

LattéLife

EASTERN SUBURBS

Vol.2 - Issue 10

Heartbeat of the Eastern Suburbs

Free



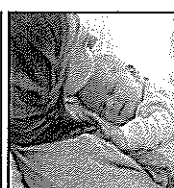
LOCAL NEWS
Carlotta
awarded
honours on
Australia Day
p.9



LATTÉ BITES
Lucio's to go
under the
hammer
p.10



**HELP THE
HIGHLANDS**
Eat, stay
and play
p.13



**LATTÉ
PARENTING**
Government
assistance
for IVF
p.14

MAYOR OF THE MOMENT



Mayor Duncan Gair

During the aftermath of the catastrophic bushfires across NSW, mainstream media put the spotlight on Mayor Duncan Gair of Wingecarribee Shire Council (WSC) for refusing to waive development application (DA) fees and charges for property owners whose homes went up in flames.

Mayor of WSC, Cllr Thomas Duncan Gair (known as Duncan Gair), a bric a brac trader and the 'frontman' of the Council has copped media backlash from The Daily Telegraph, ABC, Sky News and Ray Hadley of 2GB.

Alas, DAs are the tip of a very big iceberg for Duncan Gair, whose actions have been extensively reported in numerous articles in LattéLife's sister publication in the Southern Highlands, LattéLife Wingecarribee.

Following numerous exclusive investigations, LattéLife presents a deep-dive review of the Mayor, who has been a WSC councillor for just under 25 consecutive years. We reveal he; utilised his position to benefit his son's commercial interests at the Council owned and operated cattle saleyards...

CONTINUED » PAGE 7

WINNERS are grinners

On Tuesday 4th February 2020, Eastern Suburbs socialite Sharilea Hitchcock was exonerated in the NSW District Court.

Justice has been a long process for Ms Hitchcock who was arrested on March 25, 2016 when Police alleged she became extremely aggressive towards a woman who tried to help her across Oxford St during peak hour traffic.

The woman, Jan Haswell, claimed to see "an intoxicated woman walking in the middle of the road" on Oxford Street, Woollahra.

Sharilea had been with Sydney socialite Lizzie Buttrose at up-market Woollahra restaurant The Centennial in the hours leading up to the incident.

Ms Haswell tried to help Hitchcock who it was alleged tried to assault her before running off down the street.

Police were called and it was alleged the socialite put up a "short struggle" during which she bit a female constable.

Hitchcock was charged with common assault, assaulting a police officer and resisting arrest.

On May 28, 2016, Sharilea attended Waverley Local Court, flanked by celebrity lawyer Chris

Murphy who told the court that at the time of the alleged offences, the Watsons Bay resident, had been suffering from a medical condition and would plead not guilty to all charges.

Ms Hitchcock pleaded not guilty to each charge in 2019 but Magistrate Jennifer Atkinson found her guilty and placed her on a two-year bond for the bite police offence and two twelve-month bonds for the other charges.

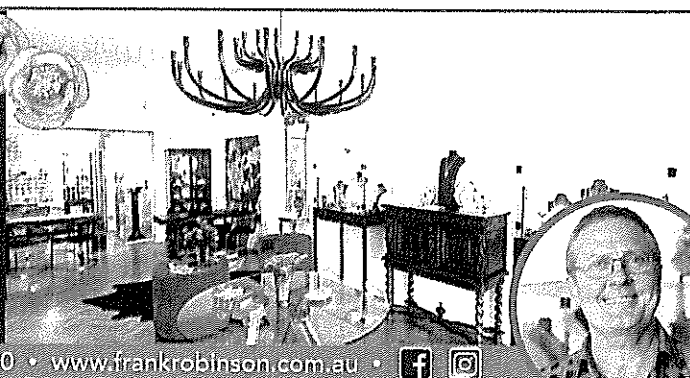
District Court Judge Garry Neilson presided over Miss Hitchcock's appeal and set aside Magistrate Jennifer Atkinson's decision.

On Tuesday 4th February, an elated Chris Murphy said, "A few minutes ago justice prevailed for my friend, lawyer Sharilea Hitchcock. In March 2016 she was wrongly charged with common assault, assault police and resisting arrest. Sharilea endured the public scourging of wrongful conviction. She was always innocent and finally today the District Court agreed and set aside a magistrate's wrong decision. Not guilty. Thanks to my team Murphy's Lawyers Inc."

Criminal defence lawyer Bryan Wrench of Murphy's Lawyers Inc, represented Miss Hitchcock.

Frank Robinson

With over 30 years of experience in the Jewellery industry, Frank Robinson has been interpreting clients design ideas and fulfilling their wishes for beautiful jewellery.



324 New South Head Road, Double Bay • 02 8591 9970 • www.frankrobinson.com.au



RegionalNews

MAYOR OF THE MOMENT

CONTINUED FROM FRONT COVER

in Moss Vale and sued a local disability support worker in the Supreme Court of NSW for defamation following a satirical YouTube video (with approximately 700 views) of the Mayor, resulting in the worker losing his house, all of his money, and is now living in a tent in a friend's garden.

On the 29 January Council meeting, bushfire affected victim, Sara Haslinger addressed the meeting by way of pre-approved public forum. Her presentation was highly emotive, she criticised the Council for not acting quicker following the devastation of homes, and touched on the fact that the Council's Civic Centre and Chambers are currently undergoing a multi-million dollar renovation.

Mayor Gair blocked Clr Ian Scandrett's impromptu motion to suspend standing orders to allow other fire affected victims to address the Council, simply to be heard and acknowledged by their elected representatives. An argument between the two ensued, which was televised by WIN News Illawarra.

On 31 January, Gair sent out an email to his fellow Councillors and senior bureaucrats stating, "After the debacle of the last meeting I will meet with senior staff to discuss options to make sure the meeting is not interrupted by members of the public [sic]."

"As such, there will be no public forum nor anyone from the public permitted to address council [sic]."

Since the email, LattéLife can confirm that security guards were organised to be onsite at the Council Chambers, with orders to inspect the contents of large bags and to remove anyone who attempts to speak during the meeting.

The following extraordinary meeting of Council on 6 February 2020 had one item on the agenda, to approve a waiver of all DA fees and charges for homes that were destroyed or damaged in the recent bushfires. Included within the recommendation for Councillors to vote upon was that the waived fees and charges be placed on public exhibition for 28 days from 10 February onwards; that if there is just a single public objector to the waiver, the matter will have to return to Councillors with a new report and recommendation by the Council staff; and that all fees and charges paid before the waiver be refunded, "Should Council resolve to waive all development related fees and charges."

At the 6 February meeting, Clr

Scandrett raised the point to allow members of the public to speak, and Mayor Gair promptly shut him down, citing that public forum isn't allowed at extraordinary meetings of Council. Mayor Gair insisted on not allowing victims of the bushfires to speak, utilising his minimally residual powers as Mayor to clamp the democratic right of residents, despite only eight days earlier, allowing Ms Haslinger to speak at the 29 January extraordinary meeting.

Upon vigorous questioning by Clr Scandrett and former Mayor, Clr Ken Halstead, Mayor Gair admitted during the meeting that he had listened to a telephone call made by either Ms Haslinger, or someone on her behalf, to low-level Council staff, requesting a quote for development fees and charges to rebuild her recently decimated home, which was allegedly sent to The Daily Telegraph afterwards, sparking the national media coverage and outrage of Wingecarribee Shire Council. Mayor Gair has stated that he will be "seeking legal and Police advice" for what he described as a "devious, mischievous and intentional" phone call.

Former Mayor and retired local government expert at the University of Technology Sydney (UTS), Clr Ken Halstead called out Mayor Gair at the 6 February meeting for listening to the phone, stating that it was "illegal" and a "Breach of the Recording Devices Act in NSW." Councillors Scandrett and Garry Turland also supported Clr Halstead's allegations of illegality.

Mayor Gair replied, "That's just your opinion..."

Residents of the Southern Highlands have confirmed to LattéLife that they are writing submissions to Local Government Minister, Shelley Hancock, requesting that either Mayor Gair be stood-down, or that the Council be investigated for its handling of the natural disaster.

Additionally, local NSW MPs for the Southern Highlands, Nathaniel Smith (Wollondilly MP) and Wendy Tuckerman (Goulburn MP) have turned to social media outlets, posting videos slamming Wingecarribee Shire Council for not waiving DA fees and charges earlier.

Mayor Gair has not had the best relationship with his MP counterparts, as he regularly blames the Government for Council's problems in processing DA's on-time, and in the lead-up to last year's State Elections, he said on Win TV, the state candidates were, "As useful as an ashtray on a motorbike."

Below is a snap shot of LattéLife Wingecarribee's investigations into Duncan Gair during his term as a Wingecarribee Shire Councillor

SALEYARDS: A family affair - April 2017

The Southern Regional Livestock Exchange (SRLX) auction saleyards at Berrima Road, Moss Vale hold weekly sales each Wednesday, and sell approximately 60,000 heads of cattle per year with an annual gross turnover between \$30-35mil. The facility is owned and operated by WSC.

One of the recognisable faces on the ground is Mayor Gair's son, Nathan Gair. Nathan is the "Livestock Buyer - Southern Tablelands & Slopes" for Tey's Australia, the second largest meat processor and exporter in the country.

At the 24 April 2015 SRLX Council committee meeting, Clr Gair declared a "non-pecuniary less than significant interest" as his son, [sic] on occasion works for an agent who trades at the SRLX. During the other committee meetings held in 2015, Clr Gair did not make a declaration of interest with regard to Nathan Gair.

At the 5 February 2016 SRLX committee meeting, an item was raised regarding fees and charges payable by agents at the saleyards. In item 5.3, a motion was passed that a 3 per cent increase on most charges would be applied in the 2016/17 financial year, with the exception of the turnover contribution from the agents, with an increase of only 1.3 per cent. Gair did not note any declarations of interest at that committee meeting in relation to his son, Nathan Gair.

The motion passed at that committee meeting financially benefited Gair's son.

Gair confirmed that his son is a buyer of cattle for Tey's Australia, and told LattéLife, "I confirm that I have on occasion declared a Less than Significant Non Pecuniary Interest on some matters relating to the operation of the SRLX."

The NSW Local Government Act, defines a pecuniary interest as a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or the person's spouse, de facto partner, or relative.

A local buyer at the SRLX saleyards, who didn't want to be named, informed LattéLife, "If the fees the selling agents get charged by Council don't increase as much as the other fees, then the buyers purchase at

cheaper rates per head."

When asked about Gair's declarations, committee member and Mayor of the day, Clr Ken Halstead told LattéLife, "He should have made a declaration every time."

"I'm not going to pontificate what happened in the last Council... but it's what the public perceive of it."

Former committee member, and sole cattle farmer on Council, Clr Ian Scandrett stated, "It is incumbent on every Councillor to declare their conflicts of interests and indeed, any potential ones."

LattéLife contacted Nathan Gair, who declined to comment.

Defamation Proceedings - Dec 2016 to present

After the 2016 Local Government Elections, Gair was re-elected and threw his hat in the ring to become the Mayor again. He lost to Clr Ken Halstead, who served a two-year term, before Mayor Gair was elected back to the top job in September 2018.

Following Clr Halstead becoming the Mayor, former copy writer for LattéLife Wingecarribee (2014-2016) and disability support worker with Interchange Australia, Bowral resident, Adam Greenwood, created a satirical song and music video he posted onto YouTube, titled, "The Strife and Crimes of Duncan Gair."

The video had a catchy jingle comparable to the former ABC satirical show, The Chaser's War on Everything. Mayor Gair pursued the litigation shortly thereafter, with his legal team having the YouTube video with approximately 700 views removed by YouTube, citing it contained defamatory material. In December 2016, Gair then filed a statement of claim in the NSW Supreme Court against Mr Greenwood, in what has become a nearly four-year legal battle.

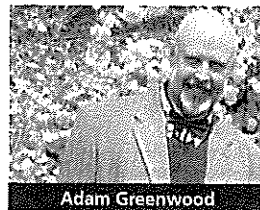
A few months after the proceedings commenced, Mr Greenwood sold his house to fund the legal expenses and then lived in a bus with his small dog, Rocky. After numerous direction hearings, Supreme Court Chief Justice Hoeben ordered that



Wingecarribee Shire Council General Manager, Ann Prendergast and Mayor Duncan Gair at the Saleyards in Moss Vale

the proceedings be transferred to the NSW District Court (the court inferior to the Supreme Court), due to the damages in the claim not being able to exceed \$750,000.

Mr Greenwood ran out of funds to pay his solicitor and barrister, he became completely homeless after selling his last asset, the bus he was living in and he commenced self representation. He was unable to supply his evidence by the Court's due dates to support his defence due to mental health issues caused by the loss of his home. District Court Justice Judith Gibson ordered a judgement in favour of Mayor Gair. The assessment of damages will be determined in May.



Adam Greenwood

Whilst Mayor Gair technically won the almost five-year legal battle, the cost to Mr Greenwood has been his home, his mental health and the very real possibility of bankruptcy once the damages and costs are determined.

Gair's legal costs have not been publicly disclosed yet, however they are estimated to be in excess of \$120,000 plus court fees.

Mr Greenwood, without any family living in his local community of the Southern Highlands has pitched a tent in a friend's backyard, and is a broken man.

By Cristian King

17 QUESTIONS WITH NOTICE

17.1 Question with Notice 30/2020 - Report on Alternate Bowral Bypass

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

To: Acting General Manager
From: Cllr Halstead OAM
Received: 27 July 2020

Subject: Report Alternate Bowral Bypass

Question:

Can Senior Management locate an historic report prepared for the Wingecarribee Shire Council during the late 1980s which outlined and included an estimated cost of the engineering a proposed Bowral ByPass route that traversed Kirkham Road from its northern end which included a 'new' 4-lane bridge over the Main Southern Railway at or near the Bowral Brickworks. This proposed ByPass then followed an alignment east of and adjacent to the Main Southern Railway line and connected with Moss Vale Road near Links Road, Bowral. This report is to be submitted to Council for information and/or action.

Response:

Archived files have been searched, dating back to 1983 and to June 1991 relating to information relating to, as requested, "a proposed Bowral Bypass route that traversed Kirkham Road from its northern end which included a 'new' 4-lane bridge over the Main Southern Railway at or near Bowral Brickworks" that was prepared for Council in the late 1980's.

The results of this search found:

1. A report was prepared for the Council Meeting of 6 June 1983 – Works & Town Planning Committee Meeting – 25 May 1983, Report of the Shire Engineer, that included the "Bowral Traffic Relief Route" (File No. 30/1939) which included an indicative thick broken line which generally follows the current Station Street Upgrade Proposal route between the intersection of Station Street, Bong Bong Street, Bundaroo Street, following Station Street through to Bowral Street, then traversing diagonally through land to Railway Parade, Funston Street intersection then following Railway Parade south to Alcorn Street and then the current road corridor to Moss Vale Road with an intersection just north of Links Road. A cost estimate was not included on file. A proposal to traverse across the Main Southern Railway to Kirkham Road was not included in this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 August 2020

QUESTIONS WITH NOTICE



2. A report was prepared for the Council Meeting of 2 June 1986 – Works & Town Planning Committee Meeting – 28 May 1986, Report of the Shire Engineer, that included the “Bowral Traffic Relief Route” (File No. 30/1939) including the same alignment of the “Traffic Relief Route Bowral” as outlined above detailing “Land Ownership and Acquisition” and referring to Plan 1264.
3. July 1986 (File No. 8508-10) includes the “report on Traffic Improvement Proposals Bowral Central Business District” prepared by Wingecarribee Shire Council Engineering Department” which includes “Short term” and “Long Term” “Traffic Improvement Proposals” which only consider improvements along Bong Bong Street, Station Street and the alignment (as outlined above) through to Moss Vale Road/Links Road intersection and Funston Street through to Kangaloon Road. Cost estimates were not included in this study.
4. A report was prepared for the Council Meeting of 21 November 1988 – Works & Town Planning Committee Meeting – 9 November 1988, Report of the Shire Engineer, responding to a letter from the Bowral Chamber of Commerce “generally enquiring into and suggesting means to improve traffic flow in the Bowral central business district. The report did not include discussion regarding Kirkham Road. The report included the following statement relating to the “Bowral Road/Bundaroo Street Intersection”: *The philosophy has all along been to divert traffic entering Bowral from the north and south, to Station Street and use this as a traffic relief route for through traffic. This concept is really one of last resort as no other viable alternatives are available which are cost effective due to the location of the railway line.*”
5. File No. 8050-10 includes an unreferenced Wingecarribee Shire Council Engineering Department drawing – Plan No. 1428 sheet 1 of 4 titled “Traffic Management Plan – Bowral Overall Strategy” which does not include any other supporting documentation. This drawing does not have a legend and is unsigned. Key roads, including Kirkham Road are drawn as heavy broken lines. This plan shows a notional connection of Funston Street to Oxleys Hill Road (traversing through what is now the Bowral Bricks sales office) without a connection towards Kirkham Road with a notation “Possible future railway overpass” and a second crossing being the extension of Bowral Street to the Kirkham Road/Oxleys Hill Road corner, with the notation: “Alternative future level crossing”.

RECOMMENDATION

THAT the information in relation to Question with Notice 30/2020 – Report on Alternate Bowral Bypass - be noted.

Southern Highland News

THE HOME OF SIR DONALD BRADMAN

\$1.60 INC GST

Please listen

Residents say there are alternatives

BY VERA DEMERTZIS

TWO residents have voiced their concern that Wingecarribee Shire Council hasn't considered alternative solutions to Station Street.

John Barrett, president of Friends of Bowral, and Peter Edwards said the alternative solution wouldn't result in a loss of railway station parking or trees.

"More than half of the car spots at Bowral station will be lost to allow the realignment of Station Street," Mr Barrett said.

"This includes a number of trees that will be destroyed including eight National Trust-listed oak trees and other significant trees in Station Street to allow the realignment to take place.

"We have identified a feasible alternative with no loss of station parking or trees. All it needs is for the councillors to listen."

One of the alternative plans would include road upgrades from Links Road to Bowral Street.

"What we've been saying since day one is that stage two of the original scheme is the one that will achieve a lot of improvement and traffic movement," Mr Barrett said.

"That is on land that was

acquired by council many years ago and [council's] own traffic modelling suggests that there would be a reduction of traffic on the Funston Street roundabout by about 40 per cent.

"That would be a huge improvement in traffic movement as well as safety."

A second and more ambitious plan has also been identified.

"A broader, more imaginative scheme has been brought to the fore by a combination of ideas from the Berrima Residents Association and the community," Mr Barrett added.

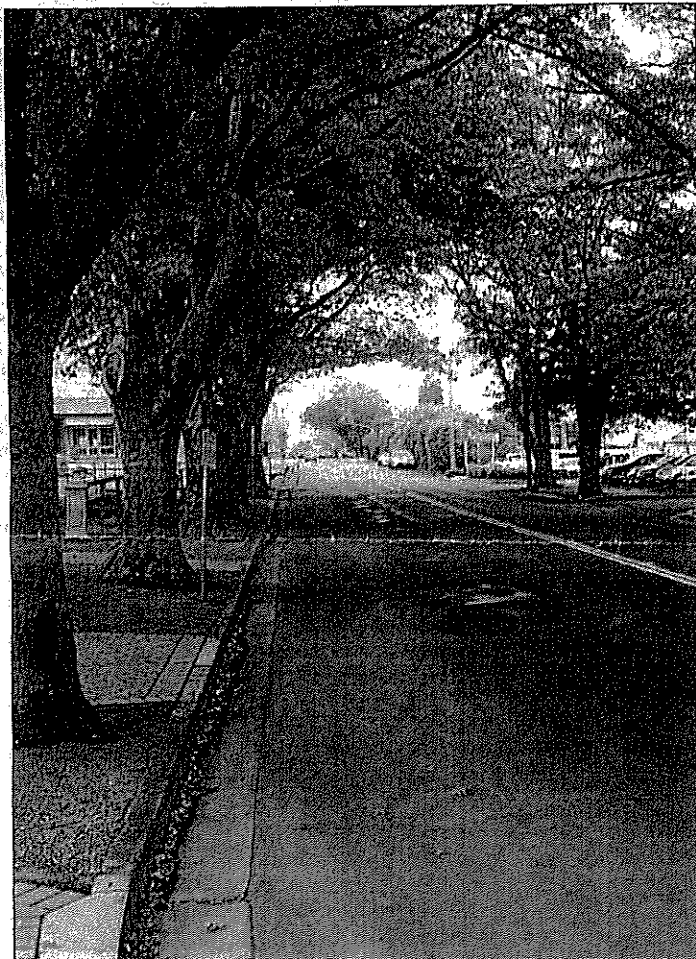
"The Berrima Residents Association wove into the design an alternate use for the brickworks if they move to New Berrima."

"That would have huge improvements for Bowral. It would involve a roundabout in front of the brickworks and a new bridge and join it up to stage two of the roads.

"It would be a game-changer. It would mean that traffic would leave Mittagong Road as they go over the hill and turn on to Kirkham Road."

"Motorists would go straight down to the roundabout at the brickworks."

Continued on page 5



A NEW DIRECTION: The contentious Station Street Upgrade has residents looking at alternative solutions. Photo: file

COMMENT

WHAT TO SAY AFTER R U OK?

P3

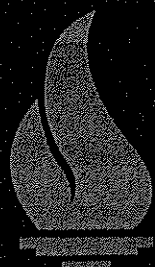


FLOWER DESIGNS FOR CHRISTMAS CAKES MAKE A KOOKIE DRESS

OPEN GARDEN

GARDEN'S SHADY PAST

P11



G. BEAVAN FUNERALS OF BOWRAL & MACARTHUR

Phone Bowral 02 4861 7351 Macarthur 02 4655 5279

A tradition of excellence serving the Southern Highlands and Beyond for 135 years.

Tailoring funeral services to suit your family's needs.

For all enquires and any assistance please contact us 24-7 on the above numbers.

Appointments available at: 34 Station St, Bowral 2576 - 21 Broughton St, Camden 2570