

MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 9 June 2021

The meeting commenced at 3.30pm

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

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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 9 JUNE 2021 COMMENCING AT 3.30PM

Present:	Interim Administrator	Mr Viv May PSM
In Attendance:	Acting General Manager	Mr Les McMahon
	Acting Deputy General Manager Operations, Finance and Risk	Mr Richard Mooney
	Acting Deputy General Manager Corporate Strategy and Development Services	Ms Danielle Lidgard
	Acting Chief Financial Officer	Mr Damien Jenkins
	Group Manager Water and Sewer	Mr Jon Hook
	Group Manager Capital Delivery	Mr Ned Tripkovic
	Acting Group Manager Corporate and Community	Ms Claire Digger
	Acting Group Manager Organisation Development	Mr John Crawford
	Acting Manager Assets	Ms Rachel Forte
	Coordinator Property Services	Ms Mandy McCullagh
	Coordinator Strategic Land Use Planning	Mr Michael Park
	Coordinator Media and Communications	Mr David Sommers
	Administration Officer	Ms Michelle Richardson

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

The Interim Administrator, Mr Viv May PSM acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Straight Islanders present here today.”

3. PRAYER

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

“Let us meet in this Council Chamber in a spirit of fellowship and goodwill to represent all the members of the community in its cultural and religious diversity. To be honest and objective in all our deliberations. To respect the view of the residents, the rights of all to

express their opinions without fear or favour and to make decisions for the common good of the community.'

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 12 MAY 2021

MN 148/21

MOTION moved by Interim Administrator V May PSM

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 12 May 2021 MN 122/21 to MN 132/21 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

CARRIED

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON THURSDAY 20 MAY 2021

MN 149/21

MOTION moved by Interim Administrator V May PSM

THAT the minutes of the Extraordinary Meeting of Council held on Thursday 20 May 2021 MN 133/21 to MN 147/21 inclusive, copies of which were forwarded to Councillors, 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.

Interim Administrator V May PSM declared a less than significant non-pecuniary interest in Item 11.3 Fees Payable to the Mayor and Councillors for 2021/22 as he is the Local Government Remuneration Tribunal. The Administrator fee relates to 2020/21 Determination prior to his appointment and will not be increased. He stated that he would remain in the Chamber when this matter was discussed and take part in the debate and voting thereon.

PUBLIC FORUM

Item 11.1 - S8.2 Review of DA19/1650 For an Eco Tourist Facility at 198 Foxgrove Road Canyonleigh (Appln 19/1650.01)

Mr Frank Maly addressed Council in relation to this item.

7. INTERIM ADMINISTRATOR MINUTES

Community Update

Report Author: Interim Administrator

MN 150/21

MOTION moved by Interim Administrator V May PSM

The Minister for Local Government, The Hon. Shelley Hancock MP, announced on 27 May 2021 that my appointment as Interim Administrator would be extended for three months and the Order to further suspend Wingecarribee Shire Council was gazetted on Friday 4 June 2021. I have attached a copy of the Order under Section 438M and 438O of the Local Government Act to this Minute.

The reasons the Minister outlined for extending the suspension include:

- To provide additional time for a new General Manager to embed improvements to the organisation.
- Work on the restructure of the organisation under a new General Manager to assist residents in communicating with Council.
- Work that needs to be undertaken to improve the work, health and safety conditions of Council's workforce.
- To continue the work being undertaken to restore the community's confidence in the Council.
- Improve Council's exercise of statutory functions.

Residents may be assured that I will continue in the role with enthusiasm and commitment.

Congratulations to Berrima on winning the Best Town Destination in NSW for population under 5,000 category. It was an honour to present the award to Steve Horton during the Berrima launch of Pie Time and a big well done to all involved.

Today is Thank a First Responder Day. During recent times with bushfires, floods and the pandemic the Shire has witnessed the commitment from our first responders in doing all they can to protect us. The paramedics, police, firefighters and emergency services make personal sacrifices every day for the wellbeing and safety of our community. On behalf of Council and the community I would like to sincerely thank all first responders in the Southern Highlands for the incredible work they undertake.

Community outreach visits have allowed me to see first-hand and obtain a better appreciation of the unique environment of Wingecarribee and I thank and acknowledge the openness of the over 200 individual community members, 37 community groups and associations, who I have met and the generosity of welcome.

I will continue to meet with community members on request but the community outreach visits have been completed.

The discussions have been wide and varied and have provided me with an important tool to gain a better understanding of the community's view of Council. They have provided a base to work with the Acting General Manager to develop solutions to fix areas that have been raised as reoccurring themes and this contribution has been needed and is valued.

I understand that a report will be presented to Council in its next meeting following the resolution of Council on 12 May 2021 in relation to the Southern Highlands Regional Animal Shelter and thank the staff for arranging a visit to the site yesterday. I now better understand the issues and urgency of addressing what I consider to be unacceptable working conditions of staff. I am also concerned that Council is meeting its statutory obligations and whether

they are being confused by the Memorandum of Understanding with the Friends of Wingecarribee Animal Shelter. These matters must and will be addressed during the administration period and I have asked the Acting General Manager to expand the scope of the report to address same and if necessary to obtain independent professional assistance on some of the policies of the shelter.

The work of the Rural Fire Service and the State Emergency Service at both a voluntary and professional level cannot be underestimated by any community and the recent fires and floods only underscore their importance in the Wingecarribee Shire Council area.

One-to-one meetings have been held with the RFS and SES leadership in the Shire and decisions taken in relation to the water tanks at Balmoral, Penrose and Wingello. In addition, there is a need for water tanks at Canyonleigh, Bullio and High Range/Joadja and possibly east of the railway track at Penrose. The staff are preparing a report for the July Council meeting to fund these projects without further delay.

The reallocation of \$100,000 from bushfire grants resulted in a number of very good proposals costing far in excess of the funds available. In consultation with the staff the following has been agreed:

- Bundanoon – Glow Worm Glen reconstruction of pedestrian bridges; \$12,000
- Wingello – Bill O’Riley Park furniture; \$20,000
- Penrose, Penrose Park equipment; \$18,000
- Balmoral Village Hall external lights; \$10,000
- Hill Top entry signs; \$5,200
- Balmoral entry signs; \$12,000
- Wombeyan Caves signage, guideposts and reflectors along Wombeyan Caves Road – noting there is a substantial Commonwealth Grant for major works; \$17,800
- Balmoral Village Hall sanding and polishing; \$5,000

Council’s relationship with the SES has not been good in recent years and in my view has under-valued the role they play in the community.

In the Shire SES is the primary rescue unit for all incidents. While their facilities in Mittagong are adequate, Moss Vale leaves a lot to be desired and negotiations for improvements have been protracted. The Taylor Street facility is not operating satisfactorily and impacts on local leadership and the provision by the NSW Government of the latest equipment including an important heavy rescue vehicle.

The Bowman Road, Moss Vale site purchased by Council for the new animal shelter has its challenges but in my view would be an ideal location to also house the SES. Council will need to fund the major proportion of any new facility and I have asked the Acting General Manager to report on the matter in conjunction with the Animal Shelter report.

To be very clear I am not suggesting that one be short changed for the other, but that both be provided to cater for the Shire’s needs while respecting the Council’s statutory obligations.

Destination Southern Highlands is the tourism and economic development organisation for the Southern Highlands and is a so called business unit of Wingecarribee Shire Council. However, as an arm of Council it is essential that it operates within the requirements of the Local Government Act 1993.

It has come to my attention that a number of fees have been charged unlawfully by Destination Southern Highlands. These fees have not been adopted as a part of Council's annual fees and charges, as required under Section 377 of the Act. While these fees may be necessary for the operation of this business they have not been legally applied.

To rectify this situation, it is my view that fees paid over the previous 12 months should be refunded. The fees relate to Partnership Membership Fee; Product Consignment; Tickets; and Accommodation and Accommodation Site Inspection fees and total in the order of \$150,000.

The Acting General Manager supports my view and is having a report on charges and fees prepared and has also initiated an independent audit of some expenditure. The future operation of the Destination Southern Highlands will also be addressed in the Council restructure which will hopefully come to Council at the July meeting.

As a part of my Community Update at the meeting held on the 12 May 2021, I requested staff prepare a "warts and all" report on Council's response and recovery efforts to the 2019/20 Black Summer Bushfires. Following further consideration and the substance and potential conflict of the matters already being raised, staff have recommended an independent review be undertaken for this report.

Mr Dave Owens from Risk-e Business Consultants has been engaged to undertake this independent review. Mr Owens is a former Deputy Commissioner of the NSW Police Force with 30 years of service. He has also been a State and Regional Recovery Coordinator for the NSW Government and as such has extensive knowledge as to the establishment and running of Recovery Committees, funding applications and Mayoral Relief funds. Mr Owens has worked with many Local Governments to review their emergency management/recovery procedures and most recently he co-led the NSW Governments Independent Bushfire Inquiry which resulted in 76 recommendations.

I have previously noted that the consultants report relating to the development issues is still being prepared by virtue of the large number of residents who have requested an independent hearing.

Earnest Consulting (Malcolm Ryan – Director) has now provided an interim issues report to me and a confidential operating report to the Acting General Manager. I table the interim report dated 7 June 2021. *see <https://www.wsc.nsw.gov.au/Council/Council-Meeting-Minutes-Agendas>

The report is damning and while it makes a number of recommendations in my view they are best left until the final report so a holistic approach can be taken. Having said that I acknowledge and endorse the swift action of the Acting General Manager in addressing some priority issues.

One housekeeping matter that needs to be addressed is in relation to the appointment of the General Manager. In adopting the motion on the appointment of Ms Lisa Miscamble, I failed to include a recommendation that the common seal be affixed to the contract and the following addresses that oversight.

THAT the Minute be received and noted AND THAT Council's common seal be placed on the contract of employment between Ms Lisa Miscamble and Council.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 9 June 2021



CARRIED

8. GENERAL MANAGER

8.1 Village Coordinator

Report Author: Acting Group Manager Organisational Development
Authoriser: Acting General Manager

The Acting Group Manager Organisational Development addressed Council on this item.

OFFICER'S RECOMMENDATION

THAT Council notes the report.

MN 151/21

MOTION moved by Interim Administrator V May PSM

THAT the report on the role of Village Coordinator be noted.

CARRIED

8.2 Legal Services Panel

Report Author: Acting Group Manager Corporate and Community
Authoriser: Acting General Manager

This item was dealt with on page 32 MN 170/21

OFFICERS' RECOMMENDATION

THAT

1. *Council undertake a tender process to re-establish a legal services panel.*
2. *Clause 22 in the current panel member contracts 'Termination For Any Reason' be invoked to terminate the contracts of the current panel members.*
3. *Provide written notice to panel members.*
4. *Council writes to existing panel members inviting them to reapply.*

9. PUBLIC FORUM

This item was moved to page 3.

10. OPERATIONS FINANCE AND RISK

10.1 Acceptance of Grant Funding - NSW Government Everyone Can Play Program

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

The Acting Manager Assets addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

1. ***Council accept Grant Funding of \$155,000 from the NSW State Government under the Everyone Can Play 2020/21 Funding Round for Church Road Oval, Moss Vale and Cook Street Park, Mittagong, and that the associated expenditure be voted in the 2021/22 Annual Budget.***
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, in securing this grant funding.***

MN 152/21

MOTION moved by Interim Administrator V May PSM

THAT

1. ***Council accept Grant Funding of \$155,000 from the NSW State Government under the Everyone Can Play 2020/21 Funding Round for Church Road Oval, Moss Vale and Cook Street Park, Mittagong, and that the associated expenditure be voted in the 2021/22 Annual Budget.***
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, in securing this grant funding.***

CARRIED

10.2 Acceptance of Grant Funding - Fixing Local Roads Round 2

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

The Acting Manager Assets addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

1. ***Council accept Grant Funding of \$1,275,000 from Transport for NSW under the Fixing Local Road Program Round 2, and that the associated expenditure be voted in the 2021/22 Budget & Capital Works Program.***
2. ***Council acknowledge the support and assistance of the Member for Goulburn, Ms Wendy Tuckerman and the Member for Hume, Mr Angus Taylor, in securing this grant funding.***

MN 153/21

MOTION moved by Interim Administrator V May PSM

THAT

1. ***Council accept Grant Funding of \$1,275,000 from Transport for NSW under the Fixing Local Road Program Round 2, and that the associated expenditure be voted in the 2021/22 Budget & Capital Works Program.***
2. ***Council acknowledge the support and assistance of the Member for Goulburn, Ms Wendy Tuckerman and the Member for Hume, Mr Angus Taylor, in securing this grant funding.***

CARRIED

10.3 Funding Application - NSW Public Spaces Legacy Program

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

The Acting Manager Assets addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT Council endorse its application to the NSW State Government to amend the proposed project to be funded under the NSW Public Spaces Legacy Program from Corbett Plaza and Corbett Gardens to the delivery of the Bong Bong Common Masterplan.

THAT:

- 1. Council endorse its application to the NSW State Government to amend the proposed project to be funded under the NSW Public Spaces Legacy Program from Corbett Plaza and Corbett Gardens to the delivery of the Bong Bong Common Masterplan.***
- 2. Council note the alternative project application was submitted 9 June 2021 by 12.00pm in accordance with the requirements of the funding body.***

MN 154/21

MOTION moved by Interim Administrator V May PSM

THAT:

- 1. Council endorse its application to the NSW State Government to amend the proposed project to be funded under the NSW Public Spaces Legacy Program from Corbett Plaza and Corbett Gardens to the delivery of the Bong Bong Common Masterplan.***
- 2. Council note the alternative project application was submitted 9 June 2021 by 12.00pm in accordance with the requirements of the funding body.***

CARRIED

10.4 Funding Application - Stronger Country Communities Fund - Round 4

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

The Acting Manager Assets addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT:

- 1. The proposed project submissions for the Stronger Country Communities Fund Round Four as listed in Attachment 1 be provisionally approved to allow grant submissions to be progressed.***
- 2. A final list of project submissions be reported to the Extraordinary Meeting of Council on 23 June for final approval.***
- 3. Letters of support under the Acting General Manager's signature be provided to the Southern Highlands Botanic Gardens and Southern Highlands PCYC for their grant applications to the Stronger Country Communities Fund Round Four.***

MN 155/21

MOTION moved by Interim Administrator V May PSM

THAT:

- 1. The proposed project submissions for the Stronger Country Communities Fund Round Four as listed in Attachment 1 be provisionally approved to allow grant submissions to be progressed.***
- 2. A final list of project submissions be reported to the Extraordinary Meeting of Council on 23 June for final approval.***
- 3. Letters of support under the Acting General Manager's signature be provided to the Southern Highlands Botanic Gardens and Southern Highlands PCYC for their grant applications to the Stronger Country Communities Fund Round Four.***

CARRIED

10.5 Review of the Local Traffic Committee Terms of Reference

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

The Acting Manager Assets addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT:

1. *Council adopt the revised Terms of Reference for the Local Traffic Committee as provided in Attachment 1.*
2. *Council's Council's Committee Manual 2016-2021 be amended to remove all references to the Local Traffic Committee.*
3. *Council's website be updated to include information about the functions of the Local Traffic Committee and how members of the public can apply to address the Committee by agreement of the Committee.*

MN 156/21

MOTION moved by Interim Administrator V May PSM

THAT:

1. *Council adopt the revised Terms of Reference for the Local Traffic Committee as provided in Attachment 1, including amendments to section 6.5 Public Participation to allow for meetings to be open to the public and managed in accordance with the section 5.3.4 of Transport for NSW's A guide to the delegation to councils for the regulation of traffic including the operation of Traffic Committees.*
2. *Council's Council's Committee Manual 2016-2021 be amended to remove all references to the Local Traffic Committee.*
3. *Council's website be updated to include information about the functions of the Local Traffic Committee and how members of the public can apply to address the Committee by agreement of the Committee.*

PASSED

10.6 Waiving Development Application Fees on Council Owned or Controlled Land

Report Author: Acting Chief Financial Officer
Authoriser: Acting Deputy General Manager

The Acting Chief Financial Officer addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. Council adopt the formal position that all development application fees for development occurring on Council owned or controlled land for not-for-profit and community organisations be waived.**
- 2. Council update its Revenue Policy and Fees and Charges Schedule to include this formal position and to also include the criteria for waiving development application fees on Council owned or controlled land. The criteria being:**
 - a. The approved project is on Council owned or controlled land.**
 - b. The applicant is a not-for-profit club, organisation, community group or charitable organisation and is in effective control of the subject land.**
 - c. A request to waive development application fees is made in writing to Council and sets out the community benefit that will be achieved from the development.**

MN 157/21

MOTION moved by Interim Administrator V May PSM

THAT

1. ***Council adopt the formal position that all development application fees for activities requiring development consent on Council owned or controlled land for not-for-profit and community organisations be waived.***
2. ***Council update its Revenue Policy and Fees and Charges Schedule to include this formal position and to also include the criteria for waiving development application fees on Council owned or controlled land. The criteria being:***
 - a. ***The approved project is on Council owned or controlled land.***
 - b. ***The applicant is a not-for-profit club, organisation, community group or charitable organisation and is in effective control of the subject land.***
 - c. ***A request to waive development application fees is made in writing to Council and sets out the community benefit that will be achieved from the development.***

CARRIED

10.7 Investment Report - April 2021

Report Author: Acting Chief Financial Officer
Authoriser: Acting Deputy General Manager

The Acting Chief Financial Officer addressed Council on this item.

OFFICERS' RECOMMENDATION

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

MN 158/21

MOTION moved by Interim Administrator V May PSM

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

CARRIED

10.8 Proposed Road Closure - Part Congewoi Street, Robertson - Site of Robertson Rural Fire Station

Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager

The Coordinator Property Services addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT:

- 1. Council endorse the application for partial road closure of part Congewoi Street Robertson (at the intersection of Wallangunda Street).**
- 2. Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the Council public road at Congewoi Street, Robertson AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.**
- 3. If there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of the portion of Council Public Road referred to in Resolution 1 above and that upon closure the newly created lot will be classified as Operational Land pursuant to the Local Government Act, 1993.**
- 4. The General Manager and Mayor/Interim Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure of the portion of Council public road referred to in Resolution 1 above.**
- 5. Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.**

MN 159/21

MOTION moved by Interim Administrator V May PSM

THAT:

1. ***Council endorse the application for partial road closure of part Congewoi Street Robertson (at the intersection of Wallangunda Street).***
2. ***Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the Council public road at Congewoi Street, Robertson AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.***
3. ***If there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of the portion of Council Public Road referred to in Resolution 1 above and that upon closure the newly created lot will be classified as Operational Land pursuant to the Local Government Act, 1993.***
4. ***The General Manager and Mayor/Interim Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure of the portion of Council public road referred to in Resolution 1 above.***
5. ***Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closure referred to in Resolution 1 above which does not require the affixing of the Common Seal of Council.***

CARRIED

10.9 Compulsory Land Acquisition Update - Corner Range Road and Colo Street Mittagong

Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager

The Coordinator Property Services addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT:

1. Council note that agreement has been reached for the acquisition of part 51 Range Road Mittagong, with the compensation payable being \$700,000 (exclusive of GST).
2. Council note that the compensation payable was negotiated within a 10% range of the formal valuation obtained by Council with respect to the proposed acquisition, ensuring compliance with the resolution of Council from the 10 February 2021 (MN 24/21).
3. Council vote expenditure of \$700,000 in the 2020/21 Budget for the part acquisition of 51 Range Road Mittagong, with the vote allocation to be funded through the Property Development Reserve (Transfer from Reserve).

MN 160/21

MOTION moved by Interim Administrator V May PSM

THAT:

1. Council note that agreement has been reached for the acquisition of part 51 Range Road Mittagong, with the compensation payable being \$700,000 (exclusive of GST).
2. Council note that the compensation payable was negotiated within a 10% range of the formal valuation obtained by Council with respect to the proposed acquisition, ensuring compliance with the resolution of Council from the 10 February 2021 (MN 24/21).
3. Council vote expenditure of \$700,000 in the 2020/21 Budget for the part acquisition of 51 Range Road Mittagong, with the vote allocation to be funded through the Property Development Reserve (Transfer from Reserve).

CARRIED

10.10 Proposal for Water Supply Provision - Northern and Southern Villages

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

The Acting Manager Assets addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. Council endorses the proposed community consultation program regarding the provision of potable water supply to the northern and southern villages, specifically to the Balmoral, Penrose and Wingello villages, with the community consultation program commencing in October 2021.***
- 2. A further report be brought back to Council outlining the results of the community consultation and providing formal recommendations with respect to the provision of potable water supply to the northern and southern villages, specifically to the Balmoral, Penrose and Wingello villages.***

MN 161/21

MOTION moved by Interim Administrator V May PSM

THAT:

- 1. Council endorses the proposed community consultation program regarding the provision of potable water supply to the northern and southern villages, specifically to the Balmoral, Penrose and Wingello villages, with the community consultation program commencing in October 2021.***
- 2. A further report be brought back to Council outlining the results of the community consultation and providing formal recommendations with respect to the provision of potable water supply to the northern and southern villages, specifically to the Balmoral, Penrose and Wingello villages.***

CARRIED

10.11 Southern Regional Livestock Exchange (SRLX) Upgrade Project Update

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

The Group Manager Capital Projects addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. Council notes the information contained within this report, including the current status of the Southern Regional Livestock Exchange (SRLX) Upgrade project.***

MN 162/21

MOTION moved by Interim Administrator V May PSM

1. Council notes the information contained within this report, including the current status of the Southern Regional Livestock Exchange (SRLX) Upgrade project.
2. Council note the actual and forecast expenditure relating to the various work packages for the SRLX upgrade project:

Work Package		Amount
<i>Load Cells to selling arena weighbridge</i>	<i>Actual</i>	<i>\$15,205</i>
<i>Selling arena seating replacement</i>	<i>Actual</i>	<i>\$41,509</i>
<i>CCTV installation</i>	<i>Actual</i>	<i>\$208,753</i>
<i>Lift installation and power upgrade</i>	<i>Forecast</i>	<i>\$310,461</i>
<i>Driveway access off Abattoir Rd</i>	<i>Forecast</i>	<i>\$119,026</i>
<i>Livestock yards and animal handling facility</i>	<i>Forecast</i>	<i>\$4,553,326</i>
		<i>\$5,248,280</i>

CARRIED

10.12 Tender for Supply of Magnesium Hydroxide Chemical Dosing

Report Author: Group Manager Water & Sewer
Authoriser: Acting Deputy General Manager

The Group Manager Water & Sewer addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

1. *Council accepts the tender from Ixom Operations Pty Ltd for the supply of Magnesium Hydroxide Dosing for sewer Odour Control which consists of:*
 - *Supply and Delivery of Magnesium Hydroxide, and*
 - *Consultancy and Technical Services for Odour Management and Dosing Optimisation.*
2. *The Tender be accepted based on the supplied scheduled of rates for a two (2) year term, with provision for 2 (two) x one (1) year extension options (possible combined total of four (4) years), to be exercised at Council's discretion.*

MN 163/21

MOTION moved by Interim Administrator V May PSM

THAT

1. *Council accepts the tender from Ixom Operations Pty Ltd for the supply of Magnesium Hydroxide Dosing for sewer Odour Control which consists of:*
 - *Supply and Delivery of Magnesium Hydroxide, and*
 - *Consultancy and Technical Services for Odour Management and Dosing Optimisation.*
2. *The Tender be accepted based on the supplied scheduled of rates for a two (2) year term, with provision for 2 (two) x one (1) year extension options (possible combined total of four (4) years), to be exercised at Council's discretion.*

CARRIED

11. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

11.1 S8.2 Review of DA19/1650 For an Eco Tourist Facility at 198 Foxgrove Road Canyonleigh (Appln 19/1650.01)

Report Author: Consultant Planner
Authoriser: Manager Development Assessment

The Coordinator Strategic Land Use Planning addressed Council on this item.

INTERIM INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL ADVICE

THIS ITEM WAS REFERRED FROM INTERIM INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL MEETING ON 2 JUNE 2021.

The Panel's advice is that Review of Determination DA 19/1650.01 – Proposed Eco-Tourist Facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh should be REFUSED by the Council for the following reasons:

- 1. The Panel is not satisfied that the proposal falls within the definition of "eco tourist facility" as defined under Wingecarribee LEP 2010 (the LEP) in terms of sub clause (c) of that definition "is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact".*
- 2. The proposed development does not satisfy the zone objectives for E3 Environmental Management land under the LEP.*
- 3. The panel is not satisfied that the proposal will meet the following criteria in clause 5.13 of the LEP (Eco Tourist Facilities):*
 - a) there is a demonstrated connection between the development and the ecological, environmental and cultural value of the site or area*
 - b) the development to be located, constructed and maintained so as to minimise any impact on, and to conserve, the natural environment.*
 - d) the development to have minimal impacts on watercourses, soil quality and native flora and fauna.*
 - e) the site to be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment.*
 - f) waste generation during operation to be avoided and any waste appropriately removed.*
 - g) infrastructure services to be provided without significant modification to the environment.*
 - i) power and water where possible to be provided through the use of passive heating and cooling, renewable energy sources and water efficient design.*

- k) satisfactory management strategy for minimising any impact of the development on the natural environment.*
- 4. The Panel is not satisfied in terms of clause 7 of SEPP 55 – Remediation of Land that the land will be suitable for its intended use*
- 5. The proposed development does not satisfy the criteria in Clause 7.4 of the LEP.*
- 6. The development will not be in the public interest having regard to the matters raised in the objections.*

NOTE: As the original development application was determined by the full Council the Panel as the delegate of the council cannot determine the 8.2 Review Application.

MN 164/21

MOTION moved by Interim Administrator V May PSM

The Panel's advice is that Review of Determination DA 19/1650.01 – Proposed Eco-Tourist Facility at Lot 999 DP 818282 being 198 Foxgrove Road, Canyonleigh should be REFUSED by the Council for the following reasons:

- 1. The Panel is not satisfied that the proposal falls within the definition of “eco tourist facility” as defined under Wingecarribee LEP 2010 (the LEP) in terms of sub clause (c) of that definition “is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact”.***
- 2. The proposed development does not satisfy the zone objectives for E3 Environmental Management land under the LEP.***
- 3. The panel is not satisfied that the proposal will meet the following criteria in clause 5.13 of the LEP (Eco Tourist Facilities):***
 - a) there is a demonstrated connection between the development and the ecological, environmental and cultural value of the site or area***
 - b) the development to be located, constructed and maintained so as to minimise any impact on, and to conserve, the natural environment.***
 - d) the development to have minimal impacts on watercourses, soil quality and native flora and fauna.***
 - e) the site to be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment.***
 - f) waste generation during operation to be avoided and any waste appropriately removed.***
 - g) infrastructure services to be provided without significant modification to the environment.***
 - i) power and water where possible to be provided through the use of passive heating and cooling, renewable energy sources and water efficient design.***
 - k) satisfactory management strategy for minimising any impact of the development on the natural environment.***
- 4. The Panel is not satisfied in terms of clause 7 of SEPP 55 – Remediation of Land that the land will be suitable for its intended use***
- 5. The proposed development does not satisfy the criteria in Clause 7.4 of the LEP.***
- 6. The development will not be in the public interest having regard to the matters raised in the objections.***

NOTE: As the original development application was determined by the full Council the Panel as the delegate of the council cannot determine the 8.2 Review Application.

CARRIED

11.2 Planning Proposal to Rezone the Guula Ngurra National Park to E1 National Parks and Nature Reserves

Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning

The Coordinator Strategic Land Use Planning addressed Council on this item.

INTERIM INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL ADVICE

THIS ITEM WAS REFERRED FROM INTERIM INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL MEETING ON 2 JUNE 2021.

THAT a Planning Proposal be prepared and submitted to the Department of Planning, Industry and Environment under Section 3.22 of the Environmental Planning and Assessment Act 1979, to rezone the recently reserved Guula Ngurra National Park in Canyonleigh to E1 National Parks and Nature Reserves; and remove the existing Minimum Lot Size on the reserved lots under the Wingecarribee Local Environmental Plan 2010.

MN 165/21

MOTION moved by Interim Administrator V May PSM

THAT a Planning Proposal be prepared and submitted to the Department of Planning, Industry and Environment under Section 3.22 of the Environmental Planning and Assessment Act 1979, to rezone the recently reserved Guula Ngurra National Park in Canyonleigh to E1 National Parks and Nature Reserves; and remove the existing Minimum Lot Size on the reserved lots under the Wingecarribee Local Environmental Plan 2010.

This matter was considered at the Interim Advisory Planning Assessment Panel meeting on 2 June 2021. The Panel supported the staff recommendation as printed above.

CARRIED

11.3 Fees Payable to the Mayor and Councillors for 2021/22

Report Author: Coordinator Corporate Strategy and Governance
Authoriser: Acting Deputy General Manager

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

OFFICERS' RECOMMENDATION

THAT Council determines to pay the Mayor and Councillors the maximum fees for the Regional Centre remuneration category of councils as determined by the Local Government Remuneration Tribunal for the 2021/22 financial year.

MN 166/21

MOTION moved by Interim Administrator V May PSM

THAT Council determines to pay the Mayor and Councillors the maximum fees for the Regional Centre remuneration category of councils as determined by the Local Government Remuneration Tribunal for the 2021/22 financial year.

CARRIED

11.4 Draft Expenses and Facilities for the Mayor and Councillors Policy

Report Author: Coordinator Corporate Strategy and Governance
Authoriser: Acting Deputy General Manager

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

OFFICERS' RECOMMENDATION

THAT the Draft Expenses and Facilities for the Mayor and Councillors Policy at Attachment 1 be adopted.

MN 167/21

MOTION moved by Interim Administrator V May PSM

THAT the Draft Expenses and Facilities for the Mayor and Councillors Policy at Attachment 1 be adopted.

CARRIED

11.5 Child Safety Policy

Report Author: Coordinator Corporate Strategy and Governance
Authoriser: Acting Deputy General Manager

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

OFFICERS' RECOMMENDATION

THAT the Draft Child Safety Policy at Attachment 1 be adopted.

MN 168/21

MOTION moved by Interim Administrator V May PSM

THAT the Draft Child Safety Policy at Attachment 1 be adopted.

CARRIED

The Acting General Manager advised he had a late report that needed suspension of standing orders to be considered as a matter of urgency.

MN 169/21

SUSPENSION OF STANDING ORDERS moved by Interim Administrator V May PSM

THAT Standing Orders be suspended in order to consider a late item in relation to Item 8.2 Legal Service Panel Report.

SUSPENSION OF STANDING ORDERS PASSED

MN 170/21

MOTION moved by Interim Administrator V May PSM

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 in relation to Item 8.2 Legal Service Panel Report.

CARRIED

8.2 Legal Services Panel

Report Author: Acting Group Manager Corporate and Community
Authoriser: Acting General Manager

The Acting General Manager addressed Council on this item.

RECOMMENDATION

THAT

1. *Council undertake a tender process to re-establish a legal services panel.*
2. *Clause 22 in the current panel member contracts 'Termination For Any Reason' be invoked to terminate the contracts of the current panel members.*
3. *Provide written notice to panel members.*
4. *Council writes to existing panel members inviting them to reapply.*

MN 171/21

MOTION moved by Interim Administrator V May PSM

THAT

1. *Council undertake a tender process to re-establish a legal services panel.*
2. *Clause 22 in the current panel member contracts 'Termination For Any Reason' be invoked to terminate the contracts of the current panel members.*
3. *Provide written notice to panel members.*
4. *Council writes to existing panel members inviting them to reapply.*

PASSED

MN 172/21

MOTION moved by Interim Administrator V May PSM

RESUMPTION OF STANDING ORDERS moved by Interim Administrator V May PSM

THAT Standing Orders be resumed.

PASSED

The Interim Administrator publicly thanked the Acting General Manager:

“This will be the final meeting for the Acting General Manager, Mr Les McMahon.

Les agreed to act in the position for about six weeks but is still here after nearly three months.

On behalf of the Wingecarribee Shire community and staff of the Council I publicly record my appreciation for the great work you have done in helping to restore confidence in the Council. You have made some tough decisions in sometimes difficult circumstances.

Personally, you have been a safe pair of hands in whom I had total confidence.

Thank you and well done.”

The Acting General Manager thanked the Interim Administrator, the community and Council staff.

12. COMMITTEE REPORTS

Nil

13. QUESTIONS WITH NOTICE

Nil

14. NOTICES OF MOTION

Nil

15. CLOSED COUNCIL

Nil

16. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.38 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 9 June 2021 numbered M/N 148/21 to M/N 172/21 were signed by me hereunder at the Council Meeting held on Wednesday 14 July 2021.

INTERIM ADMINISTRATOR

READ AND CONFIRMED ON WEDNESDAY 14 JULY 2021

INTERIM ADMINISTRATOR

PUBLIC OFFICER