

# MINUTES

of the  
**Ordinary Meeting of Council**  
held in  
**Council Chambers,**  
**Wingecarribee Shire Council Civic Centre,**  
**68 Elizabeth Street, Moss Vale**  
on

**Wednesday 14 December 2022**

The meeting commenced at **3:30 pm**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 14 DECEMBER 2022**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 14 DECEMBER 2022**

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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 14  
DECEMBER 2022 COMMENCING AT 3:30 PM**

<b>Present</b>	Administrator	Mr Viv May PSM
<b>In Attendance</b>	General Manager	Ms Lisa Miscamble
	Director Corporate Strategy and Resourcing	Ms Carmel Foster
	Director Communities and Place	Mr Adan Davis
	Director Service and Project Delivery	Ms Karin Targa
	Executive Manager Strategic Outcomes	Mr Michael Park
	Manager Governance & Corporate Performance	Ms Danielle Lidgard
	Professional Conduct Coordinator	Ms Catherine Geenty
	Manager Project Delivery	Mr Ned Tripkovic
	Acting Manager Assets	Mr Matthew Harvey
	Chief Financial Officer	Mr Pav Kuzmanovski
	Manager Shire Presentation	Mr Greg Bray
	Manager Waste and Resource Recovery	Mr Clint McAlister
	Coordinator Media and Communications	Mr David Somers
	Chief Information Officer	Mr George Harb
	Coordinator ICT Operations	Mr Ian Vong
	Executive Assistant to Director Communities & Place	Ms Leesa Stratford
	Project Business Analyst	Mr Matthew Torta
	Governance Officer	Ms Paige Zelunzuk

## **1 OPENING OF THE MEETING**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The 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 or watching today.”

## **3 STATEMENT OF ETHICAL OBLIGATIONS**

“As Administrator I will undertake the duties of the Office of Administrator in the best interests of the people of the Wingecarribee Shire Council area and to act faithfully and impartially carry out the

functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

I am committed to the declaration of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting, in accordance with the Code of Conduct and Code of Meeting Practice.”

#### **4 APOLOGIES**

Nil.

#### **5 ADOPTION OF MINUTES OF PREVIOUS MEETING**

*MN 2022/271*

**MOTION** moved by Administrator

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday, 16 November 2022 MN2022/240 to MN2022/270 be adopted as a correct record of the proceedings of the meeting.

**DECLARED CARRIED BY THE ADMINISTRATOR**

#### **6 DECLARATIONS OF INTEREST**

Administrator Viv May PSM declared a less-than-significant non-pecuniary interest in Item 9.12 Local Government Remuneration Tribunal Inquiry Submission as he is the Local Government Remuneration Tribunal. The Administrator fee is fixed by the Minister for Local Government. The Administrator stated that he would remain in the Chamber when this matter was discussed and take part in the debate and voting thereon.

## 7 ADMINISTRATOR MINUTES

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### 7.1 Administrator Minute

**Report Author: Administrator**

#### RECOMMENDATION

THAT the Minute be noted and the recommendations contained therein be adopted.

<https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2022/a-minute/administrator-minute-14-december-2022.pdf>

*MN 2022/272*

**MOTION** *moved by the Administrator*

***THAT the Minute be noted and the recommendations contained therein be adopted.***

**DECLARED CARRIED BY THE ADMINISTRATOR**

## 8 GENERAL MANAGER

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### 8.1 Internal Ombudsman Annual Report 2021/22

**Report Author:** Manager Governance and Corporate Performance

**Authoriser:** Director Corporate Strategy and Resourcing

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#### RECOMMENDATION

***THAT Council notes the Wingecarribee Shire Council's Internal Ombudsman Annual Report 2021/22.***

The General Manager introduced the Item.

The Professional Conduct Coordinator addressed the meeting.

*MN 2022/273*

***MOTION*** moved by the Administrator

***THAT Council notes the Wingecarribee Shire Council's Internal Ombudsman Annual Report 2021/22.***

**DECLARED CARRIED BY THE ADMINISTRATOR**

## 8.2 Car Parking Contributions Scheme - Bowral

**Report Author:** Executive Manager Strategic Outcomes

**Authoriser:** General Manager

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### OFFICER'S RECOMMENDATION

**THAT:**

1. Council prepare a template Voluntary Planning Agreement for car parking contributions in the Bowral town centre, with a contribution rate of \$26,950 per space (for the indexation period 1 November 2022 to 31 January 2023).
2. The template Voluntary Planning Agreement for car parking contributions in the Bowral town centre be publicly exhibited from February to March 2023, with targeted consultation with land and business owners in the Bowral Town Centre.
3. The interim car parking contribution rate of \$26,950 per space (for the indexation period 1 November 2022 to 31 January 2023) be published on Council's website under the 'Current Rates Schedule' and indexed quarterly in accordance with the Consumer Price Index - Sydney All Groups.
4. Council update the Reserves Policy to include a newly created "Car Parking Contributions" Reserve for contributions to be held to fund parking solutions within the Bowral town centre.

The General Manager addressed the meeting and noted that she is the correct authoriser of the report

The Executive Manager Strategic Outcomes introduced the item.

*MN 2022/274*

**MOTION** *moved by the Administrator*

**THAT:**

1. *Council prepare a template Voluntary Planning Agreement for car parking contributions in the Bowral town centre, with a contribution rate of \$26,950 per space (for the indexation period 1 November 2022 to 31 January 2023).*
2. *The template Voluntary Planning Agreement for car parking contributions in the Bowral town centre be publicly exhibited from February to March 2023, with targeted consultation with land and business owners in the Bowral Town Centre.*
3. *The interim car parking contribution rate of \$26,950 per space (for the indexation period 1 November 2022 to 31 January 2023) be published on Council's website under the 'Current Rates Schedule' and indexed quarterly in accordance with the Consumer Price Index - Sydney All Groups.*
4. *Council update the Reserves Policy to include a newly created "Car Parking Contributions" Reserve for contributions to be held to fund parking solutions within the Bowral town centre.*

**DECLARED CARRIED BY THE ADMINISTRATOR**



## 9 REPORTS

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### 9.1 Mount Gibraltar Heritage Reserve - Plan of Management

**Report Author:** Recreational Planner  
**Authoriser:** Director Service and Project Delivery

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#### OFFICER'S RECOMMENDATION

**THAT:**

1. Council authorises the General Manager to submit the Draft Mount Gibraltar Heritage Reserve Plan of Management, upon update of Figure 11 to exclude Oxley Drive road reserve and to show full reserve as Natural Area Bushland, to the Department of Planning and Environment – Crown Lands (DPE – Crown Lands) for endorsement prior to giving public notice of this plan.
2. Council proceeds to public exhibition of the draft Plan of Management following endorsement by the Department of Planning and Environment – Crown Lands unless there are any substantial changes to the draft Plan required by the Department that would require further consideration by Council.

The General Manager addressed the meeting and tabled the attached email dated 12 December 2022 received from Ms J. Lemann, Volunteer Acting Secretary and Bush Regeneration

[https://www.wsc.nsw.gov.au/files/assets/public/council/council-meetings/tabled-email-item-9.1-mount-gibraltar-heritage-reserve-plan-of-management\\_redacted.pdf](https://www.wsc.nsw.gov.au/files/assets/public/council/council-meetings/tabled-email-item-9.1-mount-gibraltar-heritage-reserve-plan-of-management_redacted.pdf)

The Acting Manager Assets introduced the item.

*MN 2022/275*

**MOTION** *moved by the Administrator*

**THAT:**

1. *Council authorises the General Manager to submit the Draft Mount Gibraltar Heritage Reserve Plan of Management, upon update of Figure 11 to exclude Oxley Drive road reserve and to show full reserve as Natural Area Bushland, to the Department of Planning and Environment – Crown Lands (DPE – Crown Lands) for endorsement prior to giving public notice of this plan.*
2. *Council proceeds to public exhibition of the draft Plan of Management following endorsement by the Department of Planning and Environment – Crown Lands unless there are any substantial changes to the draft Plan required by the Department that would require further consideration by Council.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

## 9.2 Draft Community Engagement Strategy and Draft Community Engagement Policy for Public Exhibition

**Report Author:** Manager Governance and Corporate Performance

**Authoriser:** Director Corporate Strategy and Resourcing

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### OFFICER'S RECOMMENDATION

**THAT:**

1. Council notes recommendations report for the community engagement strategy.
2. The draft 'Refreshed' Community Engagement Strategy be endorsed for public exhibition for 42 days from 16 December 2022 to 27 January 2023.
3. The draft revised Community Engagement Policy be endorsed for public exhibition for 42 days from 16 December 2022 to 27 January 2023.

The Manager Governance and Corporate Performance introduced the item.

*MN 2022/276*

**MOTION** *moved by the Administrator*

**THAT:**

1. *Council notes recommendations report for the community engagement strategy.*
2. *The draft 'Refreshed' Community Engagement Strategy be endorsed for public exhibition for 42 days from 16 December 2022 to 27 January 2023, with the following amendment 'Point 9 on Page 94 of the Integrated Planning and Reporting Recommendations Report Part 1 be amended to read as follows 'Remove the need to log-in or sign up when participating in online consultation surveys'.*
3. *The draft revised Community Engagement Policy be endorsed for public exhibition for 42 days from 16 December 2022 to 27 January 2023.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

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### **9.3 Draft Public Interest Disclosures Internal Reporting Policy for Public Exhibition**

**Report Author:                    Manager Governance and Corporate Performance**

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#### **RECOMMENDATION**

***THAT the revised Public Interest Disclosure Internal Reporting Policy be adopted.***

The Manager Governance and Corporate Performance introduced the item.

*MN 2022/277*

***MOTION*** moved by the Administrator

***THAT the revised Public Interest Disclosure Internal Reporting Policy be adopted.***

***DECLARED CARRIED BY THE ADMINISTRATOR***

## **9.4 Draft Former Employees Dealing with Council Policy - Post Exhibition Report**

**Report Author:** Corporate Strategy and Governance Officer

**Authoriser:** Director Corporate Strategy and Resourcing

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### **OFFICER'S RECOMMENDATION**

#### **THAT**

1. Council adopt the Former Employees Dealing with Council Policy as placed on public exhibition with the following amendment, include a definition in Part 6 of "Worked with directly" which "means within the same work team or a direct report (up or down)".
2. The implementation of the Former Employees Dealing with Council Policy commence from 1 January 2023.

The Director Communities and Place addressed the meeting.

*MN 2022/278*

**MOTION** moved by the Administrator

#### **THAT**

1. Council adopt the Former Employees Dealing with Council Policy as placed on public exhibition with the following amendment, include a definition in Part 6 of "Worked with directly" which "means within the same work team or a direct report (up or down)".
2. The implementation of the Former Employees Dealing with Council Policy commence from 1 January 2023.

**DECLARED CARRIED BY THE ADMINISTRATOR**

## 9.5 Draft Assessment of Development Applications Involving Conflict of Interest Policy - Post Exhibition Report

**Report Author:** Corporate Strategy and Governance Officer

**Authoriser:** Director Corporate Strategy and Resourcing

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### OFFICER'S RECOMMENDATION

**THAT:**

1. Council adopt the Assessment of Development Applications Involving Conflict of Interest Policy as placed on public exhibition at Attachment 1.
2. Council adopt the amended Code of Conduct at Attachment 2 for consistency with the Policy, to include in the definition in Part 2 of "development application" a proponent initiated planning proposal under Division 3.4 of the *Environmental Planning and Assessment Act 1979* and certification generally under the *Environmental Planning and Assessment Act 1979*.

The Manager Governance and Corporate Performance introduced the item.

*MN 2022/279*

**MOTION** moved by the Administrator

**THAT:**

1. Council adopt the Assessment of Development Applications Involving Conflict of Interest Policy as placed on public exhibition at Attachment 1.
2. Council adopt the amended Code of Conduct at Attachment 2 for consistency with the Policy, to include in the definition in Part 2 of "development application" a proponent initiated planning proposal under Division 3.4 of the *Environmental Planning and Assessment Act 1979* and certification generally under the *Environmental Planning and Assessment Act 1979*.

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## **9.6 Bundanoon Soldiers Memorial Hall - Tender**

**Report Author: Project Manager**

**Authoriser: Director Service and Project Delivery**

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### **OFFICER'S RECOMMENDATION**

**THAT:**

1. Council accepts the Tender of Murphy's Remedial Builders Pty Ltd for T-2022-20 at a lump sum price of \$218,284.55 (including GST) for the Bundanoon Soldiers Memorial Hall Roof Replacement project;
2. Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

The Manager Project Delivery introduced the item.

*MN 2022/280*

**MOTION** *moved by the Administrator*

**THAT:**

1. *Council accepts the Tender of Murphy's Remedial Builders Pty Ltd for T-2022-20 at a lump sum price of \$218,284.55 (including GST) for the Bundanoon Soldiers Memorial Hall Roof Replacement project;*
2. *Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution;*
3. *A report be prepared for Council on the potential to provide a footpath on the Western side of Erith Street and associated pedestrian crossing near the corner of Erith Street and Ellsmore Road, to encourage residents not to use the road rail crossing, from the anticipated savings from the amount allocated for the roof replacement.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## 9.7 Station Street Pavement Rehabilitation Variations to Contract

**Report Author:** Project Manager

**Authoriser:** General Manager

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### OFFICER'S RECOMMENDATION

**THAT** Council approve the additional contingency of \$870,000 to address the unforeseen issues arising from the Station Street Pavement Rehabilitation works and make a budget adjustment at the next quarterly budget review.

The Manager Project Delivery introduced the item.

*MN 2022/281*

**MOTION** *moved by the Administrator*

***THAT*** Council approve the additional contingency of \$870,000 to address the unforeseen issues arising from the Station Street Pavement Rehabilitation works and make a budget adjustment at the next quarterly budget review.

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## **9.8 Investment Report - November 2022**

**Report Author:** Deputy Chief Financial Officer  
**Authoriser:** Director Corporate Strategy and Resourcing

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### **OFFICER'S RECOMMENDATION**

**THAT Council receives and notes this Cash Investment Report as at 30 November 2022.**

The Chief Financial Officer introduced the item.

*MN 2022/282*

**MOTION** *moved by the Administrator*

**THAT Council receives and notes this Cash Investment Report as at 30 November 2022.**

**DECLARED CARRIED BY THE ADMINISTRATOR**



## 9.9 Administration of the Ordinary Election of Councillors 2024

**Report Author:** Manager Governance and Corporate Performance

**Authoriser:** Director Corporate Strategy and Resourcing

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### OFFICER'S RECOMMENDATION

**THAT** pursuant to section 296(2) and (3) of the Local Government Act 1993 Wingecarribee Shire Council ("the Council"):

1. Enter into an election arrangement by contract for the Electoral Commissioner to administer the election of Councillors for Council scheduled for September 2024.
2. Enter into a council poll arrangement by contract for the Electoral Commissioner to administer all council polls of the Council (if required) as a part of the September 2024 ordinary elections.
3. Enter into a constitutional referendum arrangement by contract for the Electoral Commissioner to administer all constitutional referenda of the Council (if required) as a part of the September 2024 ordinary elections.

The Manager Governance and Corporate Performance introduced the item.

*MN 2022/283*

**MOTION** *moved by the Administrator*

***THAT*** pursuant to section 296(2) and (3) of the Local Government Act 1993 Wingecarribee Shire Council ("the Council"):

1. *Enter into an election arrangement by contract for the Electoral Commissioner to administer the election of Councillors for Council scheduled for September 2024.*
2. *Enter into a council poll arrangement by contract for the Electoral Commissioner to administer all council polls of the Council (if required) as a part of the September 2024 ordinary elections.*
3. *Enter into a constitutional referendum arrangement by contract for the Electoral Commissioner to administer all constitutional referenda of the Council (if required) as a part of the September 2024 ordinary elections.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

## **9.10 Waste Services Initiatives Timing**

**Report Author:** Acting Manager Business Services

**Authoriser:** Director Service and Project Delivery

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### **OFFICER'S RECOMMENDATION**

**THAT:**

1. The Nominal Food Organics and Garden Organics (FOGO) implementation date for Wingecarribee Shire Council is 2029;
2. Council extends the current Domestic Collections Contract (DCC) to explore joint procurement opportunities, reduce risk in the procurement process and enable the establishment time required for the successful tenderer;
3. Council investigates a joint procurement process with Wollondilly Shire Council.

The Manager Waste and Resource Recovery introduced the item.

*MN 2022/284*

**MOTION** *moved by the Administrator*

**THAT** *the matter be deferred until the February 2023 meeting or, if required, an Extraordinary Meeting held, and*

- i. details be provided on a cost per lift basis for the three current waste streams from the commencement of the contract to the proposed extension;*
- ii. should an extension to the contract be agreed, the potential for properties not currently served under the contract be provided with a service and cost implications;*
- iii. costings for two kerbside bulky waste collections in 2024;*
- iv. update on the Project 24 Contract; and*
- v. a proposed timeline for all negotiations for both the extension and tender be provided.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

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**9.11 Code of Conduct Complaint Statistics 1 September 2021 to 31 August 2022**

**Report Author:**                   **Manager Governance and Corporate Performance**

**Authoriser:**                         Director Corporate Strategy and Resourcing

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**OFFICER'S RECOMMENDATION**

**THAT the information in relation to the Code of Conduct Complaints for 1 September 2021 to 31 August 2022 be submitted to the Office of Local Government by 31 December 2022.**

The Manager Governance and Corporate Performance introduced the item.

*MN 2022/285*

**MOTION** *moved by the Administrator*

**THAT the information in relation to the Code of Conduct Complaints for 1 September 2021 to 31 August 2022 be submitted to the Office of Local Government by 31 December 2022.**

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## **9.12 Local Government Remuneration Tribunal Inquiry Submission**

**Report Author:** Chief Financial Officer  
**Authoriser:** General Manager  
Director Corporate Strategy and Resourcing

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### **OFFICER'S RECOMMENDATION**

**THAT:**

- 1. Council endorses the 2023 Annual determination submission to the Local Government Remuneration Tribunal.**

The Chief Financial Officer introduced the item.

The Administrator did not move the recommendation. The recommendation lapsed.

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### 9.13 Natural Disaster - Transport and Drainage Infrastructure Recovery

**Report Author:** Manager Shire Presentation

**Authoriser:** Director Service and Project Delivery

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#### OFFICER'S RECOMMENDATION

**THAT:** Council notes this report in relation to the transport infrastructure recovery following the February and July 2022 declared natural disaster events AGRN1012 and AGRN1025.

The Manager Shire Presentation introduced the item.

*MN 2022/286*

**MOTION** moved by the Administrator

**THAT:** Council notes this report in relation to the transport infrastructure recovery following the February and July 2022 declared natural disaster events AGRN1012 and AGRN1025.

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## **9.14 Old South Road Rehabilitation**

**Report Author:** Project Manager  
**Authoriser:** General Manager

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### **OFFICER'S RECOMMENDATION**

**THAT** Council approves the proposed methodology to complete the Old South Road rehabilitation works under complete road closure. Road closures will correspond with the design stages:

- Stage 1 Merrigang Street to Range Road closed between January 2023, to April 2023;
- Stage 2 Range Road to Aylmerton Road closed between January 2023 to November 2023.

The Manager Project Delivery introduced the item.

*MN 2022/287*

**MOTION** moved by the Administrator

***THAT*** Council approves the proposed methodology to complete the Old South Road rehabilitation works under complete road closure. Road closures will correspond with the design stages:

- *Stage 1 Merrigang Street to Range Road closed between January 2023, to April 2023;*
- *Stage 2 Range Road to Aylmerton Road closed between January 2023 to November 2023.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

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**9.15 Festival of Lights Fee Waiver - Post Exhibition Report**

**Report Author:** Coordinator Tourism and Events  
**Authoriser:** Director Corporate Strategy and Resourcing

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**OFFICER'S RECOMMENDATION**

**THAT** Council waive the hire fees of up to \$7,000 for community village halls and the Senior Citizen's Rooms in Corbett Gardens associated with the 2022 Festival of Lights event.

The Director Corporate Strategy and Resourcing introduced the item.

*MN 2022/288*

**MOTION** *moved by the Administrator*

***THAT Council waive the hire fees of up to \$7,000 for community village halls and the Senior Citizen's Rooms in Corbett Gardens associated with the 2022 Festival of Lights event.***\_

**DECLARED CARRIED BY THE ADMINISTRATOR**

## **9.16 Welby Landfill**

**Report Author:** Project Manager  
**Authoriser:** Director Service and Project Delivery

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### **OFFICER'S RECOMMENDATION**

**THAT:**

1. Council receive and note the Welby Landfill Closure Plan and provide approval to enact the recommendations contained within.
2. Council approves the nominated funding strategy for the estimated \$17,212,700 for the works required to implement the Final Welby Closure Plan in accordance with EPA Environmental Protection Licence Conditions – No. 20194 issued in 2002.
3. Confidential Attachment 2 to the Welby Landfill report be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993 for the following reasons - Confidential Attachment 1 includes advice that is confidential in accordance with s10A(2) of the Local Government Act 1993 , and under clause 10(A)(2)(g) - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Manager Project Delivery introduced the item.

*MN 2022/289*

**MOTION** *moved by the Administrator*

**THAT:**

1. Council receive and note the Welby Landfill Closure Plan and provide approval to enact the recommendations contained within.
2. Council approves the nominated funding strategy for the estimated \$17,212,700 for the works required to implement the Final Welby Closure Plan in accordance with EPA Environmental Protection Licence Conditions – No. 20194 issued in 2002.
3. Confidential Attachment 2 to the Welby Landfill report be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993 for the following reasons - Confidential Attachment 1 includes advice that is confidential in accordance with s10A(2) of the Local Government Act 1993 , and under clause 10(A)(2)(g) - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**DECLARED CARRIED BY THE ADMINISTRATOR**



## 9.17 Public Reserve off Emily Circuit, Bowral - Request for Easement over Council Property

**Report Author:** Property and Project Officer

**Authoriser:** Director Corporate Strategy and Resourcing

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### OFFICER'S RECOMMENDATION

**THAT:**

1. The General Manager be delegated authority to accept compensation of \$5,100.00 plus GST from Endeavour Energy, in accordance with the valuation prepared by McGuirk Valuations Pty Ltd dated 17 November 2022, for the grant of an Easement for Battery Storage. The Easement will occupy an area of 15.125 square metres, over Council property being Lot 198 in Deposited Plan 1014858, part public reserve off Emily Circuit, Bowral.
2. All costs for creation of the Easement for Battery Storage referred to in Item 1 above are to be borne by Endeavour Energy.
3. Council give a minimum 28 days public notice of its intention to grant an Easement for Battery Storage over Council property (referred to in Item 1 above).
4. Council affix the Common Seal of Council to any document required to be sealed in respect of the Easement for Battery Storage referred to in Item 1 above **AND THAT** authority be delegated to the General Manager and the Administrator to execute those documents.
5. Authority be delegated to the General Manager to execute on behalf of Council any documents associated with the Easement for Battery Storage referred to in Item 1 above not requiring affixing of the Common Seal of Council.

*MN 2022/290*

**MOTION** moved by the Administrator

**THAT:**

1. *The General Manager be delegated authority to accept compensation of \$5,100.00 plus GST from Endeavour Energy, in accordance with the valuation prepared by McGuirk Valuations Pty Ltd dated 17 November 2022, for the grant of an Easement for Battery Storage. The Easement will occupy an area of 15.125 square metres, over Council property being Lot 198 in Deposited Plan 1014858, part public reserve off Emily Circuit, Bowral.*
2. *All costs for creation of the Easement for Battery Storage referred to in Item 1 above are to be borne by Endeavour Energy.*
3. *Council give a minimum 28 days public notice of its intention to grant an Easement for Battery Storage over Council property (referred to in Item 1 above).*

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4. *Council affix the Common Seal of Council to any document required to be sealed in respect of the Easement for Battery Storage referred to in Item 1 above AND THAT authority be delegated to the General Manager and the Administrator to execute those documents.*
5. *Authority be delegated to the General Manager to execute on behalf of Council any documents associated with the Easement for Battery Storage referred to in Item 1 above not requiring affixing of the Common Seal of Council.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## **9.18 Ngununggula Regional Gallery Funding Agreement Update**

**Report Author:** Chief Financial Officer  
**Authoriser:** General Manager  
Director Corporate Strategy and Resourcing

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### **OFFICER'S RECOMMENDATION**

**THAT** Council notes the terms of the funding agreement between Council and the Ngununggula Regional Art Gallery.

The Chief Financial Officer introduced the item.

*MN 2022/291*

**MOTION** moved by the Administrator

***THAT*** Council notes the terms of the funding agreement between Council and the Ngununggula Regional Art Gallery.

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## **9.19 Tulip Time Festival 2022 Outcomes**

**Report Author:** Coordinator Tourism and Events

**Authoriser:** Director Corporate Strategy and Resourcing

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### **OFFICER'S RECOMMENDATION**

**THAT:**

1. Council note the dates for Tulip Time 2023 from Tuesday 19 September to Monday 2 October 2023.
2. Council note that the Tulip Time 2023 entry and ticketing information for residents be sent as a flyer in the July Rates Notice mail-out and included in the on-hold message when calling Council from July to September.
3. Council note the proposed bulb dispersal process at the end of the 2023 festival whereby bulbs are dispersed to community groups initially, and remaining bulbs to be made available to Welby Garden Centre.
4. Council note that preference is given to local businesses for stalls and out of area businesses will only be approached once local businesses have booked.

The Director Corporate Strategy and Resourcing introduced the item.

*MN 2022/292*

**MOTION** *moved by the Administrator*

**THAT:**

1. ***Council note the dates for Tulip Time 2023 from Tuesday 19 September to Monday 2 October 2023.***
2. ***Council defer the remainder of the report to offer the Tulip Time Ambassadors and the community generally the opportunity to provide input having regard to the data and information contained within the report.***

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## **9.20 Traffic Committee Minutes from meeting held on 17 November 2022**

**Report Author:** Business Support Officer People and Culture

**Authoriser:** Director Service and Project Delivery

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### **OFFICER'S RECOMMENDATION**

1. **THAT** the Minutes of the Traffic Committee Meeting held on Thursday 17 November 2022 are received and noted.
2. **THAT** Council adopts recommendation TC 2022/26 of the Minutes.
3. **THAT** Council adopts recommendation TC 2022/27 of the Minutes.
4. **THAT** Council adopts recommendation TC 2022/31 of the Minutes.
5. **THAT** Council adopts recommendation TC 2022/33 of the Minutes.

*MN 2022/293*

**MOTION** *moved by the Administrator*

1. **THAT** the Minutes of the Traffic Committee Meeting held on Thursday 17 November 2022 are received and noted.
2. **THAT** Council adopts recommendation TC 2022/26 of the Minutes.
3. **THAT** Council adopts recommendation TC 2022/27 of the Minutes.
4. **THAT** Council adopts recommendation TC 2022/31 of the Minutes.
5. **THAT** Council adopts recommendation TC 2022/33 of the Minutes.

**DECLARED CARRIED BY THE ADMINISTRATOR**

## **9.21 Country Mayors Association of NSW AGM & General Meeting Minutes**

**Report Author:** Executive Assistant to Director Corporate Strategy and Resourcing

**Authoriser:** General Manager

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### **OFFICER'S RECOMMENDATION**

**THAT** the Minutes from the Country Mayors Association AGM and General Meeting held on 18 November 2022 be noted.

*MN 2022/294*

**MOTION** moved by the Administrator

***THAT*** the Minutes from the Country Mayors Association AGM and General Meeting held on 18 November 2022 be noted.

**DECLARED CARRIED BY THE ADMINISTRATOR**

*MN 2022/295*

**MOTION** moved by Administrator

**THAT:**

- 1. Standing Orders be suspended in order to consider three supplementary items.**
- 2. In accordance with Clause 9.3(b) of the Code of Meeting Practice I move as a matter of urgency that supplementary items be considered:**
  - **Planning Proposal - Mittagong Airfield**
  - **Moss Vale, Bowral and Mittagong Sewerage Treatment Plants - Update**
  - **NSW Office of Local Government: Consultation on the Outcomes of the Review of the Councillor Misconduct Framework**

**DECLARED CARRIED BY THE ADMINISTRATOR**

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## 9.22 S 1.1 Planning Proposal - Mittagong Airfield

**Report Author:** Senior Strategic Land Use Planner

**Authoriser:** Executive Manager Strategic Outcomes

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### OFFICER'S RECOMMENDATION

**THAT:**

1. The Planning Proposal (PP-2022-3467) to amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 to enable boundary adjustment by subdivision between Lot 841 DP1253894 and Lot 11 DP1226788, to retain a maximum of two (2) lots (one of which would preserve the existing dwelling entitlement) BE SUPPORTED, and
2. The Planning Proposal be submitted for a Gateway determination in accordance with s.3.34 of the *Environmental Planning & Assessment Act 1979*.

The Director Communities and Place introduced the item.

*MN 2022/296*

**MOTION** moved by the Administrator

**THAT:**

1. *The Planning Proposal (PP-2022-3467) to amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 to enable boundary adjustment by subdivision between Lot 841 DP1253894 and Lot 11 DP1226788, to retain a maximum of two (2) lots (one of which would preserve the existing dwelling entitlement) BE SUPPORTED, and*
2. *The Planning Proposal be submitted for a Gateway determination in accordance with s.3.34 of the Environmental Planning & Assessment Act 1979.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

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**9.23 Moss Vale, Bowral and Mittagong Sewerage Treatment Plants - Update**

**Report Author:           Manager Project Delivery**

**Authoriser:               General Manager**

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**OFFICER'S RECOMMENDATION**

**THAT Council notes the contents of the report**

The Manager Project Delivery introduced the item.

*MN 2022/297*

**MOTION** *moved by the Administrator*

**THAT Council notes the contents of the report.**

**DECLARED CARRIED BY THE ADMINISTRATOR**



**9.24 S2 1.1 NSW Office of Local Government: Consultation on the Outcomes of the Review of the Councillor Misconduct Framework**

**Report Author:** Executive Assistant to Director Corporate Strategy and Resourcing

**Authoriser:** General Manager

**RECOMMENDATION**

**THAT:**

1. The General Manager be delegated authority to make a submission to the Office of Local Government on the Review of Councillor Misconduct Framework on behalf of Council with the concurrence of the Administrator by the closing date of 3 February 2022
2. The submission be report to the Ordinary Meeting of Council on 15 February 2023 for noting.

The General Manager introduced the item.

*MN 2022/298*

**MOTION** moved by the Administrator

**THAT:**

1. *The General Manager, in consultation with the Administrator, be delegated authority to make a submission to the Office of Local Government on the Review of Councillor Misconduct Framework on behalf of Council with the concurrence of the Administrator by the closing date of 3 February 2022*
2. *The submission be reported to the Ordinary Meeting of Council on 15 February 2023 for noting.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

*MN 2022/299*

**MOTION** moved by Administrator

**THAT** Standing Orders be resumed.

**DECLARED CARRIED BY THE ADMINISTRATOR**

## **10 MEETING CLOSURE**

### The Administrator addressed the meeting

The Administrator referenced his Administrator Minute and wished everybody a Merry Christmas including the many volunteers who give so generously of their time to the betterment of the Shire including emergency services, Red Cross, sporting organisations, Men's Sheds and the Country Women's Association.

The Administrator noted that it had been a difficult year and that restoring trust in Council is a work in progress that will continue.

The Administrator thanked the General Manager and Council staff, on behalf of the community, for a job well done.

### The General Manager addressed the meeting

The General Manager officially welcomed new Chief Information Officer, George Harb, and Clinton McAllister, Manager Waste and Resource Recovery.

The General Manager thanked the whole team at Wingecarribee Shire Council for their work and dedication noting that it had been a challenging year, but that they had come through it stronger and had worked together to reset the organisation.

The General Manager thanked the many people, residents and organisations in the community that are working with Council in a positive and constructive partnership including the Chambers of Commerce, the Village Associations and the community groups and organisations and noted that 2023 will be the year of communication, consultation and engagement as part of its back-to-basics approach and being a community focused organisation.

On behalf of the staff at council, the General Manager, thanked the Administrator for the respect he has shown professional officers and for his leadership over the last 12 months and wished all a safe and joyful Christmas and New Year, looking forward to their continued work through 2023.

### The Administrator

The Administrator again thanked the General Manager and team and wished them all a great Christmas and a better New Year as Council continues to improve its levels of service.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5:22 pm