



# MINUTES

of the  
Ordinary Meeting of Council

held in

held remotely using audio visual link

on

**Wednesday 22 July 2020**

The meeting commenced at 3.30pm

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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 22 JULY 2020 COMMENCING AT 3.30PM**

**Present:**

- Clr T D Gair (Mayor)
- Clr G 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
Deputy General Manager Corporate Strategy and Development Services	Mr Mark Pepping
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton*
Group Manager Project Delivery	Mr Ned Tripkovic (in part)
Chief Financial Officer	Mr Richard Mooney
Chief Information Officer	Mr John Crawford
Senior Strategic Planner	Ms Susan Stannard (in part)
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

Clr G 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

Leave of absence for this meeting was previously granted to Councillor G Markwart to 22 July 2020 inclusive.

PERS

#### 5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 8 JULY 2020

**MN 276/20**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 08 July 2020 MN 251/20 to MN 275/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

Clr Scandrett requested it be recorded under Item 19.1 that he did not leave the chambers but was terminated from the meeting of 8 July 2020 at the direction of the Mayor, the time being 7.42pm.

#### 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.

101/3

*Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 19.1 Compliance Actions (Notices and Orders) Update (April - June 2020) as a property he owns with his wife, namely their farm and home is mentioned in the Governance report relating to a motion two meetings ago. He will be absent from the Chambers for consideration of that item if the matter relating to himself was to be discussed.*

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## 7. MAYORAL MINUTES

### 7.1 Proposed Amendment to Code of Meeting Practice

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

#### **PURPOSE**

The purpose of this report is to propose amendments to the Code of Meeting Practice in relation to the provisions regarding notices of motion and questions with notice submitted by Councillors for Council meetings.

#### **MN 277/20**

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

1. **THAT** Councillors endorse in principle the following amendments to Council's Code of Meeting Practice:
  - a. That each Councillor is limited to a maximum of either two notices of motion or questions with notice per meeting
  - b. That it be explicitly stated that a question with notice is limited to one question only and excludes a question with multiple parts to it.
2. **THAT** Council staff report a revised draft Code of Meeting Practice containing these amendments to the Council meeting of 12 August 2020 for consideration to be placed on public exhibition after which it will be reported back to Council for adoption.

#### **PASSED**

Clr Scandrett requested his dissenting vote be recorded.

## 8. PUBLIC FORUM

### 18.7 Notice of Motion 29/2020 Road Closure Part Argyle Street Mittagong

Mr Paul Brady addressed Council on this item.

## 9. VISITOR MATTERS

### OPERATIONS

Nil

### CORPORATE AND STRATEGY

Nil

## 10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

## 11. OPERATIONS FINANCE AND RISK

### 11.1 Operation of the Shire's Public Swimming Centres for 2020/21 Pool Season

Reference:	6700
Report Author:	Pools and Facilities Supervisor
Authoriser:	Manager Open Space, Recreation and Building Maintenance
Link to Community Strategic Plan:	Plan and deliver appropriate and accessible local services for the community

#### **PURPOSE**

The purpose of this report is for Council to consider recommendations for the operation of the Shire's public swimming centres for the 2020/2021 pool season.

#### **MN 278/20**

**MOTION** moved by Deputy Mayor G M Turland and seconded by Cllr G McLaughlin

1. **THAT** Council approve the seasonal duration and operational hours and reasons for variation of those hours as outlined in the report.
2. **THAT** the pool season duration and operational hours will be actively promoted to the community.
3. **THAT** recommendations 1 and 2 be subject to COVID-19 Restrictions in place at the time.
4. **THAT** Council waive fees and charges for a Water Polo Gala Day as outlined in the report.

**PASSED**



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## 11.2 Investment Report - June 2020

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
Authoriser:	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 30 June 2020.

### ***MN 279/20***

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

***THAT*** the information on Council's Investments as at 30 June 2020 be received and noted.

**PASSED**

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## 12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Submission to Office of Local Government on Councillor Superannuation Discussion Paper

Reference:	101/6
Report Author:	Group Manager Corporate and Community
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

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#### **PURPOSE**

In March 2020, the Office of Local Government (OLG) released a discussion paper in relation to superannuation payments for councillors. A draft response to this Paper has been prepared and this report seeks Council's endorsement for its submission.

The Chief Financial Officer addressed Council on this item.

#### **MN 280/20**

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

**THAT** Council endorse the draft submission to the Office of Local Government on the Superannuation for Councillors Discussion Paper – refer to Attachment 2 to this report.

**PASSED**

## 12.2 Planning Proposal to rezone land at Yarrowa Road Moss Vale

Reference:	5901, PN1682400, PN1682500, PN1682600
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns

### PURPOSE

The purpose of this report is to re-present a Planning Proposal deferred from 10 July 2019 at which time Council resolved to defer a decision pending completion of the Wingecarribee Local Housing Strategy.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Senior Strategic Land Use Planner addressed Council on this item.

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

### **MN 281/20**

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

1. **THAT** the Planning Proposal to rezone land at 121 Yarrowa Road Moss Vale (Lot 4 DP706194), 131 Yarrowa Road Moss Vale (Lot 5 DP706194), and 153 Yarrowa Road Moss Vale (Lot 2 DP610352) from RU2 Rural Landscape to primarily R2 Low Density Residential with a minimum lot size of 600m<sup>2</sup> with a frontage to Yarrowa Road of RE1 Public Recreation **BE SUPPORTED** to progress to a Gateway Determination but that any development of the subject land shall be in accordance with the relevant recommendations of the Wingecarribee Local Housing Strategy adopted by Council on 24 June 2020.
2. **THAT** the Chelsea Gardens Coomungie Precinct of the Moss Vale Township Development Control Plan be amended to include the subject land and the draft amendment be exhibited with the Planning Proposal should it receive a Gateway Determination.

### **PASSED**

### VOTING ON THE MOTION

**For the motion:** Cllr G J Andrews, Mayor Cllr T D Gair, Cllr K J Halstead OAM, Cllr G McLaughlin, Cllr P W Nelson, Cllr I M Scandrett and Deputy Mayor G M Turland

**Against the motion:** Cllr L A C Whipper

## 12.3 Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at 34 Suttor Road Moss Vale.

Reference: PN 1417400, 5901  
Report Author: Senior Strategic Land Use Planner  
Authoriser: Coordinator Strategic Land Use Planning  
Link to Community Strategic Plan: Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns

### PURPOSE

The purpose of this report is to present to Council a Planning Proposal to rezone land at 34 Suttor Road Moss Vale.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Senior Strategic Land Use Planner address Council on this item.

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

### **MN 282/20**

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

**THAT** the Planning Proposal Not be Supported AND THAT the applicant be advised of Council's decision.

**PASSED**

### VOTING ON THE MOTION

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

**Against the motion:** Nil.

## 12.4 Planning Proposal Rezone Land at 252-254 Centennial Road Bowral (Centennial Vineyards) from E3 Environmental Management to SP3 Tourist.

Reference:	PN1702113, PN1702114, PN1702185, 5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

### PURPOSE

To consider a Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 252-254 Centennial Road Bowral from E3 Environmental Management to SP3 Tourist.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Senior Strategic Land Use Planner addressed Council on this item.

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

### MN 283/20

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

1. ***THAT the Planning Proposal to rezone land at 252-254 Centennial Road Bowral (Centennial Vineyards) from E3 Environmental Management to SP3 Tourist BE SUPPORTED for progression to a Gateway Determination for the following lots: Lot 1 DP 126196, Lot 1 DP 435373, Lot 5A DP 16192 and part Lot 1 DP 16192 and only AND THAT Lot 1 DP 79802 REMAIN zoned E3 Environmental Management, and***
2. ***THAT any future Development Application for the rezoned portion of the subject land shall provide a Concept Master Plan, as required under the Rural Tourism Policy, and shall demonstrate to Council's satisfaction that no clearing of native vegetation will be required.***

### **PASSED**

### **VOTING ON THE MOTION**

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

**Against the motion:** Nil.

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## 12.5 Draft Bonds Policy

Reference:	5350/1
Report Author:	Manager Development Assessment
Authoriser:	Group Manager Planning, Development and Regulatory Services
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 to Council is to consider the results of the public consultation of the Draft Bonds Policy and to seek final adoption of the policy.

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

### **MN 284/20**

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

**THAT** Council adopt the Draft Bonds Policy as amended at ATTACHMENT 1 following public consultation.

**PASSED**

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## 12.6 Smoke-Free Outdoor Areas Policy Review

Reference:	5450/28.1
Report Author:	Environmental Policy Officer
Authoriser:	Coordinator Environment and Health Systems
Link to Community	
Strategic Plan:	Increase promotion of healthy lifestyle choices

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### **PURPOSE**

A scheduled review of the Smoke-Free Outdoor Areas Policy has been undertaken. No substantive changes have been made, however administrative edits have been made. This report seeks the re-adoption of the updated Policy at **Attachment 1**.

### **MN 285/20**

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

**THAT** the Smoke-Free Outdoor Areas Policy at Attachment 1 be adopted.

**PASSED**

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## 12.7 Compliance Update - Notices and Orders (April - June 2020)

Reference:	20/0001
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Group Manager Planning, Development and Regulatory 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

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### **PURPOSE**

The purpose of this report is to provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993* and the *Protection of the Environment Operations Act 1997*.

### **MN 286/20**

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

**THAT** the report concerning **Compliance Update- Notices and Orders (April – June 2020)** 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)(e) as it contains information that would, if disclosed, prejudice the maintenance of law.*

**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 24 June 2020.

#### **MN 287/20**

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

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 19.2.

*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**

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## 13.2 Exclusion of Question with Notice from Business Paper on 8 July 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	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

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### **PURPOSE**

To advise Council of the exclusion of an item from the Ordinary Meeting of Council dated 8 July 2020.

The Acting General Manager addressed council on this item.

### **MN 288/20**

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

**THAT** the report be noted.

**PASSED**

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### 13.3 Exclusion of Notices of Motion from Business Paper on 8 July 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	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

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#### **PURPOSE**

To advise Council of the exclusions of two items from the Ordinary Meeting of Council dated 8 July 2020.

#### **MN 289/20**

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

**THAT** the report be noted.

**PASSED**

## **14. DELEGATE REPORTS**

Nil

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## 15. PETITIONS

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### 15.1 Petition 4/2020 Retford Park Estate

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

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#### **PURPOSE**

The purpose of this report is to present Council with a petition relating to Retford Park Estate.

The petition contains over 100 signatures.

A copy of the Petition will be tabled at the Ordinary Meeting of Council.

#### ***MN 290/20***

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

***THAT*** Petition 4/2020 relating to Retford Park Estate be received and noted by Council.

#### **PASSED**

## 16. COMMITTEE REPORTS

### 16.1 Management and 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 for information:

1. Loseby Park Community Hall Management Committee held on 7 February 2020
2. East Bowral Community Centre Management Committee 25 February 2020
3. Wingello Mechanics Institute Hall 3 February 2020
4. Hill Top Community Centre Committee 20 February 2020

#### **MN 291/20**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr K J Halstead OAM

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

1. *Loseby Park Community Hall Management Committee held on 7 February 2020*
2. *East Bowral Community Centre Management Committee 25 February 2020*
3. *Wingello Mechanics Institute Hall 3 February 2020*
4. *Hill Top Community Centre Committee 20 February 2020*

**PASSED**

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## 17. QUESTIONS WITH NOTICE

### 17.1 Question with Notice 29/2020 Bowral Uniting Church Charity Kitchen

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

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To: General Manager

From: Clr Scandrett

Received: 28.6.20

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The Acting General Manager addressed Council on this item.

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

**THAT** Council staff undertake a site visit with the management of the Bowral Uniting Church to discuss the proposal.

#### **MN 292/20**

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

1. **THAT** the information in relation to Question with Notice 29/2020 Bowral Uniting Church Charity Kitchen - be noted.
2. **THAT** Council staff meet with the proposed applicants in relation to their development.

**AMENDMENT WAS PASSED AND BECAME THE MOTION**

**MOTION PASSED**

## 18. NOTICES OF MOTION

### 18.1 Notice of Motion 22/2020 - Playhouse Renovation

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

**THIS ITEM WAS DEFERRED FROM 24 JUNE 2020 COUNCIL MEETING**

**THIS ITEM WAS DEFERRED FROM 8 JULY 2020 COUNCIL MEETING**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 June 2020:

The Acting General Manager addressed Council on this item.

**MOTION** moved by Deputy Mayor G M Turland and seconded by Cllr I M Scandrett

1. **THAT** Council staff hold a briefing session with Councillors as a matter of urgency after the playhouse is inspected and a full engineer's report be brought back to council.
2. **THAT** Council staff report back to Council on the tender documents (OC) and to be funded by the first settlement from the sale of Frankland Street property.

**MN 293/20**

**AMENDMENT** moved by Cllr G J Andrews and seconded by Cllr P W Nelson

1. **THAT** it be noted that Council has engaged a local builder to carry out the necessary works to allow an engineer to produce a report on the works required going forward.
2. Once this report becomes available Council staff hold a briefing session with Councillors.

**THE MAYOR USED HIS CASTING VOTE IN THE AFFIRMATIVE AND THE AMENDMENT WAS PASSED.**

**AMENDMENT BECAME THE MOTION**

**MOTION PASSED**



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## 18.2 Notice of Motion 24/2020 - Shire Bike Strategy

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

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### PURPOSE

**THIS ITEM WAS DEFERRED FROM 24 JUNE 2020 COUNCIL MEETING**

**THIS ITEM WAS DEFERRED FROM 8 JULY 2020 COUNCIL MEETING**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 June 2020:

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

1. THAT Councillors and staff hold a briefing session with the proponent;
2. THAT Council coordinate a workshop with stakeholders and interested parties, including the Member for Goulburn and the Member for Wollondilly as a matter of urgency.
3. THAT it be assessed in conjunction with the existing strategy.

**MN 294/20**

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

**THAT** Councillors and staff hold a briefing session with the proponent.

**AMENDMENT WAS PASSED AND BECAME THE MOTION**

**MOTION PASSED**

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## 18.3 Notice of Motion 25/2020 Fire at Resource Recovery Centre on 4 January 2020

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

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### PURPOSE

#### **THIS ITEM WAS DEFERRED FROM 8 JULY 2020 COUNCIL MEETING**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

The Acting General Manager addressed Council on this item.

#### ***MN 295/20***

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

**THAT** a briefing session be held with Councillors.

**PASSED**

**AMENDMENT** moved by Deputy Mayor G M Turland and seconded by Clr K J Halstead OAM

**THAT** Council prepare a report on the fire at the RRC on 4.1.20.

**THE MAYOR USED HIS CASTING VOTE IN THE NEGATIVE AND THE AMENDMENT WAS LOST**

## 18.4 Notice of Motion 26/2020 Environment and Sustainability Committee Minutes

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**

#### **THIS ITEM WAS DEFERRED FROM 8 JULY 2020 COUNCIL MEETING**

Councillor Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

#### ***MN 296/20***

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

1. **THAT** additional to the endorsed Minutes of the Environment and Sustainability Committee of 19 February, ES23/20, that Council amend the minute to acknowledge that it will be WinZero that makes a presentation to council in place of Extinction Rebellion.
2. **THAT** with reference to ES23/20, Council nominate a date to schedule the WinZero presentation to Council (noting that due to COVID, the two-month period proposed has now expired).
3. **THAT** following on from the Council Resolution MN 135/20, Council prepare a report for the next Finance Committee scheduled for the 19th of August to consider funding implications of the Climate Emergency Declaration and to identify potential funding sources
4. **THAT** Expressions of Interest be called for the establishment of the proposed Climate Change Advisory Panel. (MN 135/202.)
5. **THAT** this Climate Change Advisory group be established as a working group of the E&S Committee for the remainder of this current Council term and become operational in September 2020.
6. **THAT** this recommendation be referred to the E&S Committee for information and comment.

**PASSED**

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## 18.5 Notice of Motion 27/2020 Settlement of Lot 3 Frankland Street, Mittagong

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

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### **PURPOSE**

#### **THIS ITEM WAS DEFERRED FROM 8 JULY 2020 COUNCIL MEETING**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

#### ***MN 297/20***

**MOTION** moved by Deputy Mayor G M Turland and seconded by Clr K J Halstead OAM

1. **THAT** Staff provide a report on the settlement of Lot 3 Frankland Street, Mittagong and address the concerns from the purchaser.
2. **THAT** staff provide a report from the email from Willow Properties 12.6.20 to Staff General Manager, Deputy General Manager, Mayor Gair and Deputy Mayor Garry Turland.

**PASSED**

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## 18.6 Notice of Motion 28/2020 Station Street Upgrade Project

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

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### PURPOSE

#### **THIS ITEM WAS DEFERRED FROM 8 JULY 2020 COUNCIL MEETING**

Councillor Halstead has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

The Acting General Manager addressed Council on this item.

#### ***MN 298/20***

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

**THAT** the General Manager bring forward a report on the Station Street Upgrade Project, outlining the administrative procedures proposed to be followed to ensure absolute compliance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

**THAT** the report outline what action is to be undertaken to place the Review of Environmental Factors (REF) on public exhibition.

**PASSED**

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## 18.7 Notice of Motion 29/2020 Road Closure Part Argyle Street Mittagong

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

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### **PURPOSE**

#### **THIS ITEM WAS DEFERRED FROM 8 JULY 2020 COUNCIL MEETING**

Councillor Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 8 July 2020:

The Chief Financial Officer addressed Council on this item.

#### ***MN 299/20***

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

1. **THAT** Council staff bring back a report on this road closure as it was approved at a council meeting 26 July 2017.
2. **THAT** the Council report include all valuations and correspondence.

**PASSED**

## **19. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

107/9

At this juncture, the time being 6.47pm, Council moved into Closed Council.

**MN 300/20**

**MOTION** moved by Clr G McLaughlin and seconded by Clr 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 Compliance Actions (Notices and Orders) Update (April - June 2020)**

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)(e) as it contains information that would, if disclosed, prejudice the maintenance of law 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 Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993* and the *Protection of the Environment Operations Act 1997*.

**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 24 June 2020.

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

**PASSED**



## 19.1 Compliance Actions (Notices and Orders) Update (April - June 2020)

Reference:	20/0001
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Group Manager Planning, Development and Regulatory 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

### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law.*

### PURPOSE

The purpose of this report is to provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993* and the *Protection of the Environment Operations Act 1997*.

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

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

### **MN 301/20**

**MOTION** moved by Cllr L A C Whipper and seconded by Deputy Mayor G M Turland

**THAT** Council receive and note the ***Compliance Actions (Notices and Orders) report for April – June 2020.***

**PASSED**

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## 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

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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 24 June 2020.

General Counsel addressed council on this item.

### **MN 302/20**

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

**THAT** the information in the Legal Report be noted.

**PASSED**

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## 20. RESUMPTION OF OPEN AGENDA

107/10

**MN 303/20**

**MOTION** moved by Clr K J Halstead OAM and seconded by Clr P W Nelson

**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 Motions from Closed Council.

## 21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.07 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 22 July 2020 numbered M/N 276/20 to M/N 303/20 were signed by me hereunder at the Council Meeting held on Wednesday 12 August 2020.

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CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 12 AUGUST 2020**

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CHAIRMAN

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PUBLIC OFFICER