



MINUTES

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

Wednesday 10 March 2021

The meeting commenced at 3.30pm

File No. 100/2021

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4. APOLOGIES	
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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 10 MARCH 2021 COMMENCING AT 3.30PM

Present: Clr T D Gair (Mayor)
Clr G J Andrews
Clr G McLaughlin
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

In Attendance: Acting Deputy General Manager Operations,
Finance and Risk Mr Richard Mooney
Deputy General Manager Corporate
Strategy and Development Services Mr Mark Pepping
Group Manager Corporate and
Community Ms Danielle Lidgard
Group Manager Planning,
Development and Regulatory Services Mr Nicholas Wilton
Group Manager Organisational Development Mr John Burgess
Chief Information Officer Mr John Crawford
Legal Counsel Mr Ian Lacy
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 Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr I M Scandrett acknowledged country:

"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The meeting was led in prayer by Pastor Paul Crossman, Highland Christian Church, Mittagong.

4. APOLOGY

There were no apologies at this meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 24 FEBRUARY 2021

MN 51/21

MOTION moved by Cllr L A C Whipper and seconded by Cllr P W Nelson

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 24 February 2021 MN 28/21 to MN 50/21 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest 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.

5701/7

Cllr G M Turland declared a significant pecuniary interest in Item 12.5 NSW Ombudsman's Determination and Final Report of the Investigation of a Complaint Relating to Development Servicing Plan Charges as he is the Director of a Company that has an approval in 2000 for a 72 room hotel in Bowral and the NSW Ombudsman has made a ruling regarding old development applications. He stated that he will be absent from the Chambers for consideration of that item.

7. MAYORAL MINUTES

Nil.

8. PUBLIC FORUM

6330/20.28

Item 18.1 Notice of Rescission Motion 1/2021 - Tender for Refurbishment of Bowral Memorial Hall

Mr Julian Paviour addressed Council against the development.

The Mayor Clr T D Gair left the Chambers, the time being 03:46pm and Deputy Mayor Clr G J Andrews assumed the Chair.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

9.1 Development Application 21/0195 - The Restoration of Heritage Listed Sunshine Lodge and Associated Developments - 5 Alice Street Mittagong

Reference:	DA21/0195
Report Author:	Development Assessment Planner
Authoriser:	Manager Development Assessment
Applicant:	Sunshine Lodge Pty Ltd
Owner:	Sunshine Lodge Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to present Development Application 21/0195 for the Council's consideration and recommends APPROVAL subject to the conditions specified in **(Attachment 1)**.

Mr Geoffrey Wood addressed Council against the development

Mr Scott Lee addressed Council on behalf of the applicant in support of the development

Mayor Clr T D Gair returned to the meeting, the time being 04:03pm, and assumed the Chair.

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 52/21

MOTION moved by Clr G McLaughlin and seconded by Clr I M Scandrett

THAT Development Application 21/0195 for the restoration of the heritage listed former Sunshine Lodge and development to provide forty-eight (48) single boarding house rooms and two (2) detached dual occupancy dwellings with basement car parking for 25 cars, 10 motor cycles and 10 bicycles, Lot 145 – 147, Sec O, DP 1289 5 Alice Street Mittagong be APPROVED subject to the conditions as described in Attachment 1 to the report and in addition, the following conditions:

- the entire front facade of the original Convent building and that section of the cloister running on the southern facade of the former Convent which is proposed to be demolished, be retained and restored.
- the maximum floor space ratio of the development proposed within the R3 zone is to comply with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Division 3, clause 29 and Councils “Mittagong Development Control Plan”, which sets a maximum Floor Space Ratio of 0.6:1.
- the Applicant resolve to Council’s satisfaction the use of that portion of land located in the R2 zone which is to be utilised by the development on the adjoining R3 zone.

VOTING ON THE MOTION

For the motion: Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett, Clr L A C Whipper and Mayor Clr T D Gair

Against the motion: Deputy Mayor Clr G J Andrews and Clr G M Turland

PASSED

AMENDMENT moved by Clr G M Turland and seconded by Deputy Mayor Clr G J Andrews

THAT Development Application 21/0195 for the restoration of the heritage listed former Sunshine Lodge and development to provide forty-eight (48) single boarding house rooms and two (2) detached dual occupancy dwellings with basement car parking for 25 cars, 10 motor cycles and 10 bicycles, Lot 145 – 147, Sec O, DP 1289 5 Alice Street Mittagong be APPROVED subject to conditions as described in Attachment 1 to the report.

VOTING ON THE MOTION

For the motion: Deputy Mayor Clr G J Andrews, Mayor Clr T D Gair and Clr G M Turland

Against the motion: Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Clr L A C Whipper

LOST

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

Nil

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 23 January 2021 to 21 February 2021

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 23 January 2021 to 21 February 2021.

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

MN 53/21

MOTION moved by Cllr G M Turland and seconded by Cllr P W Nelson

THAT the information relating to the lists of Development Applications Determined for the period 23 January 2021 to 21 February 2021 be received and noted.

PASSED

12.2 Development Applications Received from 23 January 2021 to 21 February 2021

Reference:	5302
Report Author:	Team Leader Business Support
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to update Councillors on Development Applications Received for the period 23 January 2021 to 21 February 2021.

MN 54/21

MOTION moved by Deputy Mayor Cllr G J Andrews and seconded by Cllr P W Nelson

1. **THAT** the information relating to Development Applications Received from 23 January 2021 to 21 February 2021 be received and noted.
2. **THAT** the following items be placed on Council's weekly circular:
 - Item 16 - 21/12652 - Fairway Drive Bowral; and
 - Item 33 - 21/1287 - 19 Hurlingham Avenue Burradoo.

PASSED

12.3 Proposed Bowral Development Control Plan Amendments for Conservation Precincts - Public Exhibition Results

Reference: 5700/70, 5901/68
Report Author: Strategic Land Use Planner (Heritage)
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is to inform Council of the results of the public exhibition of the proposed amendments to the Bowral Township Development Control Plan in relation to conservation precinct controls. The primary purpose of these amendments is to include the new Aitken Road Conservation Area in the existing controls and to make some minor amendments and additions to the existing conservation area development controls to protect significant elements in the Bowral heritage conservation areas.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 55/21

MOTION moved by Clr G McLaughlin and seconded by Clr G M Turland

1. **THAT** the draft amendments to the Bowral Township Development Control Plan relating to Conservation Precincts be adopted.
2. **THAT** a notice of Council's decision be published within 28 days which includes the date of commencement of the amended Bowral Township Development Control Plan.

VOTING ON THE MOTION

For the motion: Deputy Mayor Clr G J Andrews, Mayor Clr T D Gair, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett, Clr G M Turland and Clr L A C Whipper

Against the motion: Nil

PASSED

12.4 Planning Proposal for Provisions Relating to Secondary Dwellings in Rural Zones

Reference:	5901
Report Author:	Strategic Land Use Planner (Heritage)
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to obtain a resolution of Council to prepare a Planning Proposal to introduce a new control within the Wingecarribee Local Environmental Plan 2010 related to secondary dwellings within rural zones which has been necessitated by a recent amendment to the Standard Instrument Local Environmental Plan which affects Wingecarribee Local Environmental Plan 2010.

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

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

MN 56/21

MOTION moved by Cllr G M Turland and seconded by Cllr P W Nelson

- 1. THAT a Planning Proposal be prepared and submitted to the Department of Planning, Industry and Environment for a Gateway Determination under section 3.33 of the Environmental Planning and Assessment Act 1979, to insert a new clause 5.5 in the Wingecarribee Local Environmental Plan 2010 to provide development standards for secondary dwellings in rural zones in accordance with the Standard Instrument (Local Environmental Plans) Amendment (Secondary Dwellings) Order 2020 and consistent with Council's established standards for size and separation of secondary dwellings.***
- 2. THAT a Councillor Information Session be held following the exhibition period.***

VOTING ON THE MOTION

For the motion: Deputy Mayor Cllr G J Andrews, Mayor Cllr T D Gair, Cllr G McLaughlin, Cllr P W Nelson, Cllr G M Turland and Cllr L A C Whipper

Against the motion: Cllr I M Scandrett

PASSED

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AMENDMENT moved by Clr I M Scandrett and seconded by Clr G McLaughlin

THAT the matter be DEFERRED pending advice from the government on how to describe a suitable maximum separation.

VOTING ON THE MOTION

For the motion: Clr I M Scandrett

Against the motion: Deputy Mayor Clr G J Andrews, Mayor Clr T D Gair, Clr G McLaughlin, Clr P W Nelson, Clr G M Turland and Clr L A C Whipper

LOST

12.5 NSW Ombudsman's Determination and Final Report of the Investigation of a Complaint Relating to Development Servicing Plan Charges

Reference:	5701/7
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this Council report is to table the Final Report delivered by the NSW Ombudsman in response to their investigation of a complaint relating to Development Servicing Charges. A redacted version of the Final Report as provided by the NSW Ombudsman is included in **Attachment 1**.

Council needs to determine what action to take having regard to the recommendations made in the Ombudsman's Report.

Clr G M Turland declared a significant pecuniary interest in Item 12.5 NSW Ombudsman's Determination and Final Report of the Investigation of a Complaint Relating to Development Servicing Plan Charges as he is the Director of a Company that has an approval in 2000 for a 72 room hotel in Bowral and the NSW Ombudsman has made a ruling regarding old development applications. Clr G M Turland left the Chambers, the time being 05:12pm.

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

MN 57/21

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

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

PASSED

13. GENERAL MANAGER

13.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 25 November 2020.

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

Clr G M Turland returned to the meeting, the time being 05:26pm.

MN 58/21

MOTION moved by Deputy Mayor Clr G J Andrews and seconded by Clr I M Scandrett

1. ***THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.***
2. ***THAT the status of the legal proceedings involving Council be considered in Closed Council – Item 19.1.***

PASSED

13.2 Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding of NSW

Reference: 7457
Report Author: Group Manager Corporate and Community
Authoriser: Acting General Manager
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to provide Council with the Memorandum of Understanding between Wingecarribee Shire Council and Transport Asset Holdings Entity of New South Wales for the Station Street Upgrade Project.

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

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

MN 59/21

MOTION moved by Deputy Mayor Clr G J Andrews and seconded by Clr L A C Whipper

THAT the Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding of NSW be considered in Closed Council – Item 19.2.

PASSED

AMENDMENT moved by Clr I M Scandrett and seconded by Clr G M Turland

THAT the Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding of NSW be released to the general public as it is not a matter for Closed Council.

LOST

13.3 Exclusion of a Question with Notice and a Notice of Motion from Business Paper on 10 March 2021

Reference:	503/60
Report Author:	Group Manager Corporate and Community
Authoriser:	Acting General Manager
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

To advise Council of the exclusion of one Question with Notice and one Notice of Motion from the Ordinary Meeting of Council dated 10 March 2021.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.

As required, the Acting General Manager advises that a submitted Question with Notice was excluded in accordance with Clause 3.20 above. This is because the Question with Notice offends Clause 3.15 of Council’s Code of Meeting Practice, i.e.

“A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.”

As such, the Acting General Manager determined it would be unlawful to include the Question with Notice on the agenda.

The Acting General Manager also advises that a submitted Notice of Motion was excluded in accordance with Clause 3.20 above. This is because the Notice of Motion commits an act of disorder under 16.11(d) of Council’s Code of Meeting Practice:

“A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

(d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council’s code of conduct,”

As such, the Acting General Manager determined it would be unlawful to include the Notice of Motion on the agenda.

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MN 60/21

MOTION moved by *Clr G McLaughlin* and seconded by *Clr P W Nelson*

THAT *the report be noted.*

PASSED

14. DELEGATE REPORTS

Nil

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Management Advisory Committee Reports

Reference: 107/1
Report Author: Committee Coordinator

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled:

1. Moss Vale Senior Citizens & Community Centre Hall Committee held 11 December 2020
2. Moss Vale Senior Citizens & Community Centre Hall Committee held 15 February 2021
3. Hill Top Community Centre Committee held 18 February 2021

MN 61/21

MOTION moved by Cllr G McLaughlin and seconded by Cllr P W Nelson

THAT the information contained in the following Committee Reports be noted:

1. ***Moss Vale Senior Citizens & Community Centre Hall Committee held 11 December 2020***
2. ***Moss Vale Senior Citizens & Community Centre Hall Committee held 15 February 2021***
3. ***Hill Top Community Centre Committee held 18 February 2021***

PASSED

16.2 Minutes of the Finance Committee Meeting held on 17 February 2021

Reference:	107/21
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Finance Committee Meeting held on 17 February 2021.

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

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

MN 62/21

MOTION moved by Cllr L A C Whipper and seconded by Deputy Mayor Cllr G J Andrews

THAT recommendations Nos FC1/21 to 7/20 – as detailed in the Minutes of the Finance Committee Meeting held on 17 February 2021 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

PASSED

Cllr I M Scandrett requested his dissenting vote be recorded

FORESHADOWED MOTION proposed by Cllr G M Turland

THAT Council NOT adopt recommendations Nos FC1/21 to 7/20 – as detailed in the Minutes of the Finance Committee Meeting held on 17 February 2021 because further information that has been provided regarding the Civic Centre Upgrade requires further explanation.

THE FORESHADOWED MOTION LAPSED AS THE ORIGINAL MOTION WAS PASSED.

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 5/2021 - Riverview Cottage, Jellore Street, Berrima

Reference:	101/2 20/1279
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager

From: Clr L A C Whipper

Received: 29 January 2021

Subject: Riverview Cottage, Jellore Street, Berrima

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

Question:

Could the General Manager please provide answers to this four part question:

1. Why has Council approved DA20/1279, the demolition of the locally listed 1830's Riverview Cottage Complex in Jellore Street Berrima
2. What protections do Local Heritage Listing provide for significant heritage buildings such as Riverview Cottage?
3. How can DA's relating to Local Heritage Items be determined under delegation and not considered by full Council?
4. In Councils Flood Planning Study for Berrima, it was recommended that Council purchase the historic 1830s Riverview Cottage. Why was this option not pursued and put to Council for consideration?

MN 63/21

MOTION moved by Clr L A C Whipper and seconded by Clr G McLaughlin

THAT the information in relation to Question with Notice 5/2021 - Riverview Cottage, Jellore Street, Berrima - be noted.

PASSED

17.2 Question with Notice 6/2021 - General Manager Contract

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Clr I M Scandrett
Received: 29 January 2021

Subject: General Manager's Contract

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

Question:

Could Council confirm that the Standard LGA (NSW) contract will be offered to the new General Manager and provide a copy to this response, and detail any changes envisaged to such draft and why.

Response:

Yes, in accordance with the provisions of Section 338 of the *Local Government Act, 1993* the General Manager will be employed under the "Standard Contract of Employment for General Managers of Local Government Councils". A copy of the Standard Contract of Employment for General Managers of Local Councils in New South Wales can be accessed at <https://www.olg.nsw.gov.au/wp-content/uploads/Standard-Contract-of-Employment-General-Managers.pdf>

MN 64/21

MOTION moved by Mayor Clr T D Gair and seconded by Clr P W Nelson

THAT *this matter be considered in Closed Council.*

PASSED

Clr I M Scandrett requested his dissenting vote be recorded.

AMENDMENT moved by Clr G M Turland and seconded by Clr I M Scandrett

THAT Council choose the new Acting General Manager in relation to this motion.

The Mayor Clr T D Gair ruled the amendment out of order as the appointment of any staff member should not be discussed in Open Council pursuant to section 10A(2)(a) of the *Local Government Act 1993*, however the amendment can be considered in Closed Council.

MOTION OF DISSENT moved by Clr I M Scandrett and seconded Clr G Turland

THAT the matter should be heard in open council as the item is of vital interest to the community and Council does not have a legal officer advising Council at the meeting.

LOST

Clr I M Scandrett requested his dissenting vote be recorded.

17.3 Question with Notice 7/2021 - Councillor Dinners

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Clr G Turland
Received: 29 January 2021

Subject: Councillor Dinners

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

Question:

1. What are the dates of Councillor dinners from February 2020 to February 15.2.21.
2. Who attended the Councillor dinners and who invited the Councillors.
3. Who paid for these dinners after council meetings.

The Group Manager Corporate and Strategy addressed Council on this item

MOTION moved by Clr G M Turland and seconded by Clr I M Scandrett

THAT Councillors who have attended dinners after Council meetings repay the monies back to Council as these dinners did not occur.

AMENDMENT moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT the information in relation to Question with Notice 7/2021 - Councillor Dinners - be noted.

PASSED - THE AMENDMENT BECAME THE MOTION

MN 65/21

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

THAT the information in relation to Question with Notice 7/2021 - Councillor Dinners - be noted.

PASSED

17.4 Question with Notice 8/2021 - Station Street Budget

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager

From: Clr G Turland

Received: 29 January 2021

Subject: Station Street Budget

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

Question:

1. When will council provide an updated budget cost for the Station Street project as per our councillor briefing of 9.12.20.
2. Why in the February Finance meeting is there not the new project budget costing.
3. Why has council removed items from the Finance February meeting all other statements made in other Finance meetings on Station Street works (Wattle Street carpark, Mittagong carpark, Kirkham Road)

MN 66/21

MOTION moved by Deputy Mayor Clr G J Andrews and seconded by Clr G McLaughlin

THAT the information in relation to Question with Notice 8/2021 - Station Street Budget - be noted.

PASSED

17.5 Question with Notice 9/2021 - Pavement along Old South Road, Mittagong

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Cllr K J Halstead, OAM
Received: 29 January 2021

Subject: Pavement along Old South Road, North

Question:

Please confirm that the failed road pavement on Old South Road north of Range Road, Mittagong is comprised of steel furnace slag and not asbestos related base-course material.

MN 67/21

MOTION moved by Cllr P W Nelson and seconded by Cllr G McLaughlin

THAT the information in relation to Question with Notice 9/2021 - Pavement along Old South Road, Mittagong - be noted.

PASSED

17.6 Question with Notice 10/2021 - Proposed Renaming of Eridge Park

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager

From: Clr K J Halstead, OAM

Received: 29 January 2021

Subject: Proposed Renaming of Eridge Park

Question:

Please provide an up to date report on the current status of the proposed renaming of Eridge Park to John Fahey Memorial Sports Field.

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

MN 68/21

MOTION moved by Clr G M Turland and seconded by Clr I M Scandrett

THAT a report be brought back to Council regarding the Renaming of Eridge Park to John Fahey Memorial Sports Field that is consistent with Council's adopted policy for the naming of public places.

PASSED

17.7 Question with Notice 11/2021 Covid Screens

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Clr I M Scandrett
Received: 1 March 2021

Subject: Covid Screens

Question:

I request the following be provided by Council or obtained from the Contractor:

1. The dated invoice for the Councillor Covid screens (prices redacted);
2. The dated delivery docket for the screens;
3. Confirmation as to the actual time and date the screens arrived on site;
4. Covid safety plan that was in place w/c 15/2/21 and any updates since.

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

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

Clr L A C Whipper left the Chambers, the time being 06:52pm.

Clr L A C Whipper returned to the meeting, the time being 06:54pm.

The Group Manager Organisational Development addressed Council on this item.

MN 69/21

MOTION moved by Clr I M Scandrett and seconded by Clr G M Turland

THAT the information in relation to Question with Notice 11/2021 Covid Screens - be noted.

PASSED

17.8 Question with Notice 12/2021 - Civic Centre Total Cost

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Clr G Turland
Received: 1 March 2021

Subject: Civic Centre Total Cost

Question:

1. The total Civic Centre cost against budget;
2. Total project projection cost to complete the project;
3. All cost and funding for the total project;
4. Has the fitout of the Chamber and front customer counter been included in the project budget cost allowance?

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

MOTION moved by Clr G M Turland and seconded by Clr I M Scandrett

THAT a full spreadsheet be provided to Councillors on the total cost of the Civic Centre Upgrade.

AMENDMENT moved by Clr P W Nelson and seconded by Deputy Mayor Clr G J Andrews

THAT the information in relation to Question with Notice 12/2021 - Civic Centre Total Cost - be noted.

PASSED – THE AMENDMENT BECAME THE MOTION

MN 70/21

MOTION moved by Clr P W Nelson and seconded by Deputy Mayor Clr G J Andrews

THAT the information in relation to Question with Notice 12/2021 - Civic Centre Total Cost - be noted.

PASSED

18. NOTICES OF MOTION

18.1 Notice of Rescission Motion 1/2021 - Tender for Refurbishment of Bowral Memorial Hall

Reference:	100
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors Turland, Whipper and Scandrett have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 10 March 2021:

THAT the motion passed by Council on 24 February 2021, being item number 11.1 Tender for Refurbishment Bowral Memorial Hall MN 34/21 be rescinded.

1. THAT in relation to the report concerning the Tender for Refurbishment Bowral Memorial Hall Refurbishment - Council adopts the recommendations contained within the Closed Council report – Item 19.1.
2. THAT Council accepts the tender from Belmadar Pty Ltd at a Lump Sum amount of \$5,825,050 (Inclusive of GST) to undertake the Refurbishment of Bowral Memorial Hall.

MOTION moved by Clr G M Turland and seconded by Clr L A C Whipper

THAT the motion passed by Council on 24 February 2021, being item number 11.1 Tender for Refurbishment Bowral Memorial Hall MN 34/21 be rescinded.

LOST

Clr I M Scandrett requested his dissenting vote be recorded.

MN 71/21

SUSPENSION OF STANDING ORDERS moved by Clr L A C Whipper and seconded by Clr P W Nelson

THAT Council Suspend Standing Orders and Item 18.5 Notice of Motion 5/2021 - Animal Fur and Skin Sales be brought forward as a matter of urgency.

PASSED

18.5 Notice of Motion 5/2021 - Animal Fur and Skin Sales

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager
From: Clr L A C Whipper
Received: 29 January 2021

Subject: Animal Fur and Skin Sales

THIS ITEM WAS MOVED FROM 24 FEBRUARY 2021 MEETING

THIS ITEM WAS BROUGHT FORWARD IN THE MEETING UNDER MN 71/21 ON PAGE 32

MOTION moved by Clr L A C Whipper and seconded by Clr P W Nelson

1. **THAT** Council join with other Councils such as Inner West, Blue Mountains, City of Sydney and Canterbury Bankstown Councils and a growing number of governments around the world including the UK, Brazil, and the USA to ban the sale of animal fur and skin sales on Council land.
2. **THAT** Council also write to the State and Federal governments to enact a ban on the trade of these products.

LOST

Mayor Clr T D Gair accepted a request from Clr L A C Whipper to record the votes on this item.

VOTING ON THE MOTION

For the motion: Clr G McLaughlin and Clr L A C Whipper

Against the motion: Deputy Mayor Clr G J Andrews, Mayor Clr T D Gair, Clr P W Nelson, Clr I M Scandrett and Clr G M Turland

18.2 Notice of Motion 2/2021 Recruitment of General Manager

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Scandrett have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 10 March 2021:

THIS ITEM WAS MOVED FROM 24 FEBRUARY 2021 MEETING

THIS ITEM WAS NOT DEALT WITH AND AS SUCH WILL BE MOVED TO 24 MARCH 2021 MEETING

MN 72/21

RESUMPTION OF STANDING ORDERS moved by Clr P W Nelson and seconded by Deputy Mayor Clr G J Andrews

THAT Standing Orders be RESUMED AND THAT there be a seven minute recess reconvening in Closed Council.

RESUMPTION OF STANDING ORDERS PASSED

COUNCIL TOOK A SEVEN MINUTE RECESS.

AMENDMENT moved by Clr I M Scandrett and seconded by Clr G M Turland

THAT Item 18.2 Notice of Motion 2/2021 Recruitment of General Manager be dealt with immediately following which Standing Orders be **RESUMED AND THAT** there be a seven minute recess before reconvening in Closed Council.

LOST

Clr I M Scandrett requested his dissenting vote be recorded.

18.3 Notice of Motion 3/2021 - Traffic and Parking Study Funston Street, Bowral

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Scandrett have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 10 March 2021:

THIS ITEM WAS MOVED FROM 24 FEBRUARY 2021 MEETING

THIS ITEM WAS NOT DEALT WITH AND AS SUCH WILL BE MOVED TO 24 MARCH 2021 MEETING

THAT Council accept the offer by the applicant to conduct a traffic and parking study into Funston Street and surrounding streets to be funded by the applicant, such study to be promptly reported to Council.

RECOMMENDATION

Submitted for determination.

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

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 10 March 2021:

THIS ITEM WAS MOVED FROM 24 FEBRUARY 2021 MEETING

THIS ITEM WAS NOT DEALT WITH AND AS SUCH WILL BE MOVED TO 24 MARCH 2021 MEETING

THAT Council hold a community and stake holders meeting on the Mittagong Playhouse and the Bowral Memorial Hall Projects;

- The meeting is to be held on site with councillors, council staff, the architect, the community and stakeholders;
- The meeting is to be after working hours;
- The purpose is to engage with all users groups and to address their concerns re. the redevelopment of the Hall for the best use and budget.

RECOMMENDATION

Submitted for determination.

18.5 Notice of Motion 5/2021 - Animal Fur and Skin Sales

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: Acting General Manager

From: Cllr L A C Whipper

Received: 29 January 2021

Subject: Animal Fur and Skin Sales

THIS ITEM WAS MOVED FROM 24 FEBRUARY 2021 MEETING

THIS ITEM WAS DEALT WITH AFTER ITEM 18.1 ON PAGE 33

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 7:35 pm, Council moved into Closed Council.

MN 73/21

MOTION moved by Deputy Mayor Cllr G J Andrews and seconded by Cllr P W Nelson

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 as addressed below to consider the following reports that are confidential for the reasons specified below:

19.1 Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding Entity of New South Wales

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to provide Council with the Memorandum of Understanding between Wingecarribee Shire Council and Transport Asset Holdings Entity of New South Wales for the Station Street Upgrade Project.

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

19.2 Legal Report - Closed Council

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 25 November 2020.

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

PASSED

19.1 Memorandum of Understanding Between Wingecarribee Shire Council and Transport Asset Holding Entity of New South Wales

Reference:	7457
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to provide Council with the Memorandum of Understanding between Wingecarribee Shire Council and Transport Asset Holdings Entity of New South Wales for the Station Street Upgrade Project.

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

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

MN 74/21

EXTENSION OF TIME moved by Clr I M Scandrett and seconded by Clr L A C Whipper

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of time to 8.00pm.

EXTENSION OF TIME PASSED

MN 75/21

MOTION moved by Clr P W Nelson and seconded by Deputy Mayor Clr G J Andrews

THAT the Memorandum of Understanding between Wingecarribee Shire Council and Transport Asset Holdings Entity of New South Wales be noted.

PASSED

19.2 Legal Report - Closed Council

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 25 November 2020.

THIS REPORT WAS MOVED FROM 24 FEBRUARY 2021 MEETING

The General Counsel addressed Council on this item.

MN 76/21

MOTION moved by Cllr P W Nelson and seconded by Deputy Mayor Cllr G J Andrews

THAT the information in the Legal Report be noted.

PASSED

19.3 MAYORAL MINUTE - MATTER OF URGENCY RELATING TO A STAFF MATTER

Reference: 101, 102
Report Author: Group Manager Corporate and Community
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

To consider an urgent staff matter.

MN 77/21

MOTION moved by Mayor Clr T D Gair

1. **THAT Council Appoints Mr John Burgess as the Council's Alternate Acting General Manager pursuant to sections 336 and 351 of the Local Government Act 1993, with such person to remain as the Alternate Acting General Manager until 22 March 2021 or until further decision of the Council, whichever occurs first.**
2. **The Alternate Acting General Manager shall have all the duties, functions and delegations of Council's General Manager for the period so acting.**

PASSED

20. RESUMPTION OF OPEN AGENDA

107/10

MN 78/21

MOTION moved by Cllr I M Scandrett and seconded by Cllr G M Turland

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chambers.

The recording and live streaming of the meeting recommenced and all present were reminded that the meeting was being recorded and live streamed via the internet for public viewing.

ADOPTION OF CLOSED COUNCIL

107/9

The Acting General Manager read out the adopted Motions from Closed Council.

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.23 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 10 March 2021 numbered M/N 51/21 to M/N 78/21 were signed by me hereunder at the Council Meeting held on Wednesday 24 March 2021.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 24 MARCH 2021

CHAIRMAN

PUBLIC OFFICER