



# MINUTES

## of the Ordinary Meeting of Council

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

AND remotely using audio visual link and open to  
members of the community via webcast

on

**Wednesday 8 September 2021**

The meeting commenced at 3.30pm

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<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. PRAYER</b>	
<b>4. APOLOGIES</b>	
Nil	
<b>5. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
Ordinary Meeting of Council held on 11 August 2021	
Extraordinary Meeting of Council held on 30 August 2021	
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Wednesday 8 September 2021



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**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE AND HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 8 SEPTEMBER 2021 COMMENCING AT 3.30PM**

<b>Present:</b>	Interim Administrator	Viv May PSM
<b>In Attendance:</b>	General Manager	Lisa Miscamble*
	Interim Deputy General Manager	Marissa Racomelara*
	Interim Deputy General Manager	Malcolm Ryan*
	Group Manager Corporate and Community	Danielle Lidgard*
	A/Group Manager Organisation Development	John Crawford*
	Group Manager Capital Delivery	Ned Tripkovic*
	Coordinator Media and Communications	David Sommers*
	Corporate Strategy and Governance Officer	Ivana Vidovich
	Governance Officer	Leesa Stratford

**NOTE:** Due to current government requirements around social distancing due to the COVID-19 pandemic, some staff attended the meeting remotely via zoom audio visual link. This is indicated by \*. The remaining staff were present in the Council Chambers for this meeting.

## 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 Strait Islanders present here 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 11 AUGUST 2021

**MN 246/21**

**MOTION** moved by Interim Administrator

**THAT the minutes of the Ordinary Meeting of Council held on Wednesday 11 August 2021 MN 227/21 to MN 244/21 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.**

**PASSED**

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY 30 AUGUST 2021

**MN 247/21**

**MOTION** moved by Interim Administrator

**THAT the minutes of the Extraordinary Meeting of Council held on Monday 30 August 2021 MN 245/21 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.**

**PASSED**

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## 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.

*The General Manager declared a less than significant non-pecuniary interest in Item 10.7 Tender for Provision of Legal Services There are several people in the Firms that are reflected in the report on the business paper, in relation to the appointment of the legal services panel, that I have worked with over my career, in a variety of professional roles. There is no conflict as I was not on the Assessment Panel. The Panel was Chaired by the Group Manager Corporate and Community and consisted of representatives from Planning; Finance, Human Resources. The Panel was overseen by the Procurement Coordinator in accordance with our procurement requirements.*

## 7. INTERIM ADMINISTRATOR MINUTES

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### 7.1 Community Update

**MN 248/21**

**MOTION** moved by *Interim Administrator*

The decision of the Minister for Local Government to hold a Public Inquiry into Wingecarribee Shire Council is welcomed.

Tabled for the record are:

- i. Copy of letter from Minister for Local Government to Interim Administrator dated 31 August 2021

<https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/ltr.-from-the-office-of-the-hon.-shelley-hancock-mp-public-inquiry.pdf>

- ii. Government gazette notice – No. 424 – Local Government dated 1 September 2021

<https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/gazette-notice.pdf>

While I issued a statement last Friday it is important for the Council record that what was said is read into the Minutes.

Credit for the Minister's decision must go to the many residents who worked tirelessly to expose the perceived failures of both the elected body and former executive and the arrogance of some who did not follow their clearly stated guiding principles and responsibilities in relation to exercise of functions generally, decision making and community participation.

In my outreach visits residents and organisations placed their trust and confidence in me and it was from this honest and frank dialogue that many of my actions and conclusions were drawn.

I would also like to acknowledge the openness of staff in exposing issues and for their assistance with the independent reviews and audits. I am very conscious of the fact that there are many vacancies in the organisation and the extra demands of working in a COVID-19 world. Be assured that you have contributed to Wingecarribee Shire Council being a much better place in which to work and becoming an employer of choice.

The Council not listening was a feature of the past. The voice of the community has now been heard and the Minister for Local Government has acted.

On a personal note I am determined to see this through and thank the Minister for her confidence in my reappointment.

While undertaking my statutory role without fear or favour, I am committed to supporting the General Manager as she builds a professional organisation in which the Shire's community can have confidence, respect and trust.

Importantly, when elections are held, Councillors will be able to develop a strong partnership with an Administration providing clear, transparent and consistent advice.

Residents, ratepayers and staff may be assured of your Council's total co-operation with the Public Inquiry and when the call for submissions is released, and if you have an experience that will assist (and I have heard so many), I encourage you to come forward.

Following the gazettal of the Public Inquiry on Friday, the General Manager arranged for the Council website to have an alert followed very shortly after with a direct link to relevant matters relating to the Inquiry and this has been updated to now also include a link to the Office of the Commissioner. Council's website will be kept up to date so residents can follow the proactive release of the information.

Residents are also advised that Ms Marissa Racemelara has agreed to stay on with Council as a conduit in the provision of information that may be required by the Commissioner. Without any way reflecting on current staff the General Manager and myself agree that this will ensure independence, transparency and community confidence as no doubt numerous records of Council will be required.

It has been brought to my attention that there are unfounded rumours that the Public Inquiry will cost ratepayers over \$1million and delay the elections for over 12 months.

The length of the Inquiry is a matter for the Commissioner and obviously Council will have its own costs but in normal circumstances direct costs are borne by the Government. However, s438v of the Local Government Act provides that the Office of Local Government may recover the reasonable expenses incurred by the State in holding a Public Inquiry if the Inquiry relates to a reoccurring problem within the administration of the Council. This can include previous Ministerial intervention such as the issue of a Performance Improvement Order and as residents are well aware the actions of the Minister in this regard failed.

When more is known as to how the Commissioner intends to conduct the Inquiry I have asked the General Manager to provide a further report.

For the record it is advised that \$115,022.96 has been expended by Council on audits/reviews initiated by me and made publicly available. In my view this has been ratepayer's money very well spent and is broken down as an attachment to this Minute. I note that the report of Mr Norm Smith, has only been commissioned.

<https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2021-interim-administrator-minutes/reviews-and-audits-requested-by-interim-administrator-8-september.pdf>

The rebuild of Wingecarribee Shire Council is well underway and the Public Inquiry can only add value to that process helping to ensure that the community has a Council that is serving its best interests.

Council is a member of Local Government NSW (LGNSW). LGNSW is an independent member-based organisation that exists to serve the interests of New South Wales general



and special purpose councils. LGNSW provides advocacy, representation and support to member councils to deliver improved services and better outcomes to their local communities.

LGNSW Board elections will be held on 7 October 2021. As an Interim Administrator, I am precluded from voting on the Board elections as outlined in Section 37 (b) of Rules of the Local Government NSW. However, I will be able to represent Wingecarribee at the Special Meeting in November and the LGNSW Special Conference scheduled between 28 February and 3 March 2022 if Council elections have not been held before this time.

The LGNSW Special Conference will consider Motions put to the Conference. The conference provides an opportunity to share ideas, seek inspiration, and plays an important role in determining the local government sector's policy directions for the coming year. This conference will also focus on how councils can drive a "Locally Led" employment and economic recovery, as we continue to grapple with the complex challenges posed by the COVID pandemic.

It is important to note that the LGNSW rules provide for 1 vote per person and no proxies. The Conference will be held in Sydney.

As my term has now been extended, I am proposing from the October Council Meeting to introduce an Open Question Time at 2:45pm on Council meeting days. Hopefully some of the Covid-19 restrictions will have been lifted but if it is more convenient for a resident I will be happy to take questions remotely.

While I will still be very available for meetings I am introducing this initiative to ensure that residents are able to interact with me directly. Questions may be in writing and I will ensure that everyone is responded to. Open question time will not be webcast as it is not the intention to provide a political forum and over the next few weeks I will work with the General Manager to provide some operational guidelines which will be available on the Council's website.

I have also asked the General Manager to investigate opportunities for a publicly available index of all matters listed for the Council's consideration. Councillors (or for that matter Administrators) and interested residents do not have the luxury of finding information electronically and as I have said on a couple of occasions I have difficulty in researching Minutes. Inconsistent headings also don't help and I am determined to open the perceived mystery of Council operations.

I have also asked the General Manager to initiate action to introduce electronic voting in the Council Chambers and possibly linking same to the publicly available index.

It continues to be a very busy time at the Council and like residents we are having to cope with the extra demands of Covid-19 restrictions.

It is business as usual and while residents may or may not be aware that while the doors of many of our facilities are closed the library staff are reaching out to their more elderly members to check on their welfare and our Visitor Centre is making contact with small businesses to ensure they are up-to-date on the assistance programs available from

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 8 September 2021



Council, State and Federal Governments.

I am assured that the Council operations are running as best they can in the current challenging times and thank the General Manager and staff for their commitment.

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

**PASSED**

**8. GENERAL MANAGER**

Nil

## 9. OPERATIONS FINANCE AND RISK

### 9.1 Wingecarribee Animal Shelter and Moss Vale Branch SES Co-Location Feasibility

Report Author: Group Manager Capital Projects  
Authoriser: Interim Deputy General Manager

The Interim Deputy General Manager introduced this item.

#### OFFICER'S RECOMMENDATION

*THAT*

- 1. Council resolve to progress the co-located design in line with the recommendations of the review into the Wingecarribee Animal Shelter.*
- 2. Council endorse stakeholder engagement inclusive of SES representatives, Council staff and volunteers at both facilities.*
- 3. Authority be delegated to the General Manager to proactively seek funding from appropriate sources for the construction of the SES facility.*

**MN 249/21**

**MOTION** moved by Interim Administrator

**THAT**

- 1. Council resolve to progress the co-located design in line with the recommendations of the review into the Wingecarribee Animal Shelter.***
- 2. Council endorse stakeholder engagement inclusive of SES representatives, Council staff and volunteers at both facilities.***
- 3. Authority be delegated to the General Manager to proactively seek funding from appropriate sources for the construction of the SES facility.***

**PASSED**

## 9.2 Wingecarribee River Flood Study Public Exhibition of the Draft Report

Report Author: Floodplain and Stormwater Engineer  
Authoriser: Acting Manager Assets

The Interim Deputy General Manager introduced this item.

### **OFFICER'S RECOMMENDATION**

*THAT the draft report on the Review of the Wingecarribee River Flood Study be publicly exhibited for a period of 40 days.*

**MN 250/21**

**MOTION** moved by Interim Administrator

**THAT the draft report on the Review of the Wingecarribee River Flood Study be publicly exhibited for a period of 40 days.**

**PASSED**

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## 9.3 Smart Water Meters

Report Author: Acting Coordinator Assets – Water, Sewerage and Drainage  
Authoriser: Acting Manager Assets

The Interim Deputy General Manager introduced this item.

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### OFFICER'S RECOMMENDATION

*THAT A further report be brought to Council following completion of the smart metering proof of concept trial outlining the findings of the trial and including recommendations for the future rollout of the smart metering program.*

**MN 251/21**

**MOTION** moved by Interim Administrator

**THAT** A further report be brought to Council following completion of the smart metering proof of concept trial outlining the findings of the trial and including recommendations for the future rollout of the smart metering program.

**PASSED**

## 9.4 Consolidation of Titles - Penrose Village Park, 300 Kareela Road, Penrose

Report Author: Coordinator Property Services  
Authoriser: Chief Financial Officer

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

THAT

1. Council affix the Common Seal of Council to the Plan of Consolidation for:

- Lot 145 DP 751259;
- Lot 146 DP 751259;
- Lot 147 DP 751259;
- Lot 148 DP 751259;
- Lot 149 DP 751259;
- Lot 150 DP 751259;
- Lot 151 DP 751259;
- Lot 152 DP 751259;
- Lot 1 DP 327438;
- Lot 155 DP 751259;
- Lot 156 DP 751259;
- Lot 157 DP 751259;
- Lot 163 DP 751259; and
- Lot 154 DP 1144429

*AND THAT authority be delegated to the Interim Administrator and General Manager to execute the Plan of Consolidation and any associated documents which require the Common Seal of Council.*

2. Authority be delegated to the Interim Administrator and General Manager to execute on behalf of Council any documents associated with the Plan of Consolidation referred to in Resolution 1 above that does not require the Common Seal of Council.

**MN 252/21**

**MOTION** moved by Interim Administrator

**THAT**

**1. Council affix the Common Seal of Council to the Plan of Consolidation for:**

- Lot 145 DP 751259;
- Lot 146 DP 751259;
- Lot 147 DP 751259;
- Lot 148 DP 751259;
- Lot 149 DP 751259;
- Lot 150 DP 751259;
- Lot 151 DP 751259;
- Lot 152 DP 751259;
- Lot 1 DP 327438;
- Lot 155 DP 751259;
- Lot 156 DP 751259;
- Lot 157 DP 751259;
- Lot 163 DP 751259; and
- Lot 154 DP 1144429

**AND THAT** authority be delegated to the Interim Administrator and General Manager to execute the Plan of Consolidation and any associated documents which require the Common Seal of Council.

- 2. Authority be delegated to the Interim Administrator and General Manager to execute on behalf of Council any documents associated with the Plan of Consolidation referred to in Resolution 1 above that does not require the Common Seal of Council.**

**PASSED**



## 9.5 Revised Leases and Licences of Council Property (Not for Profit Organisations) Policy for Public Exhibition

Report Author: Coordinator Property Services  
Authoriser: Chief Financial Officer

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

*THAT the revised Leases and Licences of Council Property – Not for Profit Organisations Policy as provided in Attachment 1 be placed on public exhibition from 13 September 2021 to 11 October 2021.*

**MN 253/21**

**MOTION** moved by Interim Administrator

**THAT the revised Leases and Licences of Council Property – Not for Profit Organisations Policy as provided in Attachment 1 be placed on public exhibition from 13 September 2021 to 11 October 2021.**

**PASSED**

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

**Report Author:** Coordinator Property Services  
**Authoriser:** Chief Financial Officer

The General Manager introduced this item.

### OFFICER'S RECOMMENDATION

*THAT:*

- 1. The General Manager be delegated authority to negotiate the terms and conditions of the Lease with The Bundanoon Club Limited for occupation of part Crown Reserve 67616 (being part Lot 60 in Deposited Plan 909008) at Bundanoon AND THAT it be noted that the total term of the proposed lease be twenty (20) years (being a ten year lease plus a ten year option).*
- 2. Council give public notice of its intention to enter into a Lease of part of the Crown Reserve referred to in Resolution 1 above.*
- 3. If there are no objections received by Council during the period of public notice, Council affix the Common Seal of Council to the Lease referred to in Resolution 1 above AND THAT authority be delegated to the Interim Administrator and General Manager to execute the Lease and any associated documents which require the Common Seal of Council.*
- 4. Authority be delegated to the Interim Administrator and General Manager to execute on behalf of Council any documents associated with the Lease referred to in Resolution 1 above that does not require the Common Seal of Council.*
- 5. If there are any objections received by Council during the period of public notice, a further report be submitted to a future Ordinary Meeting of Council.*

**MN 254/21**

**MOTION** moved by Interim Administrator

**THAT:**

1. ***The General Manager be delegated authority to negotiate the terms and conditions of the Lease with The Bundanoon Club Limited for occupation of part Crown Reserve 67616 (being part Lot 60 in Deposited Plan 909008) at Bundanoon AND THAT it be noted that the total term of the proposed lease be twenty (20) years (being a ten year lease plus a ten year option).***
2. ***The Lease include provision for termination of the Lease and handover of the premises to Council if the Club becomes bankrupt or goes into administration or liquidation.***
3. ***Council give public notice of its intention to enter into a Lease of part of the Crown Reserve referred to in Resolution 1 above.***
4. ***If there are no objections received by Council during the period of public notice, Council affix the Common Seal of Council to the Lease referred to in Resolution 1 above AND THAT authority be delegated to the Interim Administrator and General Manager to execute the Lease and any associated documents which require the Common Seal of Council.***
5. ***Authority be delegated to the Interim Administrator and General Manager to execute on behalf of Council any documents associated with the Lease referred to in Resolution 1 above that does not require the Common Seal of Council.***
6. ***If there are any objections received by Council during the period of public notice, a further report be submitted to a future Ordinary Meeting of Council.***

**PASSED**

## 9.7 Transfer of Land - 2 Funston Street Bowral

Report Author: Coordinator Property Services  
Authoriser: Chief Financial Officer

The General Manager introduced this item.

### OFFICER'S RECOMMENDATION

THAT:

1. Lot 1 in Deposited Plan 875526 be transferred to Toptact Pty Ltd for the original purchase price of \$1.00.
2. It is a condition of the transfer to Toptact Pty Ltd that Lot 1 in Deposited Plan 875526 be consolidated with the adjoining land (being Lot 2 in Deposited Plan 875526) owned by Toptact Pty Ltd within six (6) months of the transfer date.
3. Council affix the Common Seal of Council to the Contract for Sale for the property referred to in Resolution 1 above AND THAT authority be delegated to the Interim Administrator and General Manager to execute the Contract for Sale and any other associated documents which require the Common Seal of Council.
4. Authority be delegated to the Interim Administrator and General Manager to execute on behalf of Council any documents associated with the transfer of the property referred to in resolution 1 above that does not require the Common Seal of Council.

**MN 255/21**

**MOTION** moved by Interim Administrator

**THAT** the report on the transfer of Land, 2 Funston Street Bowral be **deferred** pending further site investigation and consideration of legal advice, such to include

- i. An independent review of DA 357/97 and any subsequent amendments or new development applications on the relevant property.
- ii. The relationship between the conditions contained in DA 357/97 and the Contract of Sale dated 6 March 1998 and the authorisation for special conditions.
- iii. Details of Stage 2 of the Bowral Bypass/Distributor with particular reference to Council decisions.

**PASSED**

## 9.8 2020/21 Budget - Proposed Expenditure Revotes

**Report Author:** Management Accountant  
**Authoriser:** Chief Financial Officer

The General Manager introduced this item.

### OFFICER'S RECOMMENDATION

*THAT:*

1. Council adopt the list of expenditure revotes for the June Review totalling \$23,571,048 for inclusion in the 2021/22 Budget as shown in Attachment 1-3 of this report.

<i>Fund</i>	<i>December</i>	<i>March</i>	<i>June</i>	<i>Total</i>
<i>General Fund</i>	\$721,129	\$9,414,516	\$13,501,108	\$23,636,753
<i>Water Fund</i>	-	\$3,300,000	\$5,201,916	\$8,501,916
<i>Sewer Fund</i>	-	-	\$4,868,024	\$4,868,024
<i>Total Revotes</i>	\$721,129	\$12,714,516	\$23,571,048	\$37,006,693

2. Council approves the transfer of \$1,423,013 to the Expenditure Revotes Reserve, representing the General Revenue portion of the General Fund Revotes.

**MN 256/21**

**MOTION** moved by Interim Administrator

**THAT:**

1. Council adopt the list of expenditure revotes for the June Review totalling \$23,571,048 for inclusion in the 2021/22 Budget as shown in Attachment 1-3 of this report.

<i>Fund</i>	<i>December</i>	<i>March</i>	<i>June</i>	<i>Total</i>
<b>General Fund</b>	<b>\$721,129</b>	<b>\$9,414,516</b>	<b>\$13,501,108</b>	<b>\$23,636,753</b>
<b>Water Fund</b>	-	<b>\$3,300,000</b>	<b>\$5,201,916</b>	<b>\$8,501,916</b>
<b>Sewer Fund</b>	-	-	<b>\$4,868,024</b>	<b>\$4,868,024</b>
<b>Total Revotes</b>	<b>\$721,129</b>	<b>\$12,714,516</b>	<b>\$23,571,048</b>	<b>\$37,006,693</b>

2. Council approves the transfer of \$1,423,013 to the Expenditure Revotes Reserve, representing the General Revenue portion of the General Fund Revotes.

**PASSED**

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## 9.9 Investment Report - July 2021

Report Author: Accounting Officer (Banking and Investments)  
Authoriser: Chief Financial Officer

The Interim Deputy General Manager introduced this item.

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### OFFICER'S RECOMMENDATION

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

**MN 257/21**

**MOTION** moved by Interim Administrator

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

**PASSED**

## 9.10 Rates and Charges Write-off for the 2020/21 Financial Year

**Report Author:** Coordinator Revenue  
**Authoriser:** Chief Financial Officer

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

THAT

1. Council write off rates and charges in relation to Section 595 of the Local Government Act for Postponed Rates totalling \$19,263.12 for the 2020/21 financial year.
2. Council write off rates and charges in relation to Section 583 of the Local Government Act for Pension Rebates totalling \$1,637,653.59 for the 2020/21 financial year.
3. Council write off minor interest accrual balances in accordance with Clause 131 of the Local Government (General) Regulation 2005 totalling \$325.42 for the 2020/21 financial year.
4. Council write off water supply charges in accordance with Section 558 of the Local Government Act 1993 for special allowances totalling \$28,413.48 for the 2020/21 financial year.
5. Council write off water supply charges in accordance with the Adopted Water Determination Policy totalling \$62,817.80 for the 2020/21 financial year.
6. Council write off water supply charges in accordance with the Adopted Low Water Pressure Supply Rebate Policy totalling \$895.50 for the 2020/21 financial year.
7. Council write off water supply charges for residents who are undergoing Home Haemodialysis totalling \$1,412.69 for the 2020/21 financial year.
8. Council write off sundry debtors which can no longer be recovered under Council's adopted Debt Recovery Policy totalling \$1,846.82 for the 2020/21 financial year.



**MN 258/21**

**MOTION** moved by Interim Administrator

**THAT**

1. ***Council write off rates and charges in relation to Section 595 of the Local Government Act for Postponed Rates totalling \$19,263.12 for the 2020/21 financial year.***
2. ***Council write off rates and charges in relation to Section 583 of the Local Government Act for Pension Rebates totalling \$1,637,653.59 for the 2020/21 financial year.***
3. ***Council write off minor interest accrual balances in accordance with Clause 131 of the Local Government (General) Regulation 2005 totalling \$325.42 for the 2020/21 financial year.***
4. ***Council write off water supply charges in accordance with Section 558 of the Local Government Act 1993 for special allowances totalling \$28,413.48 for the 2020/21 financial year.***
5. ***Council write off water supply charges in accordance with the Adopted Water Determination Policy totalling \$62,817.80 for the 2020/21 financial year.***
6. ***Council write off water supply charges in accordance with the Adopted Low Water Pressure Supply Rebate Policy totalling \$895.50 for the 2020/21 financial year.***
7. ***Council write off water supply charges for residents who are undergoing Home Haemodialysis totalling \$1,412.69 for the 2020/21 financial year.***
8. ***Council write off sundry debtors which can no longer be recovered under Council's adopted Debt Recovery Policy totalling \$1,846.82 for the 2020/21 financial year.***

**PASSED**

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## 10. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

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### 10.1 Christmas in the Highlands 2021

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

The Interim Deputy General Manager introduced this item.

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#### OFFICER'S RECOMMENDATION

THAT

1. Council note the planned activities for Shire-wide Christmas celebrations
2. Council approve, in principle, the extension of trading hours to business including but not limited to retail stores, cafes and restaurants
3. Council approve additional outdoor dining locations (permit system) for suitable premises involved in the Christmas celebrations programme, having consideration for safety and accessibility and offer blanket 'area-based' time extension exemptions for existing permits
4. Council approve the display of Christmas decorations on the exterior of shop windows and under awnings having consideration for safety and accessibility; wherever an owner has not expressly been disallowed installation of decorations
5. Council permit exclusive use of Corbett Gardens for a 'festival of lights' event on two consecutive evenings, dates to be advised for 2021, 2022 and 2023
6. Council permit community gatherings for celebrating Christmas in the halls and grounds of community villages having regard to facilities bookings, risk assessment, Covid safety planning; and meeting conditions relevant under the Wingecarribee Shire Local Environmental Plan

**MN 259/21**

**MOTION** moved by Interim Administrator

**THAT**

1. ***Council note the planned activities for Shire-wide Christmas celebrations***
2. ***Council approve, in principle, the extension of trading hours to business including but not limited to retail stores, cafes and restaurants***
3. ***Council approve additional outdoor dining locations (permit system) for suitable premises involved in the Christmas celebrations programme, having consideration for safety and accessibility and offer blanket 'area-based' time extension exemptions for existing permits***
4. ***Council approve the display of Christmas decorations on the exterior of shop windows and under awnings having consideration for safety and accessibility; wherever an owner has not expressly been disallowed installation of decorations***
5. ***Council permit exclusive use of Corbett Gardens for a 'festival of lights' event on two consecutive evenings, dates to be advised for 2021, 2022 and 2023***
6. ***Council permit community gatherings for celebrating Christmas in the halls and grounds of community villages having regard to facilities bookings, risk assessment, Covid safety planning; and meeting conditions relevant under the Wingecarribee Shire Local Environmental Plan***
7. ***Council undertake a review and evaluation of 2021 Christmas activities with community and the business chambers in February 2022 prior to the finalisation of Council's 2022/23 Budget.***

**PASSED**

## 10.2 COVID Related Implications for Council's Children's Services

Report Author: Co-ordinator Children's Services  
Authoriser: Group Manager Corporate and Community

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

*THAT*

1. Council waive the child care "gap fees" from 23 August 2021 until the lockdown ceases or otherwise advised by the DESE, for children not attending Wingecarribee Out of School Hours Service (WOOSH) under the conditions outlined by the Department of Education, Skills and Employment (DESE),
2. Council undertake a 28-day public notification period in relation to waiving the "gap fee" for children not attending the Out of School Hours Service, in accordance with Section 356 of Local Government Act 1993
3. Council notes that Wingecarribee Out of School Hours Care, if still in lockdown, will operate a reduced September/ October vacation care program offering 12-15 child care places to essential workers and those families who cannot work from home.

**MN 260/21**

**MOTION** moved by Interim Administrator

**THAT**

1. Council waive the child care "gap fees" from 23 August 2021 until the lockdown ceases or otherwise advised by the DESE, for children not attending Wingecarribee Out of School Hours Service (WOOSH) under the conditions outlined by the Department of Education, Skills and Employment (DESE),
2. Council undertake a 28-day public notification period in relation to waiving the "gap fee" for children not attending the Out of School Hours Service, in accordance with Section 356 of Local Government Act 1993
3. Council notes that Wingecarribee Out of School Hours Care, if still in lockdown, will operate a reduced September/ October vacation care program offering 12-15 child care places to essential workers and those families who cannot work from home.

**PASSED**

## 10.3 Community Research Results - Recommended Actions

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

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

1. *THAT the community research recommended improvement actions be endorsed for implementation and*
2. *THAT an update be provided to the community on actions in response of the results of the most recent community survey.*

### **MN 261/21**

**MOTION** moved by Interim Administrator

1. **THAT the community research recommended improvement actions be endorsed for implementation and**
2. **THAT an update be provided to the community on actions in response of the results of the most recent community survey.**

**PASSED**

## 10.4 Southern Highlands Innovation Park - Infrastructure Planning and Delivery

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

The General Manger introduced this item and the Interim Deputy General Manager addressed the meeting.

### OFFICER'S RECOMMENDATION

1. *THAT Council note the update report on the Southern Highlands Innovation Park, the Moss Vale Bypass and the Berrima Road Deviation project.*
2. *THAT Council develop a priority infrastructure program that aligns with the strategic priorities of Council and the community.*
3. *THAT Council progress the detailed design of priority infrastructure works inclusive of the Moss Vale Bypass to ensure key projects are 'investment ready'.*
4. *THAT Council proactively work with State and Federal Governments to plan, fund and deliver key enabling infrastructure and essential services to meet the needs of our growing communities.*
5. *THAT Council continues to develop and implement best practice Project Management Frameworks to ensure that lessons learnt are captured and identified opportunities for improvement are implemented continually.*

**MN 262/21**

**MOTION** moved by Interim Administrator

1. **THAT** Council note the update report on the Southern Highlands Innovation Park, the Moss Vale Bypass and the Berrima Road Deviation project.
2. **THAT** Council develop a priority infrastructure program that aligns with the strategic priorities of Council and the community.
3. **THAT** Council progress the detailed design of priority infrastructure works inclusive of the Moss Vale Bypass to ensure key projects are 'investment ready'.
4. **THAT** Council proactively work with State and Federal Governments to plan, fund and deliver key enabling infrastructure and essential services to meet the needs of our growing communities.
5. **THAT** Council continues to develop and implement best practice Project Management Frameworks to ensure that lessons learnt are captured and identified opportunities for improvement are implemented continually.

**PASSED**

## 10.5 Black Summer Bushfire Recovery Grant Proposals

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

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

*THAT the following grant applications be prepared and submitted by Council to BSBR:*

- 1. Jordan's Crossing Bundanoon, off-leash dog park*
- 2. Water storage tanks at RFS stations at Canyonleigh, Bullio, High Range/Joadja, Penrose project*
- 3. Walking trails of the Wingecarribee Shire, signage improvements project*
- 4. Resilience Officer*

*AND THAT Council support Hill Top Community Association application to BSBR.*

### **MN 263/21**

**MOTION** moved by Interim Administrator

**THAT** the following grant applications be prepared and submitted by Council to Black Summer Bushfire Recovery Grant program:

- 1. Jordan's Crossing Bundanoon, off-leash dog park with an estimated grant funding of \$160,000***
- 2. Water storage tanks at RFS stations at Canyonleigh, Bullio, High Range/Joadja, Penrose project with an estimated grant funding of \$500,000***
- 3. Walking trails of the Wingecarribee Shire, signage improvements project with an estimated grant funding of \$330,000***
- 4. Resilience programs and events over two (2) years supported by a full time Resilience Officer with an estimated grant funding of \$320,000.***
- 5. Should Council be successful in receiving funding for all projects above, this leaves \$290,000 from the \$1.6M funding envelope available for community applications within the Wingecarribee Shire***

**AND THAT** Council support Hill Top Community Association application to Black Summer Bushfire Recovery Grant program.

**PASSED**



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## 10.6 Delivery Program 2017-2022 Bi-Annual Progress Report, 1 January - 30 June 2021

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

The General Manager introduced this item.

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### **OFFICER'S RECOMMENDATION**

*THAT Council receives and notes the Delivery Program 2017-2021 Bi-Annual Progress Report, 1 January to 30 June 2021.*

**MN 264/21**

**MOTION** moved by Interim Administrator

**THAT Council receives and notes the Delivery Program 2017-2021 Bi-Annual Progress Report, 1 January to 30 June 2021.**

**PASSED**

## 10.7 Tender for the Provision of Legal Services

**Report Author:** Group Manager Corporate and Community  
**Authoriser:** Interim Deputy General Manager

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

*THAT*

1. *Council accepts the following tenders received for the Tender for Legal Services from the following nine (9) tenders to form a panel arrangement for a period of three (3) years, with an option to renew for a further two (2) years:*
  - *Bartier Perry Pty Limited*
  - *ClarkeKann Lawyers*
  - *Hall & Wilcox*
  - *Hones Lawyers Pty Limited*
  - *Maddocks*
  - *Marsdens Law Group*
  - *Moray & Agnew*
  - *Pikes & Verekers Lawyers*
  - *Sparke Helmore Lawyers*
2. *Council delegate authority to the Interim Administrator/Mayor and General Manager to execute the contract and any other documentation required to give effect to this resolution.*

**MN 265/21**

**MOTION** moved by Interim Administrator

**THAT**

1. ***Council accepts the following tenders received for the Tender for Legal Services from the following nine (9) tenders to form a panel arrangement for a period of three (3) years, with an option to renew for a further two (2) years:***
  - ***Bartier Perry Pty Limited***
  - ***ClarkeKann Lawyers***
  - ***Hall & Wilcox***
  - ***Hones Lawyers Pty Limited***
  - ***Maddocks***
  - ***Marsdens Law Group***
  - ***Moray & Agnew***
  - ***Pikes & Verekers Lawyers***
  - ***Sparke Helmore Lawyers***
  
2. ***Council delegate authority to the Interim Administrator/Mayor and General Manager to execute the contract and any other documentation required to give effect to this resolution.***

**PASSED**

## 10.8 Delegations of Functions of Council to the General Manager

Report Author: Group Manager Corporate and Community  
Authoriser: Interim Deputy General Manager

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

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

**MN 266/21**

**MOTION** moved by Interim Administrator

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

**PASSED**

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## 10.9 Guidelines for Participation in Public Forum

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

The Interim Deputy General Manager introduced this item.

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### OFFICER'S RECOMMENDATION

*THAT Council notes the Guidelines for Participation in Public Forum.*

**MN 267/21**

**MOTION** moved by Interim Administrator

**THAT Council notes the Guidelines for Participation in Public Forum.**

**PASSED**

## 10.10 Independent Planning Commission NSW Determination on the Hume Coal Project and Berrima Rail Project (SSD7172 & SSD 7171)

Report Author: Manager Environment and Sustainability  
Authoriser: Interim Deputy General Manager

The Interim Deputy General Manager introduced this item.

### OFFICER'S RECOMMENDATION

1. *THAT Council note the refusal of the Hume Coal Project and Berrima Rail Project (SSD7172 & SSD 7171 by the Independent Planning Commission NSW refusal of the) be noted.*
2. *THAT Council acknowledge and thank members of the community for their work and submissions in relation to this issue.*

### **MN 268/21**

**MOTION** moved by Interim Administrator

1. **THAT Council note the refusal of the Hume Coal Project and Berrima Rail Project (SSD7172 & SSD 7171 by the Independent Planning Commission NSW refusal of the) be noted.**
2. **THAT Council acknowledge and thank members of the community, former Councils and staff for their work and submissions in relation to this issue.**

**PASSED**

## 10.11 Covid Community Support - Additional Relief Measures

Report Author: Interim Deputy General Manager  
Authoriser: General Manager

The General Manager introduced this item.

### OFFICER'S RECOMMENDATION

*THAT*

1. Council defer the issuance of Rates Reminder Notices due to the potential impact on businesses and residents
2. Council, in accordance with Section 356 of Local Government Act 1993, undertake a 28 day public notification period in relation to the proposal to suspend all interest on Overdue Amounts for the period 1 July to 31 December, 2021.

**MN 269/21**

**MOTION** moved by Interim Administrator

**THAT**

1. Council defer the issuance of Rates Reminder Notices due to the potential impact on businesses and residents
2. Council, in accordance with Section 356 of Local Government Act 1993, undertake a 28 day public notification period in relation to the proposal to suspend all interest on Overdue Amounts for the period 1 July to 31 December, 2021.
3. Subject to no objections the General Manager be authorised to implement Items 1 and 2 above.

**PASSED**

## SUSPENSION OF STANDING ORDERS

***MN 270/21***

**MOTION** moved by *Interim Administrator*

**THAT Standing Orders be suspended in order to consider one supplementary item**

- **THAT In accordance with Clause 10.3(b) of the Code of Meeting Practice I move as a matter of urgency that a supplementary item be considered**
  - **Community Infrastructure projects update**

**PASSED**



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## L.1 Community Infrastructure Projects Update

**Report Author:** Group Manager Capital Projects  
**Authoriser:** Interim Deputy General Manager

The Interim Deputy General Manager introduced this item.

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### OFFICER'S RECOMMENDATION

*THAT*

1. Council note the potential budget shortfall relating to the Bowral Memorial Hall refurbishment project resulting from the remediation of an unexpected latent site condition. A further report will be submitted to a future meeting of Council with an appropriate funding strategy to address the identified budget shortfall.
2. Council note the ongoing negotiations with the lessee and key stakeholders relating to the development of the concept design for the Mittagong Memorial Hall. A further report will be submitted to a future meeting of Council outlining the outcomes of the negotiation and associated lease requirements.
3. Council note the current negotiations with Transport for NSW in relation to leveraging off economies of scale and incorporating the Bowral Train Station Commuter Carpark rectification works with the proposed Station Street Improvements.

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**RECOMMENDATION**

**MN 271/21**

**MOTION** moved by Interim Administrator

**THAT**

1. Council note the potential budget shortfall relating to the Bowral Memorial Hall refurbishment project resulting from the remediation of an unexpected latent site condition. A further report will be submitted to a future meeting of Council with an appropriate funding strategy to address the identified budget shortfall.
2. Council note the ongoing negotiations with the lessee and key stakeholders relating to the development of the concept design for the Mittagong Memorial Hall. A further report will be submitted to a future meeting of Council outlining the outcomes of the negotiation and associated lease requirements.

Council note the current negotiations with Transport for NSW in relation to leveraging off economies of scale and incorporating the Bowral Train Station Commuter Carpark rectification works with the proposed Station Street Improvements.

**PASSED**

**MN 272/21**

**MOTION** moved by Interim Administrator

**RESUMPTION OF STANDING ORDERS** moved by Interim Administrator

**THAT** Standing Orders be resumed.

**PASSED**

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## **11. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.33 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 September 2021 numbered M/N 246/21 to M/N 272/21 were signed by me hereunder at the Council Meeting held on Wednesday 13 October 2021.

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INTERIM ADMINISTRATOR

**READ AND CONFIRMED ON WEDNESDAY 13 OCTOBER 2021**

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INTERIM ADMINISTRATOR

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PUBLIC OFFICER