



# MINUTES

## of the Ordinary Meeting of Council

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

on

**Wednesday 23 September 2020**

The meeting commenced at 3.30pm

*File No. 100/2020*



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# MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 23 September 2020



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**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 23 SEPTEMBER 2020 COMMENCING AT 3.30PM**

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

**In Attendance:**

Acting General Manager	Mr Barry W Paull
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 Project Delivery	Mr Ned Tripkovic (in part)
Chief Information Officer	Mr John Crawford
Coordinator Media and Communications	Mr David Sommers*
Administration Officer	Ms Michelle Richardson

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

## 1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

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## 2. ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor Clr G J Andrews 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."*

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### 3. PRAYER

The meeting was led in civic prayer by the Mayor, Clr T D Gair.

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### 4. APOLOGY

There were no apologies at this Meeting.

PERS

### 5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 9 SEPTEMBER 2020

**MN 378/20**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 09 September 2020 M/N 354/20 to M/N 375/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 16 SEPTEMBER 2020

**MN 379/20**

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

**THAT** the minutes of the Extraordinary Meeting of Council held on Wednesday 16 September 2020 M/N 376/20 to M/N 377/20 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.

There were no declarations of interest made at this meeting.

## 7. MAYORAL MINUTES

### 7.1 Condolences - The Hon Mr John Fahey AC

Reference: 102/5  
Report Author: Mayor T D Gair  
Authoriser:  
Link to Community  
Strategic Plan:

#### **PURPOSE**

To formally recognise the passing of former NSW Premier The Hon Mr John Fahey AC.

#### ***MN 380/20***

***MOTION*** moved by Mayor Clr T D Gair and seconded by Deputy Mayor Clr G J Andrews

***THAT*** Council offers its prayers and condolences to the family and friends of The Hon Mr John Fahey AC.

#### **PASSED**

## 8. PUBLIC FORUM

There were no public forum speakers at this meeting

## 9. VISITOR MATTERS

### **OPERATIONS**

Nil

## CORPORATE AND STRATEGY

### 9.1 Development Application 19/1042 - Multi Dwelling Housing containing 7 units - 25 Oxley Drive, Bowral

Reference:	19/1042
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment
Applicant:	Le Ralais Pty Ltd
Owner:	Tony & Serena Antoun
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

#### PURPOSE

The purpose of this report is to consider Development Application 19/1042 which seeks development consent for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

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 381/20**

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

**THAT Development Application 19/1042 which seeks approval for a Multi Dwelling Housing development containing 7 units at Lot 11 DP 603108, being 25 Oxley Drive, Bowral, be APPROVED by way of a deferred commencement consent, subject to attached conditions of consent 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, Clr G McLaughlin, Clr P W Nelson, Clr G M Turland and Clr L A C Whipper

**Against the motion:** Clr K J Halstead OAM and Clr I M Scandrett

#### **PASSED**



## **10. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

## 11. OPERATIONS FINANCE AND RISK

### 11.1 Construction of Church Road Oval Amenities Upgrade

Reference:	6330/20.8
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community	
Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

#### PURPOSE

The purpose of this report is to advise Council of its successful application for grant funding to undertake stage two works of the Church Road Oval Amenities Building upgrade project.

As funding is now available to proceed with stage two of the works package, an additional resolution of Council is sought to accept the tender response that will enable the completion of both stages of construction.

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

The Acting General Manager addressed Council on this item.

#### **MN 382/20**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr K J Halstead OAM

1. **THAT** Council accepts tender (6330/20.8) option 2 from Direct Projects at an additional lump sum of \$288,112.73 (Inclusive of GST) to undertake stage two works of the Church Road Oval Amenities Building upgrade project.
2. **THAT** Council staff be congratulated on the outcome of the additional funding.

**PASSED**

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## 11.2 Investment Report - August 2020

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
Authoriser:	Acting Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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### **PURPOSE**

The purpose of this report is to present Council's Investment Portfolio held at 31 August 2020.

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

### **MN 383/20**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr I M Scandrett

**THAT** the information on Council's Investments as at 31 August 2020 be received and noted.

**PASSED**

## 11.3 Proposed Road Closure - Waverley Parade, Mittagong

Reference:	RD 3211
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### **PURPOSE**

The purpose of this report is to seek Council approval to close part of Waverley Parade, Mittagong.

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

The Acting General Manager addressed Council on this item.

### **MN 384/20**

**MOTION** moved by Cllr K J Halstead OAM and seconded by Cllr I M Scandrett

1. **THAT** Council endorse an application for the partial road closure of Waverley Parade, Mittagong adjoining Frensham School (owned by Winifred West Schools Ltd).
2. **THAT** Council provide a minimum twenty eight (28) day public notice period of its intention to close the road adjoining Frensham School AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.
3. **THAT** if there are no objections received by Council during the period of public notice; that pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure of the proportion 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. **THAT** the Mayor and General Manager be delegated authority to execute under the Common Seal of Council the plan of Road Closure required to be lodged with NSW Land Registry Services to enable closure of the portion of Council Public Road referred to in Resolution 1 above.
5. **THAT** the Traffic and Transport Planning Engineer and other Council staff associated with the Range Road Bridge Project be acknowledged for their contributions in relation to the very positive outcome of this project.

**PASSED**

## 11.4 Novel Coronavirus (COVID-19) - Community Financial Support Package Update

Reference:	2215
Report Author:	Acting Chief Financial Officer
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### **PURPOSE**

The purpose of this report is to seek formal Council approval for the extension of a number of the financial support measures approved by Council on 13 May 2020 in response to the Novel Coronavirus (COVID-19) global pandemic.

The Acting General Manager addressed Council on this item.

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr L A C Whipper

**THAT** Council formally adopt the extension of the following Novel Coronavirus (COVID-19) community financial support measures; consisting of:

1. *The extension of the deferral of rates and charges for business rated properties, where the property owner runs a business from the premise or provides a rent deferral period for business tenants, for a further period of 6 months, up to 31 March 2021.*
2. *The extension of the deferral of rates and charges for property owners who have lost employment or been stood down due to the Federal Government's enforced business closures for a further period of 6 months, up to 31 March 2021.*
3. *The further extension of the deferral period for the repayment of interest free loans which are currently held with community groups (including Southern Highlands Hockey) up to the March 2021.*
4. *The approval of a full fee reduction for sporting organisations for the use of Council's sporting facilities for the 2020 winter season.*
5. **THAT** *Council staff undertake a review of similar sized councils in NSW of their support packages in relation to COVID19 Community Financial Support and report back to Council at the next Council meeting.*

**MN 385/20**

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

**THAT** Items 1-4 and Item 5 of the Motion moved by Clrs Scandrett and Whipper be voted in *seriatim*.

**MOTION PASSED**

**MN 386/20**

**MOTION** moved by Clr I M Scandrett and seconded by Clr L A C Whipper

**THAT** Council formally adopt the extension of the following Novel Coronavirus (COVID-19) community financial support measures; consisting of:

1. *The extension of the deferral of rates and charges for business rated properties, where the property owner runs a business from the premise or provides a rent deferral period for business tenants, for a further period of 6 months, up to 31 March 2021.*
2. *The extension of the deferral of rates and charges for property owners who have lost employment or been stood down due to the Federal Government's enforced business closures for a further period of 6 months, up to 31 March 2021.*
3. *The further extension of the deferral period for the repayment of interest free loans which are currently held with community groups (including Southern Highlands Hockey) up to the March 2021.*
4. *The approval of a full fee reduction for sporting organisations for the use of Council's sporting facilities for the 2020 winter season.*

**PASSED**

5. *THAT Council staff undertake a review of similar sized councils in NSW of their support packages in relation to COVID19 community financial support and report back to council at the next council meeting.*

**ON BEING PUT TO THE MEETING, VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL. THE MAYOR CLR T D GAIR CAST HIS VOTE IN THE NEGATIVE AND THE VOTE WAS LOST**

## 12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Community Members for the Southern Regional Planning Panel

Reference:	5605; 5300
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
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 reappoint the current Council's 'community member' and 'alternate community member' to the Southern Regional Planning Panel.

#### **MN 387/20**

**MOTION** moved by Cllr G McLaughlin and seconded by Deputy Mayor Cllr G J Andrews

1. **THAT** Council re-appoint Mr Carl Peterson as the Wingecarribee Shire Council's community representative for the Southern Regional Planning Panel.
2. **THAT** Council re-appoint Mr Jim Gilvarry as the Wingecarribee Shire Council's alternate community representative for the Southern Regional Planning Panel.

#### **PASSED**

**AMENDMENT** moved by Cllr I M Scandrett

**THAT** Council renew the current member's appointments until February 2021 **AND THAT** expressions of interest be called for Community Nominations for the balance of the term.

**AMENDMENT LAPSED THROUGH WANT OF A SECONDER.**

## 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 26 August 2020.

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

#### **MN 388/20**

**MOTION** moved by Cllr G McLaughlin and seconded by Cllr L A C Whipper

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.

*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.*

**PASSED**



## **14. DELEGATE REPORTS**

Nil

## 15. PETITIONS

### 15.1 Petition 6/2020 Retford Park Estate - Amendment to Wingecarribee LEP 2010

Reference:	100/8
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**

The purpose of this report is to present Council with a petition relating to Retford Park Estate seeking an amendment to clause 1.9A(2) of the Wingecarribee LEP 2010.

The petition contains over 150 signatures.

A copy of the Petition were tabled at the Ordinary Meeting of Council.

The Acting General Manager addressed Council on this item.

#### **MN 389/20**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr K J Halstead OAM

**THAT** Petition 6/2020 relating to Retford Park Estate be received and noted by Council.

**PASSED**

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## 16. COMMITTEE REPORTS

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### 16.1 Management Committee Reports

Reference: 107/1  
Report Author: Committee Coordinator

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#### **PURPOSE**

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

1. Moss Vale Senior Citizens and Community Centre Hall Committee, 17 February 2020
2. Moss Vale Senior Citizens and Community Centre Hall Committee, 20 July 2020

#### **MN 390/20**

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

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

1. ***Moss Vale Senior Citizens and Community Centre Hall Committee, 17 February 2020.***
2. ***Moss Vale Senior Citizens and Community Centre Hall Committee, 20 July 2020***

**PASSED**

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## 16.2 Minutes of the Heritage Advisory Committee Meeting held on Friday 14 August 2020

Reference: 107/16  
Report Author: Strategic Land Use Planner (Heritage)

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### **PURPOSE**

This report provides the Minutes of the Heritage Advisory Committee Meeting held on Friday 14 August 2020.

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

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

### **MN 391/20**

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

***THAT the minutes of the Heritage Advisory Committee Meeting held on Friday 14 August 2020 numbered HAC 7/20 to HAC 12/20, inclusive, copies of which were forwarded to members of the Committee, be adopted as a correct record of the proceedings of the meeting.***

**PASSED**

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## 16.3 Minutes of the Sport and Recreation Advisory Committee Meeting held on 20 August 2020

Reference: 107/30  
Report Author: Asset Coordinator Parks and Buildings  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Increase promotion of healthy lifestyle choices

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### **PURPOSE**

This report provides the Minutes of the Sport and Recreation Advisory Committee Meeting held on Thursday 20 August 2020.

### ***MN 392/20***

***MOTION*** moved by Deputy Mayor Cllr G J Andrews and seconded by Cllr G McLaughlin

***THAT*** Recommendation numbers SR8/20 to SR13/20 as detailed in the Minutes of the Sport and Recreation Advisory Committee Meeting held on 20 August 2020 be adopted.

***PASSED***

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## 16.4 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 8 September 2020

Reference: 1660  
Report Author: PA for Mayor  
Authoriser: Group Manager Corporate and Community  
Link to Community  
Strategic Plan: Sustainably manage natural resources for broader community benefit

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### **PURPOSE**

This report provides the Minutes of the Arts and Culture Advisory Committee meeting held on Tuesday 8 September 2020.

### **MN 393/20**

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

**THAT** recommendation Nos ACC 08/20 to ACC 13/20 – as detailed in the Minutes of the Arts and Culture Advisory Committee meeting held on 8 September 2020 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**

## 17. QUESTIONS WITH NOTICE

### 17.1 Question with Notice 41/2020 Robertson Hotel Proposed Extensions and Environmental Impacts

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: 14 September 2020

Subject: Robertson Hotel Proposed Extensions and Environmental Impacts

The Acting General Manager left the meeting, the time being 4.37pm

The Acting General Manager returned to the meeting, the time being 4.39 pm

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

#### **MN 394/20**

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

1. **THAT** the information in relation to Question with Notice 41/2020 Robertson Hotel Proposed Extensions and Environmental Impacts - be noted.
2. **THAT** upon Council's receipt of the Consultant's Assessment on the impacts on the Ecologically Endangered Community (EEC) in relation to the development, the matter be brought to Council for information and consideration.

**PASSED**

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## 17.2 Question with Notice 42/2020 Premier Order

**Reference:** 100/2  
**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

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**To:** Acting General Manager  
**From:** Deputy Mayor Clr G M Turland  
**Received:** 14 September 2020

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**Subject:** Premier Order

The Acting General Manager addressed Council on this item.

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

### **MN 395/20**

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

1. **THAT** the information in relation to Question with Notice 42/2020 - Premier's Order - be noted.
2. **THAT** a Councillor Briefing Session be held on 14 October 2020 in relation to the Chelsea Gardens/Coomungie development application.

**PASSED**



## 18. NOTICES OF MOTION

### 18.1 Notice of Alteration of Motion 1/2020 - Appointment of Councillor Representative to Vacant Position on Various Advisory Committees

Reference:	100/5
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 McLaughlin, Nelson and Andrews have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 23 September 2020:

**THAT part of the motion passed by Council on 9 September 2020, being item number MN 364/20, be altered with the appointment of a Councillor representative to the Audit, Risk and Improvement Committee being recommitted to Council for determination.**

The Acting General Manager addressed Council on this item.

**MN 396/20**

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

**THAT** the items highlighted in bold in table be altered to the following:

1. **THAT** Council appoints a Councillor representative to the vacant position on each of the following advisory committees arising from the resignation from Council of Councillor Gordon Markwart:

Committee	Councillor Nomination
<b>Audit, Risk and Improvement Committee</b>	<p><b>Clr G McLaughlin nominated Deputy Mayor Clr G J Andrews to replace Clr I M Scandrett.</b></p> <p><b>Deputy Mayor Clr G J Andrews accepted the nomination – 4 votes (Clrs Gair, Andrews, McLaughlin and Nelson)</b></p> <p><b>Clr K J Halstead OAM nominated Clr G M Turland to replace Clr I M Scandrett</b></p> <p><b>Clr G M Turland accepted the nomination - 4 votes (Clrs Halstead OAM, Scandrett, Turland and Whipper)</b></p> <p><b>The Mayor Clr T D Gair used his casting vote to elect Deputy Mayor Clr G J Andrews.</b></p>
<i>Community Development Committee</i>	Clr I M Scandrett nominated and elected unopposed
<i>Demographics and Housing Committee</i>	<p>Clr L A C Whipper stood down from Committee</p> <p>Chair: Deputy Mayor Clr G M Turland nominated and elected unopposed</p> <p>Councillor: Clr G McLaughlin</p>
<b>Environment and Sustainability Committee</b>	<p><b>Clr K J Halstead OAM withdrew from his position as Alternate Chair.</b></p> <p><b>Clr L A C Whipper nominated Clr G M Turland who accepted the nomination and was elected unopposed.</b></p>
<i>Wingecarribee Floodplain Risk Management Committee</i>	<p>Clr P W Nelson stood down from Committee</p> <p>Alternate chair: Deputy Mayor Clr G M Turland nominated and elected unopposed</p>

2. **THAT** except for the Mayor and Deputy Mayor’s membership of the General Manager’s Performance Review Committee which if necessary will automatically be updated following the election of the Mayor and Deputy Mayor scheduled to take place in September 2020, all Councillor appointments to advisory committees continue for a further one (1) year period that will expire at the conclusion of the Council term in September 2021.

**PASSED**

## 19. CLOSED COUNCIL

### MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 4.58 pm, Council moved into Closed Council.

#### **MN 397/20**

**MOTION** moved by Cllr L A C Whipper and seconded by Cllr K J Halstead OAM

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 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 26 August 2020.

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

**PASSED**

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## 19.1 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

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### 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.*

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### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 26 August 2020.

General Counsel addressed Council on this item.

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

The Acting General Manager addressed Council on this item.

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

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

The Acting General Manager left the meeting, the time being 5.12pm

The Acting General Manager returned to the meeting, the time being 5.14pm

### **MN 398/20**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr P W Nelson

1. **THAT** the information in the Legal Report be noted.
  
2. **THAT** the matter as discussed concerning outstanding debt now being uncollectable be reported to the next Council meeting with the various amounts and detail.

**PASSED**

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## 20. RESUMPTION OF OPEN AGENDA

107/10

**MN 399/20**

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

**THAT** Council moves from Closed Council into Open Council.

**PASSED**

No members of the public were present in the Chamber.

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.

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### ADOPTION OF CLOSED COUNCIL

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107/9

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

## **21. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.26 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 23 September 2020 numbered M/N 378/20 to M/N 399/20 were signed by me hereunder at the Council Meeting held on Wednesday 14 October 2020.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 14 OCTOBER 2020**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER