

# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers  
Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 8 December 2021**

The meeting commenced at 3.30pm

**1. OPENING OF THE MEETING**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. PRAYER**

**4. APOLOGIES**

Nil

**5. ADOPTION OF MINUTES OF PREVIOUS MEETING**

Ordinary Meeting of Council held on 10 November 2021 and Extraordinary Meeting 24 November 2021

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**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD  
IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON  
WEDNESDAY 8 DECEMBER 2021 COMMENCING AT 3.30PM**

<b>Present:</b>	Interim Administrator	Viv May PSM
<b>In Attendance:</b>	General Manager Director, Corporate Strategy and Resourcing Director, Communities and Place Director, Service and Project Delivery Strategic Governance Executive Group Manager Corporate and Community Group Manager Capital Projects Chief Information Officer Acting Chief Financial Officer Manager Open Space, Recreation and Building Maintenance Manager Strategic Land Use Planning Coordinator ICT Operations Coordinator Media and Communications Coordinator Property Services Bushfire Recovery Project Facilitator Contractor Corporate Strategy and Governance Officer Corporate Strategy and Governance Officer	Lisa Miscamble Carmel Foster Geoff King Karin Targa Marissa Racomelara Danielle Lidgard Ned Tripkovic John Crawford Damien Jenkins  Greg Bray Michael Park Ian Vong David Sommers Mandy McCullagh Leanne Barnes David Ackroyd Olivia Nettleton Ivana Vidovich

## **1. OPENING OF THE MEETING**

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

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## **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 Straight Islanders present or watching today.”

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### 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.”

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### 4. APOLOGY

There were no apologies at this Meeting.

### 5. CONFIRMATION OF MINUTES

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

**MN 338/21**

**MOTION** moved by Interim Administrator

**THAT the minutes of the Ordinary Meeting of Council held on Wednesday 10 November 2021 MN 306/21 to MN 325/21, be adopted as a correct record of the proceedings of the meeting.**

**CARRIED**

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 24 NOVEMBER 2021

**MN 339/21**

**MOTION** moved by Interim Administrator

**THAT the minutes of the Extraordinary Meeting of Council held on Wednesday 24 November 2021 MN 326/22 to MN 337/22, be adopted as a correct record of the proceedings of the meeting.**

**CARRIED**

## **6. DECLARATIONS OF INTEREST**

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.

Nil

## **7. INTERIM ADMINISTRATOR MINUTES**

### **7.1 Community Update**

**Report Author:** Interim Administrator

#### **PURPOSE**

**MN 340/21**

**MOTION** moved by Interim Administrator

<https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/ia-minute-community-update-8-december-2021-a.pdf>

The *Bushfire Response and Recovery Review 2021: Council Response* has been completed and will be addressed in this meeting. The responses prepared by Leanne Barnes, staff and external agencies provide a solid action plan for Council to work on the 44 recommendations from the Review. The community can be assured that past failures will not be repeated.

I would like to thank Leanne Barnes for her work in undertaking and coordinating the responses for the Review and the contribution of the following staff: Carmel Foster, Director Corporate Strategy and Resourcing; Marissa Racomelara, Strategic Governance; Greg Bray, Manager Open Space Recreation & Building Maintenance & Infrastructure Service; Peter Smith, Manager Design, Construction and Maintenance & Infrastructure Services; John Crawford, Chief Information Officer; Cath Brennan, Coordinator Community Development; David Sommers, Coordinator Media and Communications; Amanda Lawrence, Risk Management Officer; Barry Arthur, Manager Environment & Sustainability; Damien Jenkins, Acting Chief Financial Officer; Corinne Buxton, Community Recovery Officer; and former staff Richard Mooney; Rachel Forte; Kylie Stefaniuk; and Peter Day.

This has been a collaborative cross-organisational project that reinforces the commitment that Council has towards its 'community-first' approach and also teams working together to improve the service that Council provides, both internally and externally.

The contribution and support from the following agencies is valued and most appreciated: Heidi Stratford & the NSW Resilience team Jeremy Hillman, Trevor Cox and Mark Conlon; Kim Hill Recovery Support Officer NRRRA; Paul Lloyd and Trish Malone Regional Emergency Management Officers NSW Police; Chief Inspectors Jason Horne and John Klepczarek LEOCONS; Southern Highlands Foundation Shelley Boyce and the Executive committee; Staff from Wollondilly Shire Council CEO Ben Taylor and team particularly Ally Dench; Dick Adams Regional Recovery Coordinator; RFS Martin Surrey; and SES Warren Turner.

There appears to me to be more redacted information on Council's publicly available documents, including Business Papers, than I have experienced in the past. While it is clear that Council has statutory obligations under relevant Privacy Acts, in my view, public authorities need to be more transparent in their operations.

Muzzling of information that is, or may be of, public interest does nothing to restore confidence and it is for this reason I have worked to make Wingecarribee Shire Council more open, honest and transparent. But this works two ways.

Accordingly, I have asked the General Manager to review what is on the Council's website particularly in relation to Development Applications online. While for varying reasons some matters should be treated as private and confidential, Council staff should not be treated as intermediaries or umpires and neighbours should take more responsibility by 'talking over the back fence'.

The General Manager and I attended the Illawarra Business Awards held in Wollongong on



Friday 19 November. The Awards are conducted by Business Illawarra which of course also covers Wingecarribee Shire area.

Small business has been very vocal about the failures of this Council and on this agenda is a response to the Small Business Commissioner's scathing report.

As a Council we are doing our best to reconnect with the small business community. The Shire was represented at the Awards by Mrs Oldbucks Pantry, based in Berrima and Highlands Sand & Soil, based in Braemar. Warrigal was the winner of *Outstanding Community Organisation and Excellence in Workplace Culture* and operates several facilities in the Southern Highlands. PepperGreen, based in Berrima, was the wine partner and category sponsor.

We look forward to encouraging greater participation in the Awards in 2022.

My marathon village and township outreach visits are nearing completion. I thank those who have attended for their open and respectful dialogue. The General Manager has indicated that as part of the Council's Community Strategic Plan and budgets, she will also do a roadshow with Council's Directors and relevant staff in the new year. Residents can also look forward to staff having location meetings when projects are being consulted – such as local park improvements and road upgrades.

I was asked more than once at my meetings why I was not supported by the Senior and Executive staff – well the answer is clear – we have different roles and responsibilities and hopefully from now on resident information meetings dominated by politicians is a practice of the past – even though in the past few days it has been necessary for me to write to a suspended Councillor about attendance and interjection at what was an operational meeting.

When I have completed the community visits, a brief precis of each meeting will be put on the Council website to outline matters of importance raised, which I think will be of benefit to many. One matter I have already actioned is in relation to Buxton, where I have asked for a detailed report to be submitted to the first available Council meeting updating the community on the alleged illegal dumping adjacent to the Bargo State Forest and the now reported private reconstruction of a public road. These are matters that have gone on for too long and need to be addressed.

Last Wednesday night I attended the 2021 Australian Highlands Wine Show Awards at Centennial Vineyards. The Show was open to all Australian wines made from grapes sourced from vineyards above 500m in altitude and attracted over 120 entries.

Congratulations to our own vineyards for your awards:

1. *Best Sparking Wine in Show* – Centennial Vineyards NV Limited Release Blanc de blanc
2. *Best Dessert Wine in Show* – Tertini 2019 Noble
3. *Best Pinot Noir in Show* – Cherry Tree Hill 2019 'Hayden' Reserve Pinot Noir.

Well done to the organisers, judges and wineries who participated.

While noting awards, it is appropriate to also recognise Harbison Homes Burradoo for receiving the *2021 Excellence in Aged Care Award* for the design of Harbison Dementia

Living. The Southern Highlands community is fortunate to have the presence of such an organisation in the Shire and while I am aware the General Manager has visited both their sites, I am looking forward to doing so early in the new year.

It was also pleasing to represent Council at the opening of the new facilities for the Moss Vale Football Club at the Church Street Oval last Friday evening. The Club now has first class change and clubhouse facilities and while the works were substantially funded by the Council and a Federal Government grant, the fact that the Club raised in excess of \$140,000 is to be applauded.

When I chaired the first meeting of Council under Administration in March, I commented that in my view the presentation of the newly refurbished Council Chamber left a lot to be desired and in short, I thought it adversarial with a real 'them and us' atmosphere. Robes, chains and privilege are not what real community government is all about.

I was told that the raised podium was in fact necessary as new levels had been created by the Civic Centre improvements and for accessibility. This was incorrect.

To remove the podium and modify the existing function, I am told will cost in the order of \$40,000 which includes IT costs of \$13,000. While this is a lot it could be seen as money well spent. Not only would the expenditure remove the perceived 'grandness' it will allow for the room to become multi-purpose for training, receptions, ceremonies and the like.

Things are changing at your Council with respect, consistency, trust and transparency at the forefront. While I see alterations to the Chambers as important, they are not completely necessary and others may have a differing view. In the circumstances, I invite residents and ratepayers to write to me if they take a contrary view, otherwise instructions will be given on 31 December 2021 for works to be undertaken in readiness for the Meetings of Council in 2022.

Finally, it was wonderful last night to be in Bowral for the turning on of the Christmas lights by Isla McAlary and Mackenzie Perry from Robertson Public School. Tomorrow I will join Will Archer and Ari Knowles from Exeter Public School at Moss Vale and Brittany Wray from St Paul's Primary School at Mittagong.

Council's Christmas celebrations are being organised in consultation with local Chambers of Commerce and Village communities and are deliberately focussed on community celebration rather than lights, tinsel and banners. Apart from a major display at Corbett Gardens with the *Festival of Lights* I am told this is what the community wanted and a full debrief will be presented to the February 2022 Council Meeting.

Viv May PSM

**Interim Administrator**

**THAT the update be received and noted.**

**CARRIED**

## 8. GENERAL MANAGER

### 8.1 Bushfire Response and Recovery Review 2021: Council Response

**Report Author:** Bushfire Recovery Project Facilitator  
**Authoriser:** Director, Corporate Strategy and Resourcing

The Bushfire Recovery Project Facilitator introduced the item.

#### OFFICER'S RECOMMENDATION

##### THAT

1. The report and completed actions be noted.
2. The attached Response and Action Plan be adopted for implementation by relevant Council Officers, referral to other appropriate agencies for action and advocacy.
3. The key Council actions be referred to in the development of the Council's Resourcing Strategy, Delivery Program and Operational Plan as part of the Integrated Planning and Reporting Framework.
4. The Response and Action Plan form part of a series of place-based community sessions as part Council's Integrated Planning and Reporting community session in early 2022 to allow input from key communities in the Shire into the future development of Council response and recovery activities.
5. Council nominate a Council Officer to participate in the Local Emergency Management Committee representing the Council's Recovery responsibilities.
6. Council express its appreciation to both Council Officers and Officers from external agencies for their contribution and commitment with the preparation of the Response and Action Plan.

**MN 341/21**

**MOTION** moved by Interim Administrator

**THAT**

1. *The report and completed actions be noted.*
2. *The attached Response and Action Plan be adopted for implementation by relevant Council Officers, referral to other appropriate agencies for action and advocacy.*
3. *The key Council actions be referred to in the development of the Council's Resourcing Strategy, Delivery Program and Operational Plan as part of the Integrated Planning and Reporting Framework.*
4. *The Response and Action Plan form part of a series of place-based community sessions as part Council's Integrated Planning and Reporting community session in early 2022 to allow input from key communities in the Shire into the future development of Council response and recovery activities.*
5. *Council nominate a Council Officer to participate in the Local Emergency Management Committee representing the Council's Recovery responsibilities.*
6. *Council express its appreciation to both Council Officers and Officers from external agencies for their contribution and commitment with the preparation of the Response and Action Plan.*
7. *A copy of Council's Bushfire Response and Recovery Review 2021 and associated reviews dated November 2021 be forwarded to the Commissioner, Wingecarribee Shire Council Public Inquiry.*
8. *A community briefing be held in the new year for interested residents on the Council's response and action plan.*

**CARRIED**

## 8.2 Southern Highlands Bridge Club - Request for Financial Assistance

Report Author: Strategic Governance Executive  
Authoriser: General Manager

The General Manager tabled the attached.

[https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-agenda-item-8.2\\_redacted.pdf](https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-agenda-item-8.2_redacted.pdf)

The Strategic Governance Executive introduced the item.

### OFFICER'S RECOMMENDATION

#### THAT

1. Council declined the request from the Southern Highlands Bridge Club for a loan of \$470,000.
2. Council assist the Southern Highlands Bridge Club to identify existing facilities with capacity for shared use

**MN 342/21**

**MOTION** moved by Interim Administrator

#### **THAT**

1. ***Council decline the request from the Southern Highlands Bridge Club for a loan of \$470,000.***
2. ***Council assist the Southern Highlands Bridge Club to identify existing facilities with capacity for shared use***
3. ***On the basis of the Council negotiating the termination of the lease with the club of public land at the David Woods playing fields, the General Manager be delegated authority to reimburse to the club, agreed costs associated with the proposal including development costs and associated fees.***

**CARRIED**

### 8.3 Wingecarribee Adult Day Care - request for an existing loan to be transitioned to a grant

Report Author: Strategic Governance Executive  
Authoriser: General Manager

The Strategic Governance Executive introduced the item.

#### OFFICER'S RECOMMENDATION

##### THAT

1. Council maintain the current funding agreement with Wingecarribee Adult Day Care Centre (WADCC).
2. Council Officers meet with representatives of Wingecarribee Adult Day Care Centre to explore options for increasing revenue to enable a repayment schedule to be developed.

**MN 343/21**

**MOTION** moved by Interim Administrator

**THAT Council agree in principal with the Officer's Recommendation AND THAT the matter be deferred to ascertain the annual rental payable by the centre for the occupation of its other two locations.**

**CARRIED**

## 8.4 Moss Vale District Basketball Association Inc - Request for Financial Assistance

Report Author: Strategic Governance Executive  
Authoriser: General Manager

The General Manager tabled the attached.

[https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-agenda-item-8.4\\_redacted.pdf](https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-agenda-item-8.4_redacted.pdf)

The Strategic Governance Executive introduced the item.

### OFFICER'S RECOMMENDATION

#### THAT

1. Council decline the request for additional funding from the Moss Vale District Basketball Association Inc. and maintain the existing loan agreement in its current form.
2. Council maintains the Lackey Park Regional Sporting Hub project on hold until the Community and Recreational Facilities Strategy is developed.

**MN 344/21**

**MOTION** moved by Interim Administrator

#### **THAT**

1. ***Council decline the request for additional funding from the Moss Vale District Basketball Association Inc. and maintain the existing loan agreement in its current form.***
2. ***Council maintains the Lackey Park Regional Sporting Hub project on hold until the Community and Recreational Facilities Strategy is developed.***

**CARRIED**

## 8.5 Council Committee Review - presentation of final report

Report Author: Strategic Governance Executive  
Authoriser: General Manager

The Strategic Governance Executive introduced the item. Mr Ackroyd addressed the meeting.

### OFFICER'S RECOMMENDATION

#### THAT

1. The recommendations contained in the Community Advisory and Section 355 Committee Review be endorsed.
2. The Community Advisory and Section 355 Committee Review be placed on Public Exhibition from 10 December to 28 January 2022.
3. Staff further engage with stakeholders and seek feedback on the recommendations of the Review.
4. A further report be prepared at the conclusion of the exhibition period, considering the feedback received and proposing a forward plan for implementation.

**MN 345/21**

**MOTION** moved by Interim Administrator

#### THAT

1. *The recommendations contained in the Community Advisory and Section 355 Committee Review be endorsed for community consultation.*
2. *The Community Advisory and Section 355 Committee Review be placed on Public Exhibition from 10 December to 28 February 2022.*
3. *Staff further engage with stakeholders and seek feedback on the recommendations of the Review.*
4. *A further report be prepared at the conclusion of the exhibition period, considering the feedback received and proposing a forward plan for implementation.*

**CARRIED**



## 8.6 Civic Centre Refurbishment Project Review - presentation of final report

**Report Author:** Strategic Governance Executive  
**Authoriser:** General Manager

### OFFICER'S RECOMMENDATION

#### THAT

1. The report on the Civic Centre Refurbishment Project is noted and the following recommendations be adopted for implementation:
  - a. An appropriate project governance model structure with representatives from business units be applied to ensure compliance with Legislation and Guidelines;
  - b. A formal Committee structure for capital projects be established comprising the Group Manager Capital Projects, the CFO/Management Accountant and the Compliance Manager;
  - c. Capital Project reporting be implemented with minutes recorded of decisions made and recommendations to the Director Service and Project Delivery;
  - d. The Management Accountant to review the Project Costs with the Group Manager Capital Works and that these be certified by the Group Manager Capital Projects and the Chief Financial Officer;
  - e. Council undertake the refurbishment to the rear area of the Civic Centre including, replacing windows, carpet, painting the interior and review the office design layout. Review the budgetary and funding impact and include it within the Capital Works Programme.
2. The following amended recommendations be adopted for implementation:
  - a. Detailed Business cases as stated in the OLG Guidelines for proposed capital expenditure above the threshold determined by the guidelines are prepared
  - b. Council adhere to the Local Government Act, OLG Guidelines for Council related capital expenditure, with this to be reviewed by the Compliance Manager with recommendations to the General Manager for submission to the OLG prior to commencing the project;
  - c. A detailed business case process and framework be adopted and that this be completed for all capital projects
3. The General Manager review the detail of the report and any additional documentation as required, to determine if further action is warranted on any of the findings and that the appropriate action be taken.

**MN 346/21**

**MOTION** moved by Interim Administrator

**THAT**

1. ***The report on the Civic Centre Refurbishment Project is noted and the following recommendations be adopted for implementation:***
  - a. ***An appropriate project governance model structure with representatives from business units be applied to ensure compliance with Legislation and Guidelines;***
  - b. ***A formal Committee structure for capital projects be established comprising the Group Manager Capital Projects, the CFO/Management Accountant and the Compliance Manager;***
  - c. ***Capital Project reporting be implemented with minutes recorded of decisions made and recommendations to the Director Service and Project Delivery;***
  - d. ***The Management Accountant to review the Project Costs with the Group Manager Capital Works and that these be certified by the Group Manager Capital Projects and the Chief Financial Officer;***
  - e. ***Council undertake the refurbishment to the rear area of the Civic Centre including, replacing windows, carpet, painting the interior and review the office design layout. Review the budgetary and funding impact and include it within the Capital Works Programme.***
2. ***The following amended recommendations be adopted for implementation:***
  - a. ***Detailed Business cases as stated in the OLG Guidelines for proposed capital expenditure above the threshold determined by the guidelines are prepared***
  - b. ***Council adhere to the Local Government Act, OLG Guidelines for Council related capital expenditure, with this to be reviewed by the Compliance Manager with recommendations to the General Manager for submission to the OLG prior to commencing the project;***
  - c. ***A detailed business case process and framework be adopted and that this be completed for all capital projects***
3. ***The General Manager review the detail of the report and any additional documentation as required, to determine if further action is warranted on any of the findings and that the appropriate action be taken.***
4. ***A copy of the Civic Centre Refurbishment Project Review be forwarded to the Commissioner, Wingecarribee Shire Council Public Inquiry***
5. ***The General Manager thoroughly review the decision to refocus the Council's decision of 9 December 2020 to alter the scope of works as outlined in its Submission for the capital expenditure Review to the Office of Local Government of December 2019 from a staff occupational health and safety perspective, to using a void detailed as further office space and meeting rooms to a Civic Wing, including internal emails and file notes, business case, loan application and approvals from Office of Local Government, Councillor workshops and briefing minutes and associated material as the General Manager might discover.***

**CARRIED**

## 8.7 Report into Planning and Development - Righting the Wrongs Final Report on Planning, Development and Regulatory Services

Report Author: Strategic Governance Executive  
Authoriser: General Manager

The Director, Communities and Place introduced the item.

### OFFICER'S RECOMMENDATION

#### THAT

1. The recommendations of the Earnest Consulting Report "Righting the Wrongs: Final Report on Planning, Development and Regulatory Services" be adopted.
2. Council note that a confidential report has been provided to the General Manager providing details in individual matters and that this report will be provided to the Public Inquiry.
3. The General Manager review the recommendations and proposed implementation strategy in the report and report back to Council prior to June 2022 outlining progress on implementation and benefits achieved.

**MN 347/21**

**MOTION** moved by Interim Administrator

#### THAT

1. *The recommendations of the Earnest Consulting Report "Righting the Wrongs: Final Report on Planning, Development and Regulatory Services" be adopted.*
2. *Council note that a confidential report has been provided to the General Manager providing details in individual matters and that this report will be provided to the Public Inquiry.*
3. *The General Manager review the recommendations and proposed implementation strategy in the report and report back to Council prior to June 2022 outlining progress on implementation and benefits achieved.*

**CARRIED**

## 8.8 Moss Vale Plastics Recycling Facility - State Significant Development

Report Author: Manager Strategic Land Use Planning  
Authoriser: General Manager

The General Manager introduced the item.

### OFFICER'S RECOMMENDATION

#### THAT

1. The report on the proposed Moss Vale Plastics Recycling Facility be received for information.
2. Council encourage the proponent to undertake a Social Impact Assessment in addition to the required Environmental Impact Statement.
3. Council undertake a comprehensive review of the Environmental Impact Statement when released
4. A further report be provided to Council ahead of providing its formal submission on the proposed development to the NSW Department of Planning, Industry and Environment, as the assessing authority.
5. All submissions received by Council on the Moss Vale Plastics Recycling Facility be collated and attached to Council's submission on the proposed development.

**MN 348/21**

**MOTION** moved by Interim Administrator

#### **THAT**

1. ***The report on the proposed Moss Vale Plastics Recycling Facility be received for information.***
2. ***Council encourage the proponent to undertake a Social Impact Assessment in addition to the required Environmental Impact Statement.***
3. ***Council undertake a comprehensive review of the Environmental Impact Statement when released***
4. ***A further report be provided to the Council's Local Planning Panel and Council ahead of providing its formal submission on the proposed development to the NSW Department of Planning, Industry and Environment, as the assessing authority.***
5. ***All submissions received by Council on the Moss Vale Plastics Recycling Facility be collated and attached to Council's submission on the proposed development.***

**CARRIED**

## 9. CORPORATE STRATEGY AND RESOURCING

### 9.1 Media Policy - Post Exhibition Report

Report Author: Corporate Strategy and Governance Officer  
Authoriser: Group Manager Corporate and Community

#### OFFICER'S RECOMMENDATION

THAT Council adopt the revised Media Policy as placed on public exhibition.

**MN 349/21**

**MOTION** moved by Interim Administrator

**THAT Council adopt the revised Media Policy as placed on public exhibition.**

**CARRIED**

## 9.2 Social Media - Post Exhibition Report

Report Author: Corporate Strategy and Governance Officer  
Authoriser: Group Manager Corporate and Community

### OFFICER'S RECOMMENDATION

THAT Council adopt the draft Social Media Policy as placed on public exhibition, with the following amendments:

- (a) additional policy objective in section 1;
- (b) allow promotion of content that aligns with a Council project or initiative in section 2.3;
- (c) additional moderation of information in section 2.4;
- (d) clarify that Council officials are bound by the Code of Conduct in section 2.5;
- (e) expand the definition of Social Media in section 6.

**MN 350/21**

**MOTION** moved by Interim Administrator

**THAT** Council adopt the draft Social Media Policy as placed on public exhibition, with the following amendments:

- (a) additional policy objective in section 1;
- (b) allow promotion of content that aligns with a Council project or initiative in section 2.3;
- (c) additional moderation of information in section 2.4;
- (d) clarify that Council officials are bound by the Code of Conduct in section 2.5;
- (e) expand the definition of Social Media in section 6.

**CARRIED**

### 9.3 Proposed Road Lease - Part Wilson Street, Balaclava

Report Author: Coordinator Property Services  
Authoriser: General Manager

#### OFFICER'S RECOMMENDATION

##### THAT

1. Authority be delegated to the General Manager to negotiate the terms and conditions of a short term road Lease of the area shown in Attachment 1 to this report being part Wilson Street, Balaclava to the adjoining land owner for a maximum period of five (5) years.
2. Council place on public exhibition for a minimum of twenty eight (28) days the proposal to enter into the road Lease referred to in Resolution 1 above.
3. If there are no objections received during the period of public exhibition, the General Manager and Interim Administrator/Mayor be delegated authority to execute the road Lease referred to in Resolution 1 above AND THAT if any objections are received, a further report be forwarded to a future meeting of Council.

**MN 351/21**

**MOTION** moved by Interim Administrator

##### THAT

1. *Authority be delegated to the General Manager to negotiate the terms and conditions of a short term road Lease of the area shown in Attachment 1 to this report being part Wilson Street, Balaclava to the adjoining land owner for a maximum period of five (5) years.*
2. *Council place on public exhibition for a minimum of twenty eight (28) days the proposal to enter into the road Lease referred to in Resolution 1 above.*
3. *If there are no objections received during the period of public exhibition, the General Manager and Interim Administrator/Mayor be delegated authority to execute the road Lease referred to in Resolution 1 above **AND THAT** if any objections are received, a further report be forwarded to a future meeting of Council.*

**CARRIED**

## **9.4 Lackey Park Moss Vale - Crown Reserve 1011589 - Acquisition of Easement for Stormwater**

**Report Author:** Coordinator Property Services  
**Authoriser:** General Manager

### **OFFICER'S RECOMMENDATION**

#### **THAT**

1. The General Manager be delegated authority to negotiate with the owner of Lot 10 Section A in Deposited Plan 2810 (Crown Reserve 1011589) for the acquisition of an easement over part Lot 10 Section A in Deposited Plan 2810 AND THAT compensation be negotiated within 10% range of formal valuation obtained in respect of the proposed acquisition.
2. If the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:
  - (a) acquire the easement by compulsory acquisition under sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW);
  - (b) approve the making of an application to the Minister for Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land AND THAT Council request that 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 Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the easement.
3. If required by legislation, Council give a minimum 28 days public notice of its intention to acquire an easement for stormwater over part Crown Reserve referred to in Resolution 1.
4. Council affix the Common Seal of Council to any documents required to be sealed for acquisition of the easement over the land referred to in Resolution 1 AND THAT authority be delegated to the Mayor/Interim Administrator and General Manager to execute those documents.
5. Authority be delegated to the Mayor/Interim Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of an easement over the land referred to in Resolution 1 that does not require the Common Seal of Council.



**MN 352/21**

**MOTION** moved by Interim Administrator

**THAT**

1. ***The General Manager be delegated authority to negotiate with the owner of Lot 10 Section A in Deposited Plan 2810 (Crown Reserve 1011589) for the acquisition of an easement over part Lot 10 Section A in Deposited Plan 2810 AND THAT compensation be negotiated within 10% range of formal valuation obtained in respect of the proposed acquisition.***
2. ***If the acquisition referred to in Resolution 1 cannot be negotiated by agreement Council resolves to:***
  - (a) ***acquire the easement by compulsory acquisition under sections 186 and 187 of the Local Government Act 1993 (NSW) and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW);***
  - (b) ***approve the making of an application to the Minister for Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the land AND THAT Council request that 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 Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the easement.***
3. ***If required by legislation, Council give a minimum 28 days public notice of its intention to acquire an easement for stormwater over part Crown Reserve referred to in Resolution 1.***
4. ***Council affix the Common Seal of Council to any documents required to be sealed for acquisition of the easement over the land referred to in Resolution 1 AND THAT authority be delegated to the Mayor/Interim Administrator and General Manager to execute those documents.***
5. ***Authority be delegated to the Mayor/Interim Administrator and General Manager to execute on behalf of Council any documents associated with the acquisition of an easement over the land referred to in Resolution 1 that does not require the Common Seal of Council.***

**CARRIED**

## 9.5            **Renewal of Licence Agreement - Balmoral Rural Fire Service - Part Lot 5001 DP 1214266 Railway Parade, Balmoral**

Report Author:                      Coordinator Property Services  
Authoriser:                          General Manager

### **OFFICER'S RECOMMENDATION**

#### **THAT**

1. The General Manager be delegated authority to negotiate the terms and conditions of the Licence Agreement with Transport Asset Holding Entity of NSW for part Lot 5001 DP 1214266 Railway Avenue Balmoral AND THAT it is noted that the purpose of the licence is for Rural Fire Service operations.
2. The General Manager and Mayor/Interim Administrator be delegated authority to execute the Licence Agreement (referred to in Resolution number 1) under the Common Seal of Council (if required).
3. Option 2 shown in Attachment 4 to this report be noted as the preferred location for the installation of the Water Tank for RFS purposes.

**MN 353/21**

**MOTION** moved by Interim Administrator

#### **THAT**

1. *The General Manager be delegated authority to negotiate the terms and conditions of the Licence Agreement with Transport Asset Holding Entity of NSW for part Lot 5001 DP 1214266 Railway Avenue Balmoral **AND THAT** it is noted that the purpose of the licence is for Rural Fire Service operations.*
2. *The General Manager and Mayor/Interim Administrator be delegated authority to execute the Licence Agreement (referred to in Resolution number 1) under the Common Seal of Council (if required).*
3. *Option 2 shown in Attachment 4 to this report be noted as the preferred location for the installation of the Water Tank for RFS purposes.*

**CARRIED**

## 9.6 Proposed Licence Agreement to Bundanoon Community Garden - Part 7-11 Burgess Street, Bundanoon

Report Author: Coordinator Property Services  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

#### THAT

1. Authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement with Bundanoon Community Garden Incorporated for establishment of a community garden on Council owned land being part Lot 2 DP 777479 Burgess Street Bundanoon.
2. Council place on public exhibition for a minimum twenty-eight (28) days the proposal to enter into a five (5) year Licence Agreement with Bundanoon Community Garden Incorporated for a community garden on Council owned land being part Lot 2 DP 777479, Burgess Street, Bundanoon.
3. If there are no objections received during the period of public exhibition, the Interim Administrator/Mayor and General Manager be delegated authority to execute the Licence Agreement referred to in Resolution 1 AND THAT if any objections are received, a further report be forwarded to a future meeting of Council.

**MN 354/21**

**MOTION** moved by Interim Administrator

#### THAT

1. *Authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement with Bundanoon Community Garden Incorporated for establishment of a community garden on Council owned land being part Lot 2 DP 777479 Burgess Street Bundanoon.*
2. *Council place on public exhibition for a minimum twenty-eight (28) days the proposal to enter into a five (5) year Licence Agreement with Bundanoon Community Garden Incorporated for a community garden on Council owned land being part Lot 2 DP 777479, Burgess Street, Bundanoon.*
3. *If there are no objections received during the period of public exhibition, the Interim Administrator/Mayor and General Manager be delegated authority to execute the Licence Agreement referred to in Resolution 1 AND THAT if any objections are received, a further report be forwarded to a future meeting of Council.*

**CARRIED**

## 9.7 Request to Transfer Land at 2 Funston Street Bowral

Report Author: Coordinator Property Services  
Authoriser: General Manager

The Coordinator Property Services introduced the item. Manager Strategic Land Use Planning addressed the meeting.

### OFFICER'S RECOMMENDATION

#### THAT

1. A Traffic and Transport Study be commissioned as soon as possible to assess future road requirements and options for traffic management within the Bowral CBD.
2. A report be provided to Council following the completion of the Traffic and Transport Study.
3. The outcomes of the Traffic and Transport Study be incorporated into the Bowral CBD Master Planning process which will commence in early 2022.

**MN 355/21**

**MOTION** moved by Interim Administrator

#### **THAT**

1. ***A Traffic and Transport Study be commissioned as soon as possible to assess future road requirements and options for traffic management within the Bowral CBD.***
2. ***A report be provided to Council following the completion of the Traffic and Transport Study.***
3. ***The outcomes of the Traffic and Transport Study be incorporated into the Bowral CBD Master Planning process which will commence in early 2022.***

**CARRIED**

## 9.8 Application to be Appointed as Reserve Trust Manager - part Lot 156 DP 751275 (part Crown Reserve 91032) adjoining Welby Landfill Site, 40 Colo Street, Welby

Report Author: Coordinator Property Services  
Authoriser: General Manager

The Director, Corporate Strategy and Resourcing introduced the item.

### OFFICER'S RECOMMENDATION

#### THAT

1. Council formally lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for part Lot 156 in Deposited Plan 751275 and part Lot 7307 in Deposited Plan 1146411 being part Crown Reserve 91032, adjoining the Welby Landfill Site at 40 Colo Street, Welby.
2. Council seek Ministerial consent to classify all of the land contained within the Welby Landfill Site being Lot 156 DP 751275, Lot 197 DP 723134, Lot 147 DP 751275, Lot 160 DP 751275, Lot 102 DP 751275 and Lot 161 DP 751275 as Operational land and that formal application be lodged with NSW Department of Planning Industry and Environment – Crown Lands.

**MN 356/21**

**MOTION** moved by Interim Administrator

#### THAT

1. ***Council formally lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager for part Lot 156 in Deposited Plan 751275 and part Lot 7307 in Deposited Plan 1146411 being part Crown Reserve 91032, adjoining the Welby Landfill Site at 40 Colo Street, Welby.***
2. ***Council seek Ministerial consent to classify all of the land contained within the Welby Landfill Site being Lot 156 DP 751275, Lot 197 DP 723134, Lot 147 DP 751275, Lot 160 DP 751275, Lot 102 DP 751275 and Lot 161 DP 751275 as Operational land and that formal application be lodged with NSW Department of Planning Industry and Environment – Crown Lands.***
3. ***It be noted that it is Council's intention to reclassify the land, the subject of this application as community land upon completion of the remediation works.***

**CARRIED**

## 9.9 Proposed Lease to Bundanoon Club Ltd - Part Crown Reserve 67616 at Bundanoon

Report Author: Coordinator Property Services  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

THAT Council endorse the negotiated lease space for the Bundanoon Club Limited as outlined in Attachment 1 to this report.

**MN 357/21**

**MOTION** moved by Interim Administrator

**THAT Council endorse the negotiated lease space for the Bundanoon Club Limited as outlined in Attachment 1 to this report.**

**CARRIED**

## 9.10 Tulip Time Review

Report Author: Tulip Time Officer  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

#### THAT

1. Council note Tulip Time as a tourism attractor to the area and its contribution to the local visitor economy.
2. Council note in-depth feasibility studies and further community consultation in the new year will be undertaken to determine the long-term sustainability of Tulip Time and a report be brought to Council in October 2022 with options.
3. Council approve the short-term reinvigoration of Tulip Time through capped daily ticketed sessions, a reduction in the number of market stalls, and a review of ticket prices to cover any impact on income.
4. Council note that the Regional Event Acceleration Fund Grant obtained in 2021 to implement Tulips After Dark has been extended to cover Tulips After Dark 2022.
5. Council approve the dates for Tulip Time 2022 – Friday 16 September to Monday 3 October 2022

**MN 358/21**

**MOTION** moved by Interim Administrator

#### **THAT**

1. ***Council note Tulip Time as a tourism attractor to the area and its contribution to the local visitor economy.***
2. ***Council note in-depth feasibility studies and further community consultation in the new year will be undertaken to determine the long-term sustainability of Tulip Time and a report be brought to Council in the second quarter 2022 with options.***
3. ***Council approve the short-term reinvigoration of Tulip Time through capped daily ticketed sessions, a reduction in the number of market stalls, and a review of ticket prices to cover any impact on income.***
4. ***Council note that the Regional Event Acceleration Fund Grant obtained in 2021 to implement Tulips After Dark has been extended to cover Tulips After Dark 2022.***
5. ***Council approve the dates for Tulip Time 2022 – Friday 16 September to Monday 3 October 2022***

**CARRIED**

## 9.11 Rates, Water and Sewerage Subsidy Report

Report Author: Coordinator Revenue Team  
Authoriser: Acting Chief Financial Officer

The Acting Chief Financial Officer addressed the meeting.

### OFFICER'S RECOMMENDATION

THAT Council approve the rate, water and sewer subsidies for community and sporting organisations (including religious bodies) as shown in Attachment 1 for the 2021/22 financial year.

**MN 359/21**

**MOTION** moved by Interim Administrator

**THAT Council approve the rate, water and sewer subsidies for community and sporting organisations (including religious bodies) as shown in Attachment 1 for the 2021/22 financial year.**

**CARRIED**



## 9.12 Medway Community Funding Request

Report Author: Coordinator Community Development  
Authoriser: Group Manager Corporate and Community

### OFFICER'S RECOMMENDATION

THAT Council undertake a 28-day public notification period to provide a one-off grant of \$1,500 to assist the Medway community become an incorporated organisation, in accordance with Section 356 of Local Government Act 1993.

**MN 360/21**

**MOTION** moved by Interim Administrator

**THAT Council undertake a 28-day public notification period to provide a one-off grant of \$1,500 to assist the Medway community become an incorporated organisation, in accordance with Section 356 of Local Government Act 1993.**

**CARRIED**

## 9.13 Instrument of Delegation for the Mayor

Report Author: Group Manager Corporate and Community  
Authoriser: Director, Corporate Strategy and Resourcing

### OFFICER'S RECOMMENDATION

THAT Council delegate the functions to the Mayor as described in the Instrument of Delegation to the Mayor included at Attachment 1, pursuant to section 377 of the Local Government Act, 1993.

**MN 361/21**

**MOTION** moved by Interim Administrator

**THAT Council delegate the functions to the Mayor as described in the Instrument of Delegation to the Mayor included at Attachment 1, pursuant to section 377 of the Local Government Act, 1993.**

**CARRIED**

## 9.14 Recommendations Update - Governance, Human Resources and Statutory Reporting Review

Report Author: Coordinator Corporate Performance  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

#### THAT

1. The progress update on the Governance, Human Resources and Statutory Reporting Review be noted.
2. The six-monthly consolidated progress reports on all independent reviews undertaken during the Administration period be provided to Council commencing June 2022, until all review recommendations are actioned.

**MN 362/21**

**MOTION** moved by Interim Administrator

#### THAT

1. *The progress update on the Governance, Human Resources and Statutory Reporting Review be noted.*
2. *The six-monthly consolidated progress reports on all independent reviews undertaken during the Administration period be provided to Council commencing June 2022, until all review recommendations are actioned.*

**CARRIED**

## 9.15 Small Business Commissioner Report

Report Author: Director, Corporate Strategy and Resourcing  
Authoriser: General Manager

The General Manager tabled the attached.

[https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-agenda-item-9.15\\_redacted.pdf](https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-agenda-item-9.15_redacted.pdf)

The Interim Administrator advised further correspondence will be attached.

[https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-2-agenda-item-9.15\\_redacted-002.pdf](https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/taled-2-agenda-item-9.15_redacted-002.pdf)

### OFFICER'S RECOMMENDATION

THAT Council note the update of the implementation of the recommendations from the Economic Roundtable discussions and the Small Business Commissioners Consultation Report.

**MN 363/21**

**MOTION** moved by Interim Administrator

**THAT** the Officer's Recommendation be adopted further the Commissioner, Wingecarribee Shire Council Public Inquiry and the Small Business Commissioner be provided with a copy of the update.

**CARRIED**

## 9.16 Minutes of the Audit, Risk and Improvement Committee

Report Author: Corporate Strategy and Governance Officer  
Authoriser: Group Manager Corporate and Community

### OFFICER'S RECOMMENDATION

THAT the Minutes of the Audit, Risk and Improvement Committee Meeting held on 29 September 2021 be noted.

**MN 364/21**

**MOTION** moved by Interim Administrator

**THAT** the Minutes of the Audit, Risk and Improvement Committee Meeting held on 29 September 2021 be noted.

**CARRIED**

## 9.17 Bowral Classic Financial Support

Report Author: Coordinator Economic Development  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

#### THAT

1. Council waive Fees and Charges applied to the Bowral Classic event relating to Section 138 of the Roads Act 1993, application and inspections; Section 68 Local Government Act 1993, applications relating to community land and public roads; hire of park and oval.
2. Council refund fees to Yaffa Media Pty Ltd (Ref Michael Zammit) totalling \$5,812.38

**MN 365/21**

**MOTION** moved by Interim Administrator

#### THAT

1. ***Council waive Fees and Charges applied to the Bowral Classic event relating to Section 138 of the Roads Act 1993, application and inspections; Section 68 Local Government Act 1993, applications relating to community land and public roads; hire of park and oval.***
2. ***Council refund fees to Yaffa Media Pty Ltd (Ref Michael Zammit) totalling \$5,812.38***

**CARRIED**

## 10. COMMUNITIES AND PLACE

### 10.1 Development and Certification Services Panel

**Report Author:** Manager Development Assessment  
**Authoriser:** General Manager

The Director, Communities and Place addressed the meeting.

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#### OFFICER'S RECOMMENDATION

##### THAT

1. Council accepts the following tenders received for the Development and Certification Services Panel under the Town Planning/ Development Assessment Services category to form panel arrangement contract for a period of three (3) years with the option to extend for a further two (2) times one (1) years:
  - GYDE Consulting
  - Hawes and Swan Planning Pty Ltd
  - Planning Ingenuity Pty Ltd
2. Council accepts the following tenders received for the Development and Certification Services Panel under the Development Engineering Services category to form panel arrangement contract for a period of three (3) years with the option to extend for a further two (2) times one (1) years:
  - Cardno (NSW/ACT) Pty Ltd
  - GSR Eng Consulting Pty Ltd
  - J. Wyndham Prince Pty Ltd
3. Council accepts the following tenders received for the Development and Certification Services Panel under the Environmental Services (Consulting Arborists and Ecologists) category to form panel arrangement contract for a period of three (3) years with the option to extend for a further two (2) times one (1) years:
  - Cardno (NSW/ACT) Pty Ltd
  - Ecodesign Pty Ltd
  - Ecological Surveys & Planning
  - Lodge Environmental Pty Ltd

**MN 366/21**

**MOTION** moved by Interim Administrator

**THAT**

1. ***Council accepts the following tenders received for the Development and Certification Services Panel under the Town Planning/ Development Assessment Services category to form panel arrangement contract for a period of three (3) years with the option to extend for a further two (2) times one (1) years:***
  - ***GYDE Consulting***
  - ***Hawes and Swan Planning Pty Ltd***
  - ***Planning Ingenuity Pty Ltd***
2. ***Council accepts the following tenders received for the Development and Certification Services Panel under the Development Engineering Services category to form panel arrangement contract for a period of three (3) years with the option to extend for a further two (2) times one (1) years:***
  - ***Cardno (NSW/ACT) Pty Ltd***
  - ***GSR Eng Consulting Pty Ltd***
  - ***J. Wyndham Prince Pty Ltd***
3. ***Council accepts the following tenders received for the Development and Certification Services Panel under the Environmental Services (Consulting Arborists and Ecologists) category to form panel arrangement contract for a period of three (3) years with the option to extend for a further two (2) times one (1) years:***
  - ***Cardno (NSW/ACT) Pty Ltd***
  - ***Ecodesign Pty Ltd***
  - ***Ecological Surveys & Planning***
  - ***Lodge Environmental Pty Ltd***

**CARRIED**



## 11. SERVICE AND PROJECT DELIVERY

### 11.1 Welby Landfill- Current Status

Report Author:                      Manager Business Services  
Authoriser:                          General Manager

#### OFFICER'S RECOMMENDATION

##### THAT

1. Council note the legacy issues associated with the Welby Landfill site.
2. Council engages Williams Sale Partnership (WSP) to prepare a proposal for closure and capping of the Welby Landfill site to the EPA based upon reinstating it to its natural state.
3. A further report be provided to Council, detailing the process, timelines and associated costs, once the matters relating to NSW Crown Lands have been resolved and a meeting has been held with the Environmental Protection Authority (EPA).

**MN 367/21**

**MOTION** moved by Interim Administrator

**THAT the Officer's Recommendation be adopted and a further report detailing cost estimates and timelines be presented to Council.**

**CARRIED**

## 11.2 Funding: NSW State Government (EPA) Bushfire Generated Greenwaste Grant

Report Author: Manager Open Space, Recreation and Building Maintenance  
Authoriser: General Manager

The Manager Open Space, Recreation and Building Maintenance introduced the item.

### OFFICER'S RECOMMENDATION

#### THAT

1. Council accepts Grant Funding of \$4,592,054.00 from the NSW State Government Environmental Protection Authority (EPA) Bushfire-Generated Green Waste Clean-Up and Processing Program Stream B: Clean-up and processing project.
2. Council acknowledge the support and assistance of the Member for Goulburn, Mrs Wendy Tuckerman MP and the Member for Wollondilly, Mr Nathaniel Smith MP.

**MN 368/21**

**MOTION** moved by Interim Administrator

#### **THAT**

1. ***Council accepts Grant Funding of \$4,592,054.00 from the NSW State Government Environmental Protection Authority (EPA) Bushfire-Generated Green Waste Clean-Up and Processing Program Stream B: Clean-up and processing project.***
2. ***Council acknowledge the support and assistance of the Member for Goulburn, Mrs Wendy Tuckerman MP and the Member for Wollondilly, Mr Nathaniel Smith MP.***

**CARRIED**

### 11.3 Moss Vale Cemetery Upgrade

Report Author: Group Manager Capital Projects  
Authoriser: General Manager

#### OFFICER'S RECOMMENDATION

THAT Council notes the value engineered revision of staging and scope and endorses the invitation of fresh tenders for the Moss Vale Cemetery Upgrade in accordance with Clause 178(3)(b) of the Local Government (General) Regulation 2005.

**MN 369/21**

**MOTION** moved by Interim Administrator

**THAT Council notes the value engineered revision of staging and scope and endorses the invitation of fresh tenders for the Moss Vale Cemetery Upgrade in accordance with Clause 178(3)(b) of the Local Government (General) Regulation 2005.**

**CARRIED**

## 11.4 Tender for Kirkham Street Water & Sewer Main Renewal

Report Author: Sewer Headworks Engineer  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

#### THAT

1. Council accepts the tender from Killard Infrastructure Pty Ltd at a lump sum of \$1,254,220.41 (incl GST).
2. Council note the tenders received ranged from \$974,624.95 (LOWEST) to \$1,675,267.00 (HIGHEST).
3. Council allocates funding of \$421,906.65 towards the water main renewal and \$832,313.76 for the sewer main renewal to fund the project.

**MN 370/21**

**MOTION** moved by Interim Administrator

#### THAT

1. *Council accepts the tender from Killard Infrastructure Pty Ltd at a lump sum of \$1,254,220.41 (incl GST).*
2. *Council note the tenders received ranged from \$974,624.95 (LOWEST) to \$1,675,267.00 (HIGHEST).*
3. *Council allocates funding of \$421,906.65 towards the water main renewal and \$832,313.76 for the sewer main renewal to fund the project.*

**CARRIED**

## 11.5 Revision of Local Traffic Committee Terms of Reference

Report Author: Manager Assets  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

THAT Council adopt the Local Traffic Committee Terms of Reference (Version 3).

**MN 371/21**

**MOTION** moved by Interim Administrator

### **THAT**

1. Council adopt the Local Traffic Committee Terms of Reference (Version 3).
2. The need for residents to register for attendance in the public gallery be deleted from the Terms of Reference.
3. Council sub-delegates the authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the Road Transport (Safety & Traffic Management) Act 1999 and authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the Road Transport (Safety & Traffic Management) Regulation 1999 on public roads other than classified roads to the General Manager.
4. A record of voting is included in the minutes of the Local Traffic Committee.

**CARRIED**

## 11.6 Road Classification Review and Regional Road Transfer Program

Report Author: Manager Assets  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

#### THAT

1. Council endorse the submission of the following roads to the Road Classification Review and Regional Road Transfer Program:
  - a. Old Hume Highway Berrima
  - b. Old South Road Mittagong and Eridge Park Road Burradoo
  - c. Berrima Road Moss Vale, Taylor Avenue New Berrima & Medway Road Medway
  - d. Church Avenue Colo Vale, and Wilson Drive Hill Top
  - e. Exeter Road Exeter, Bundanoon Road Bundanoon, Penrose Road Penrose & Highland Way Wingello
  - f. Wombeyan Caves Road.

**MN 372/21**

**MOTION** moved by Interim Administrator

#### THAT

1. ***Council endorse the submission of the following roads to the Road Classification Review and Regional Road Transfer Program:***
  - a. ***Old Hume Highway Berrima***
  - b. ***Old South Road Mittagong and Eridge Park Road Burradoo***
  - c. ***Berrima Road Moss Vale, Taylor Avenue New Berrima & Medway Road Medway***
  - d. ***Church Avenue Colo Vale, and Wilson Drive Hill Top***
  - e. ***Exeter Road Exeter, Bundanoon Road Bundanoon, Penrose Road Penrose & Highland Way Wingello***
  - f. ***Wombeyan Caves Road.***

**CARRIED**

## 11.7 Tender Report - SPS BU8 Rising Main & Emergency Storage Tank

Report Author: Project Manager  
Authoriser: Group Manager Capital Projects

### OFFICER'S RECOMMENDATION

#### THAT

1. In relation to the report concerning the SPS BU8 Rising Main and Emergency Storage Tank project - Council accepts the tender from Killard Infrastructure Pty Ltd for \$540,748.06 (including GST).
2. Council note the tenders received ranged from \$540,748.06 to \$1,206,700.00 (including GST).

**MN 373/21**

**MOTION** moved by Interim Administrator

#### THAT

1. *In relation to the report concerning the SPS BU8 Rising Main and Emergency Storage Tank project - Council accepts the tender from Killard Infrastructure Pty Ltd for \$540,748.06 (including GST).*
2. *Council note the tenders received ranged from \$540,748.06 to \$1,206,700.00 (including GST).*

**CARRIED**

## 11.8 Tree Maintenance Services Tender

**Report Author:** Tree and Vegetation Management Officer  
**Authoriser:** Manager Open Space, Recreation and Building Maintenance

### OFFICER'S RECOMMENDATION

#### THAT

1. Council engage the following company on a unit rate to provide Category 1 Tree Maintenance Services – for a period of two (2) years with an option to extend the arrangement by a further one (1) year, plus one (1) year period commencing January 2022: Active Tree Services Pty Ltd.
2. Council engage the following companies on a unit rate Panel of five (5) companies to provide Category 2 Ad Hoc Tree Maintenance Services – for a period of two (2) years with an option to extend the arrangement by a further one (1) year, plus one (1) year period commencing January 2022:
  - (a) Active Tree Services Pty Ltd
  - (b) All Scale Tree Services Pty Ltd
  - (c) Quality Tree Services Pty Ltd
  - (d) Summit Open Space Services
  - (e) TreeLink Pty Ltd
3. Council engage the following companies on a unit rate Panel of five (5) companies to provide Category 3 Ad Hoc Storm/ Emergency Tree Services for a period of two (2) years with an option to extend the arrangement by a further one (1) year, plus one (1) year period commencing January 2022:
  - (a) Active Tree Services Pty Ltd
  - (b) All Scale Tree Services Pty Ltd
  - (c) Quality Tree Services Pty Ltd
  - (d) Shane's Tree Services Pty Ltd
  - (e) TreeLink Pty Ltd



**MN 374/21**

**MOTION** moved by Interim Administrator

**THAT**

1. **Council engage the following company on a unit rate to provide Category 1 Tree Maintenance Services – for a period of two (2) years with an option to extend the arrangement by a further one (1) year, plus one (1) year period commencing January 2022: Active Tree Services Pty Ltd.**
2. **Council engage the following companies on a unit rate Panel of five (5) companies to provide Category 2 Ad Hoc Tree Maintenance Services – for a period of two (2) years with an option to extend the arrangement by a further one (1) year, plus one (1) year period commencing January 2022:**
  - (a) **Active Tree Services Pty Ltd**
  - (b) **All Scale Tree Services Pty Ltd**
  - (c) **Quality Tree Services Pty Ltd**
  - (d) **Summit Open Space Services**
  - (e) **TreeLink Pty Ltd**
3. **Council engage the following companies on a unit rate Panel of five (5) companies to provide Category 3 Ad Hoc Storm/ Emergency Tree Services for a period of two (2) years with an option to extend the arrangement by a further one (1) year, plus one (1) year period commencing January 2022:**
  - (a) **Active Tree Services Pty Ltd**
  - (b) **All Scale Tree Services Pty Ltd**
  - (c) **Quality Tree Services Pty Ltd**
  - (d) **Shane's Tree Services Pty Ltd**
  - (e) **TreeLink Pty Ltd**

**CARRIED**

## 12. COMMITTEE REPORTS

### 12.1 Minutes of the Canberra Region Joint Organisation Board Meeting of 29 October 2021

Report Author: General Manager

#### OFFICER'S RECOMMENDATION

THAT the Minutes from the Canberra Region Joint Organisation Board Meeting held on 29 October 2021 be noted.

**MN 375/21**

**MOTION** moved by Interim Administrator

**THAT** the Minutes from the Canberra Region Joint Organisation Board Meeting held on 29 October 2021 be noted.

**CARRIED**

## 12.2 Minutes of the Country Mayors Association of NSW Meeting held on 5 November 2021 and Minutes of the Annual General Meeting held on 5 November 2021

Report Author: General Manager

Declaration Interim Administrator as per Minutes of the Country Mayors Association of NSW Meeting held on 5 November 2021.

Mr Viv May Interim Administrator Wingecarribee Shire Council declared a non-pecuniary interest in this matter and advised that he would not be participating in discussion in this matter or voting as he is the Local Government Remuneration Tribunal.

### OFFICER'S RECOMMENDATION

THAT the Minutes from the Country Mayors Association of NSW Meeting held on 5 November 2021 and their Annual General Meeting held on 5 November 2021 be noted.

**MN 376/21**

**MOTION** moved by Interim Administrator

**THAT** the Minutes from the Country Mayors Association of NSW Meeting held on 5 November 2021 and their Annual General Meeting held on 5 November 2021 be noted.

**CARRIED**

## SUSPENSION OF STANDING ORDERS

**MN 377/21**

**MOTION** moved by *Interim Administrator*

### **THAT**

1. Standing Orders be suspended in order to consider seven supplementary items.
2. In accordance with Clause 10.3(b) of the Code of Meeting Practice I move as a matter of urgency that supplementary items be considered
  - Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale
  - Planning Proposal to Rezone Willow Run, 105-119 Bong Bong Road, Mittagong - Post exhibition
  - Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to enable the legal enforcement of Purchasers' Agreements (and associated Design Guidelines) for land within West Retford Park - Post exhibition
  - Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Council owned Public Reserve land at Retford Park Bowral and Anembo Street Moss Vale - Post exhibition
  - Planning Proposal to enable additional permitted uses for land at 233 Railway Parade Balmoral
  - NSW Blue Plaques Program - Wingecarribee Sites
  - Investment report – November 2021

**CARRIED**

## **L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale**

**Report Author:** Strategic Land Use Planner (Heritage)  
**Authoriser:** Manager Strategic Land Use Planning

The Manager Strategic Land Use Planning introduced the item.

### **OFFICER'S RECOMMENDATION**

#### **THAT**

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

***MN 378/21***

**MOTION** *moved by Interim Administrator*

#### **THAT**

1. *The report be noted.*
2. *A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.*

**CARRIED**

## **L.2 Planning Proposal to Rezone Willow Run, 105-119 Bong Bong Road, Mittagong - Post exhibition**

**Report Author:** Manager Strategic Land Use Planning  
**Authoriser:** General Manager

### **OFFICER'S RECOMMENDATION**

1. THAT finalisation of the Planning Proposal to rezone part of Lot 115 DP 1067955, 105-119 Bong Bong Road, Mittagong from RU2 Rural Landscape to R5 Large Lot Residential with a minimum lot size 4000m<sup>2</sup> under s3.33 of the *Environmental Planning & Assessment Act 1979* NOT PROCEED.
2. THAT the draft Precinct Plan for the subject land as exhibited with the Planning Proposal BE NOTED.
3. THAT the most appropriate zoning and lot size for the land be considered as part of a future structure planning process for the broader precinct, in consultation with the community.

### **PANEL ADVICE**

This matter was considered at the Local Planning Panel meeting on 1 December 2021 and the Panel provided the following advice:

1. THAT finalisation of the Planning Proposal to rezone part of Lot 115 DP 1067955, 105-119 Bong Bong Road, Mittagong from RU2 Rural Landscape to R5 Large Lot Residential with a minimum lot size 4000m<sup>2</sup> under s3.33 of the *Environmental Planning & Assessment Act 1979* NOT PROCEED.
2. THAT the draft Precinct Plan for the subject land as exhibited with the Planning Proposal BE NOTED.

### **Reasons for Panel advice:**

1. The Panel considers the rezoning of the land premature at this stage. The site is identified as part of the Mittagong (East) Investigation Area (MEIA) and rezoning of this land should not proceed until a full structure planning process of the MEIA has been completed by Council.
2. Given the sites location and the housing supply issues in the LGA, the Panel considers the structure planning process should determine the most efficient use of the land and the appropriate zoning and minimum lot size, in consultation with the community.

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 8 December 2021



### ***MN 379/21***

**MOTION** moved by Interim Administrator

**THAT** the matters L.2, L.3, L.4 and L.5 be deferred until the first available meeting of 2022 be adopted as a block.

**CARRIED**

### **L.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to enable the legal enforcement of Purchasers' Agreements (and associated Design Guidelines) for land within West Retford Park - Post exhibition.**

**Report Author:** Manager Strategic Land Use Planning  
**Authoriser:** General Manager

#### **OFFICER'S RECOMMENDATION**

THAT the Planning Proposal to amend clause 1.9A(2) of Wingecarribee Local Environmental Plan 2010 by adding the following:

(h) to any agreement or other relevant instrument applying to any parcel of land within Retford Park Estate, being the 26.63ha of land comprising the western portion of Lot 222 DP1206897.

NOT proceed.

#### **PANEL ADVICE**

This matter was considered at the Local Planning Panel meeting on 1 December 2021 and the Panel provided the following advice:

THAT

1. The Panel considers there are no issues arising from the public exhibition process that warrant any amendment to the Planning Proposal.
2. The majority of the Panel considers that this proposal is unlikely to achieve the intended outcomes and may set an undesirable precedent and therefore the Planning Proposal should not proceed.
3. The dissenting Panel member supports the Officers recommendation given that she was on the Planning Panel that provided advice for the Planning Proposal to proceed to gateway and sees no reason for the Planning Proposal not proceed.

The recommendation of this report has been updated to reflect the Panels advice

#### **RECOMMENDATION**

***The following recommendation was adopted as part of the Block Adoption of Items (refer MN 379/21)***



#### **L.4 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Council owned Public Reserve land at Retford Park Bowral and Anembo Street Moss Vale - Post exhibition.**

**Report Author:** Manager Strategic Land Use Planning  
**Authoriser:** General Manager

#### **OFFICER'S RECOMMENDATION**

THAT the Planning Proposal to amend clause 1.9A(2) of Wingecarribee Local Environmental Plan 2010 NOT proceed

#### **PANEL ADVICE**

This matter was considered at the Local Planning Panel meeting on 1 December 2021 and the Panel supported the staff recommendation.

1. THAT the Planning Proposal prepared under section 3.33 of the *Environmental Planning and Assessment Act 1979* to:
  - (a) rezone to RE1 Public Recreation Council owned Public Reserves at Retford Park West Bowral (Lot 439 DP1248107) and Anembo Street Moss Vale (Lot 1266 DP 1248764), and
  - (b) remove the current minimum lot size provision of 1000m<sup>2</sup> for the Council owned Public Reserve at Retford Park West Bowral (Lot 439 DP1248107) and 700m<sup>2</sup> for the Council owned Public reserve at Anembo Street Moss Vale (Lot 1266 DP 1248764,Be finalised under s.3.36 of the *Environmental Planning and Assessment Act 1979*

#### **RECOMMENDATION**

***The following recommendation was adopted as part of the Block Adoption of Items (refer MN 379/21)***

## **L.5 Planning Proposal to enable additional permitted uses for land at 233 Railway Parade Balmoral**

**Report Author:** Manager Strategic Land Use Planning  
**Authoriser:** General Manager

### **OFFICER'S RECOMMENDATION**

THAT The Planning Proposal to enable additional permitted uses for land at 233 Railway Parade, Balmoral, NOT proceed for the following reasons:

- a. The site is not considered suitable as it does not have the capacity due to environmental factors to absorb the applicant's vision for the site.
- b. Balmoral Village is an inappropriate location for the proposal given bushfire history and the village nature of the area.
- c. There is inadequate infrastructure to support the proposal in particular the local road network, especially given the nature of the development and the bushfire history of the area.
- d. The proposal is not considered consistent with the E3 Environmental Management Zone

### **PANEL ADVICE**

This matter was considered at the Local Planning Panel meeting on 1 December 2021 and the Panel provided the following advice:

THAT The Planning Proposal to enable additional permitted uses for land at 233 Railway Parade, Balmoral, NOT proceed for the following reasons:

- a. The site is not considered suitable as it does not have the capacity due to environmental factors to absorb the applicant's vision for the site.
- b. Balmoral Village is an inappropriate location for the proposal given bushfire history and the village nature of the area.
- c. There is inadequate infrastructure to support the proposal in particular the local road network, especially given the nature of the development and the bushfire history of the area.
- d. The proposal is not considered consistent with the E3 Environmental Management Zone

The recommendation of this report has been updated to reflect the Panels advice.

### **RECOMMENDATION**

*The following recommendation was adopted as part of the Block Adoption of Items (refer MN 379/21)*

## L.6 NSW Blue Plaques Program - Wingecarribee Sites

Report Author: Manager Strategic Land Use Planning  
Authoriser: General Manager

### OFFICER'S RECOMMENDATION

THAT

1. Council formally accept the four (4) sites nominated for Blue Plaques within the Wingecarribee Shire and endorse the installation of the Plaques at these locations.
2. Council Officers work with Heritage NSW to confirm the plaque wording, most appropriate size and position, and resolve any development approvals (if required).

**MN 380/21**

**MOTION** moved by Interim Administrator

**THAT**

1. ***Council formally accept the four (4) sites nominated for Blue Plaques within the Wingecarribee Shire and endorse the installation of the Plaques at these locations.***
2. ***Council Officers work with Heritage NSW to confirm the plaque wording, most appropriate size and position, and resolve any development approvals (if required).***

**CARRIED**

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## L.7 Investment Report - November 2021

Report Author: Acting Chief Financial Officer  
Authoriser: General Manager

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### OFFICER'S RECOMMENDATION

THAT the information on Council's investments as at 30 November 2021 be received and noted.

**MN 381/21**

**MOTION** moved by Interim Administrator

**THAT** the information on Council's investments as at 30 November 2021 be received and noted.

**CARRIED**

**RESUMPTION OF STANDING ORDERS**

***MN 382/21***

**MOTION** *moved by Interim Administrator*

**THAT** Standing Orders be resumed.

**CARRIED**

### 13. MEETING CLOSURE

The General Manager addressed the meeting.

Before we conclude tonight's meeting, we have had a massive business paper of over 750 pages reports and attachments and it reflects the significant work that's underway within the organisation.

Before we break for the Christmas period, I wish to acknowledge and thank all of the staff, management team and the new Executive, for the way they have conducted themselves this year.

It has been a challenging year, but the way that the team have risen to the challenge and have met it, has been incredible. I know it has been difficult, but I am very proud in the way that the team has performed under the circumstances we find ourselves in.

I would like to also thank the community members for their positive approach and their openness to work with us, as we move forward to reset the organisation.

Over the last couple of weeks, the Executive and I have met with over 20 community organisations in the villages, as well as business groups and it has been really heartening to have such a positive and open approach to wanting to work with us as we move forward.

On behalf of the organisation we wish our community a safe and Merry Christmas.

We will have an Extraordinary Meeting on 19 January 2022.

The Interim Administrator addressed the meeting.

Before I close the meeting could I take this opportunity to wish all residents and staff Seasons greetings.

2021 has not been an easy year.

For many there is still not closure on the 2019/2020 Black Summer Bushfires. The Shire has experienced severe flooding and of course COVID-19 continues to impact our lives.

Add to the mix the need for the Minister for Local Government to suspend the Council and ultimately call a Public Inquiry.

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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Personally, I have not enjoyed making some of the tough decisions necessary to restore confidence in your Council. But I make no apology for laying the foundation for a rebuild of the Shire's local democracy.

I am very pleased with the appointment of Lisa Miscamble as your General Manager but no resident should be under the misapprehension that this is an easy fix. Much has been exposed and no doubt the Public Inquiry through its hearings will uncover more failings.

This journey is going to take years but I am confident that the Shire's reputation as a strong, fair and honest local authority is being restored.

I commit in 2022 not to take my foot off the accelerator and to waste no time working for residents and ratepayers alike in close partnership with the General Manager and Council staff but always respecting our different roles and responsibilities.

Have a Merry Christmas and all the best for 2022.

### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5:17 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 8 December 2021 numbered M/N 338/21 to M/N 382/21 were signed by me hereunder at the Council Meeting held on Wednesday 9 February 2022.

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INTERIM ADMINISTRATOR

### **READ AND CONFIRMED ON WEDNESDAY 9 FEBRUARY 2022**

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INTERIM ADMINISTRATOR

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PUBLIC OFFICER