTION moved by Interim Administrator V May PSM

1. **THAT the Acting General Manager be delegated authority to negotiate with NSW Department of Planning, Industry and Environment – Crown Lands for the acquisition of land known as Lot 1 Deposited Plan 1251105 for the purpose of road AND THAT compensation be negotiated within 10% range of the formal valuation obtained by Council in respect of the proposed acquisition.**
2. **THAT if the acquisition referred to in Resolution 1 cannot be negotiated by agreement, Council resolves to:**
 - (a) **acquire the Land by compulsory acquisition in accordance with the requirements of Section 177 and 178 of the Roads Act 1993;**
 - (b) **approve the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land AND THAT Council request the Minister for Local Government approve a reduction in the notification period from ninety (90) days to sixty (60) days;**
 - (c) **approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land.**
3. **THAT upon acquisition, the Land is classified as Operational land.**
4. **THAT Council affix the Common Seal of Council to any documents required to be sealed for the Land referred to in Resolution 1 above AND THAT authority be delegated to the Mayor and Acting General Manager to execute those documents.**
5. **THAT authority be delegated to the Acting General Manager to execute on behalf of Council any documents associated with the acquisition of land referred to in Resolution 1 not requiring affixing of the Common Seal of Council.**

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



11.4 Investment Report - February 2021

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

OFFICERS' RECOMMENDATION

THAT the information on Council's Investments as at 28 February 2021 be received and noted.

MN 92/21

MOTION moved by Interim Administrator V May PSM

THAT the information on Council's Investments as at 28 February 2021 be received and noted.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

11.5 Drinking Water Quality Policy

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

OFFICERS' RECOMMENDATION

THAT Council adopt the Drinking Water Quality Policy provided in Attachment 1.

MN 93/21

MOTION moved by Interim Administrator V May PSM

THAT Council adopt the Drinking Water Quality Policy provided in Attachment 1.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Establishment of a Local Planning Panel

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

OFFICERS' RECOMMENDATION

1. THAT a Local Planning Panel (LPP) be established for Wingecarribee Shire Council in accordance with Part 2, Division 2.5, Section 2.17 of the Environmental Planning and Assessment Act 1979 to consider:
 - a) All development applications ordinarily referred to Council for a decision and applications and matters required to be reported to a LPP as prescribed in the *Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents* in Attachment 1.
 - b) All Planning Proposals and make recommendations to the Council with regard to the merits.
2. THAT the Operation of the Wingecarribee Shire Council LPP be in accordance with the Local Planning Panels Direction – Operational Procedures as approved by the Minister for Planning and Public Open Spaces.
3. THAT the Acting General Manager, in consultation with the Interim Administrator, determine the membership of the Wingecarribee Shire Council LPP.
4. THAT the Acting General Manager notify the Department of Planning Industry and Environment of the Council decision to establish a LPP for Wingecarribee Shire Council and the nominated Chair and Alternate Chair as required.
5. THAT until a Local Planning Panel is formally established by the Minister for Planning and Public Spaces, an Interim Advisory Planning Assessment Panel consisting of the following members be appointed to make recommendations on Development Applications required to be determined by Council all Planning Proposals and other planning matters as set out in Schedule 1 of Attachment 1 to this report.
 - Julie Walsh (Chair)
 - Michael Mantei (Alternate Chair)
 - Alf Lester (Independent Expert)
 - Larissa Ozog (Independent Expert)
 - Scott Barwick (Independent Expert)
 - Heather Warton (Independent Expert)
 - Carl Petersen (Community Representative)
 - Jim Gilvarry (Community Representative)
6. THAT remuneration of the Interim Advisory Planning Assessment Panel Members be in accordance with the current *Remuneration Determination* for LPPs as prescribed by the Minister for Planning under the Environmental Planning and Assessment Act, 1979.



MN 94/21

MOTION moved by Interim Administrator V May PSM

1. **THAT** a Local Planning Panel (LPP) be established for Wingecarribee Shire Council in accordance with Part 2, Division 2.5, Section 2.17 of the Environmental Planning and Assessment Act 1979 to consider:
 - a) All development applications ordinarily referred to Council for a decision and applications and matters required to be reported to a LPP as prescribed in the *Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents* in **Attachment 1**.
 - b) All Planning Proposals and make recommendations to the Council with regard to the merits.
2. **THAT** the Operation of the Wingecarribee Shire Council LPP be in accordance with the Local Planning Panels Direction – Operational Procedures as approved by the Minister for Planning and Public Open Spaces.
3. **THAT** the Acting General Manager, in consultation with the Interim Administrator, determine the membership of the Wingecarribee Shire Council LPP
4. **THAT** the Acting General Manager notify the Department of Planning Industry and Environment of the Council decision to establish a LPP for Wingecarribee Shire Council and the nominated Chair and Alternate Chair as required.
5. **THAT** until a Local Planning Panel is formally established by the Minister for Planning and Public Spaces, an Interim Advisory Planning Assessment Panel consisting of the following members be appointed to determine development applications and make **recommendations** on all Planning Proposals and other planning matters as set out in **Schedule 1 of Attachment 1** to this report.
 - Julie Walsh (Chair)
 - Michael Mantei (Alternate Chair)
 - Alf Lester (Independent Expert)
 - Larissa Ozog (Independent Expert)
 - Scott Barwick (Independent Expert)
 - Heather Warton (Independent Expert)
 - Carl Petersen (Community Representative)
 - Jim Gilvarry (Community Representative)
6. **THAT** delegation be given to the Interim Advisory Planning Assessment Panel in accordance with Section 377 of the Local Government Act 1993 to exercise the function of determining development applications under the Environmental Planning and Assessment Act 1979 which are reported to the Panel for determination.
7. **THAT** remuneration of the Interim Advisory Planning Assessment Panel Members be in accordance with the current *Remuneration Determination* for LPPs as prescribed by the Minister for Planning under the Environmental Planning and Assessment Act, 1979.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

12.2 Review of the Urban Backyard Burning of Vegetation Policy

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

OFFICERS' RECOMMENDATION

THAT the draft Urban Backyard Burning of Vegetation Policy at Attachment 1 be adopted.

MN 95/21

MOTION moved by Interim Administrator V May PSM

THAT the draft Urban Backyard Burning of Vegetation Policy at Attachment 1 be adopted.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



12.3 Update of the Asbestos Management Policy

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

OFFICERS' RECOMMENDATION

THAT the draft Asbestos Management Policy at Attachment 1 be adopted AND THAT the Asbestos Guide at Attachment 2 be noted.

MN 96/21

MOTION moved by Interim Administrator V May PSM

THAT the draft Asbestos Management Policy be DEFERRED to the next Council meeting, noting it is not necessary to reprint the Attachment.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

12.4 2021 National General Assembly of Local Government

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

OFFICERS' RECOMMENDATION

1. *THAT Council authorise the attendance at the 2021 National General Assembly of Local Government to be held from 20 to 23 June 2021 in Canberra as follows:*
 - a. *Interim Administrator or the Mayor, depending on the duration of the Suspension Order issued to Wingecarribee Shire Council*
 - b. *General Manager (or delegate).*
2. *THAT any proposed motions from Council for the 2021 National General Assembly of Local Government be tabled by the Interim Administrator and endorsed by Council at the 24 March 2021 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association Board by 26 March 2021.*

MN 97/21

MOTION moved by Interim Administrator V May PSM

1. ***THAT Council authorise the attendance at the 2021 National General Assembly of Local Government to be held from 20 to 23 June 2021 in Canberra as follows:***
 - a. ***Interim Administrator or the Mayor, depending on the duration of the Suspension Order issued to Wingecarribee Shire Council***
 - b. ***General Manager (or delegate).***
2. ***THAT any proposed motions from Council for the 2021 National General Assembly of Local Government be tabled by the Interim Administrator and endorsed by Council at the 24 March 2021 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association Board by 26 March 2021.***

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



12.5 Amendment to Code of Meeting Practice and Committee Structure

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

OFFICERS' RECOMMENDATION

1. *THAT Council's Code of Meeting Practice be amended from two Ordinary meetings of the Council a month to one Ordinary Meeting of the Council a month AND THAT Ordinary meeting of the Council be held on second Wednesday of the month, except of January when no meeting will be held.*
2. *THAT Council meetings for the remainder of the 2021 calendar year be held as follows:*
 - 14 April 2021
 - 12 May 2021
 - 9 June 2021
 - 14 July 2021
 - 11 August 2021
 - 13 October 2021
 - 10 November 2021
 - 8 December 2021
3. *THAT Council's Finance Committee be dissolved effective immediately and business previously considered at the Finance Committee now be considered at the Ordinary meeting of the Council AND THAT Council's Committee Structure and Committee Manual be amended to remove the dissolved Finance Committee.*

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 24 March 2021



MN 98/21

MOTION moved by Interim Administrator V May PSM

1. ***THAT Council's Code of Meeting Practice be amended from two Ordinary meetings of the Council a month to one Ordinary Meeting of the Council a month AND THAT Ordinary meeting of the Council be held on second Wednesday of the month, except of January when no meeting will be held.***
2. ***THAT Council meetings for the remainder of the 2021 calendar year be held as follows:***
 - ***21 April 2021***
 - ***12 May 2021***
 - ***9 June 2021***
 - ***14 July 2021***
 - ***11 August 2021***
 - ***13 October 2021***
 - ***10 November 2021***
 - ***8 December 2021***
3. ***THAT Council's Finance Committee be dissolved effective immediately and business previously considered at the Finance Committee now be considered at the Ordinary meeting of the Council AND THAT Council's Committee Structure and Committee Manual be amended to remove the dissolved Finance Committee.***

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



12.6 Amendment to Payment of Expenses and Facilities for the Mayor and Councillors Policy

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

OFFICERS' RECOMMENDATION

THAT the amended Payment of Expenses and Facilities for the Mayor and Councillors Policy be placed on public exhibition for a period of 28 days.

MN 99/21

MOTION moved by Interim Administrator V May PSM

THAT the amended Payment of Expenses and Facilities for the Mayor and Councillors Policy be placed on public exhibition for a period of 28 days.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

13. GENERAL MANAGER

13.1 Legal Report

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

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

OFFICERS' RECOMMENDATION

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 19.1.*

MN 100/21

MOTION moved by Interim Administrator V May PSM

1. ***THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.***
2. ***THAT no further legal reports in relation to costs be submitted to Council, the matter being more appropriately dealt with in quarterly financial statements, noting the General Manager's obligations, should there be extenuating circumstances.***

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR



13.2 Resignation of Councillor Garry Turland

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

The Interim Administrator requested that it be recorded in the minutes that the Suspension Order was gazetted on 12 March 2021 at 12.35pm.

OFFICERS' RECOMMENDATION

THAT Council acknowledge the resignation of Councillor Garry Turland on 12 March 2021 and thank him for his contributions to the Wingecarribee Shire since being elected as a Councillor in 2012 and again in 2016.

MN 101/21

MOTION moved by Interim Administrator V May PSM

THAT Council acknowledge the resignation of Councillor Garry Turland on 12 March 2021 and thank him for his contributions to the Wingecarribee Shire since being elected as a Councillor in 2012 and again in 2016.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

14. DELEGATE REPORTS

Nil

15. PETITIONS

Nil

16. COMMITTEE REPORTS

Nil

17. QUESTIONS WITH NOTICE

Nil

18. NOTICES OF MOTION

18.1 Notice of Motion 2/2021 Recruitment of General Manager

NOTICE OF MOTION

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.

DECLARED LAPSED BY THE INTERIM ADMINISTRATOR

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

NOTICE OF MOTION

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.

DECLARED LAPSED BY THE INTERIM ADMINISTRATOR

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

NOTICE OF MOTION

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.

DECLARED LAPSED BY THE INTERIM ADMINISTRATOR.

19. CLOSED COUNCIL

107/9

There was no closed Council at this meeting. At this point Item 19.1 Legal Report was considered in Open Council.

19.1 Legal Report

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

OFFICERS' RECOMMENDATION

THAT the information in the Legal Report be noted.

MN 102/21

MOTION moved by Interim Administrator V May PSM

- 1. *THAT the information in the Legal Report be noted.***
- 2. *THAT the Section 8.2 Review of Determination of the Council refusal of DA19/1650 – Eco Tourist Facility at 198 Foxgrove Road, Canyonleigh be reported to the Interim Advisory Planning Assessment Panel meeting of 5 May 2021 for determination.***
- 3. *THAT reports of this nature no longer be listed for Council's consideration unless the General Manager is of the view that further direction is required; such consideration is to be on the recommendation of the Council's legal advisors.***

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

20. RESUMPTION OF OPEN AGENDA

107/10

There was no Closed Council at this meeting and as such there was no resumption of Open Agenda.

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4:36 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 March 2021 numbered M/N 82/21 to M/N 102/21 were signed by me hereunder at the Council Meeting held on Wednesday 21 April 2021.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 21 APRIL 2021

CHAIRMAN

PUBLIC OFFICER