



MINUTES

of the
Extraordinary Meeting of Council

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 19 September 2018

The meeting commenced at 3.30pm

File No. 100/2018

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MINUTES OF THE EXTRAORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 19 SEPTEMBER 2018 COMMENCING AT 3.30PM

Present: Clr K J Halstead (Mayor)
Clr G J Andrews
Clr T D Gair
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland *entered the meeting at 4.25pm*
Clr L A C Whipper

In Attendance: General Manager Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk Mr Barry W Paull
Chief Financial Officer Mr Richard Mooney
Administration Officer (in part) Ms Leesa Stratford

1. OPENING OF THE MEETING

The Mayor Clr K J Halstead opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr L A C Whipper 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

Clr G J Andrews opened the meeting with the Civic Prayer.

4. APOLOGY

PERS

It was noted that an apology had been received from Clr G McLaughlin.

MN 368/18

MOTION moved by Clr L A C Whipper and seconded by Clr T D Gair

THAT the apology of Clr G McLaughlin be accepted and leave of absence granted.

PASSED

5. 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.

101/3.1, 1652

Clr I M Scandrett declared a less than significant non-pecuniary interest in Item 9.1 and 11.1 – Regional Art Gallery Proposal, as he is a member of National Trust NSW. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

6. PUBLIC FORUM

There was no Public Forum at this Meeting.

7. VISITOR MATTERS

OPERATIONS

There were no Visitor Matters – Operations - at this Meeting.

CORPORATE AND STRATEGY

There were no Visitor Matters – Corporate and Strategy - at this Meeting.

8. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

9. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

9.1 Regional Art Gallery Proposal

Reference:	1652
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
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 seek Council's commitment towards the funding of the operation of a Regional Art Gallery within the Shire.

Interest: Clr I M Scandrett declared a less than significant non-pecuniary interest in this matter as he is a member of the National Trust NSW. He remained in the Chamber, took part in the debate and voted on the matter.

MN 369/18

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

THAT the report concerning the Regional Art Gallery Proposal be considered in Closed Council – Item 11.1.

PASSED

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

A question was received from a member of the public regarding the location of the proposed Regional Art Gallery.

Clr P W Nelson asked if the General Manager could provide an outline of the reasons why Council was moving into Closed Council for consideration of this matter, for the information of members of the public who were present in the gallery.

The General Manager addressed the meeting on this matter.

The Mayor, Clr K J Halstead addressed the meeting on this matter.

10. GENERAL BUSINESS

There was no General Business at this Meeting.

11. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 3:44pm, Council moved into Closed Council.

MN 370/18

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

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:

11.1 Regional Art Gallery Proposal

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 seek the extent of Council's commitment towards funding for operation of a Regional Art Gallery within the Shire and determine the source of such commitment.

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

PASSED

11.1 Regional Art Gallery Proposal

Reference:	1652
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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 seek the extent of Council's commitment towards funding for operation of a Regional Art Gallery within the Shire and determine the source of such commitment.

Interest: Clr I M Scandrett declared a less than significant non-pecuniary interest in this matter as he is a member of the National Trust NSW. He remained in the Chamber, took part in the debate and voted on the matter.

Clr G Turland entered the meeting at 4.25pm.

MN 371/18

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

1. **THAT** Council provide in principle support for the independent proposed grant application for the construction of a Regional Art Gallery (the Gallery) under the NSW State Government Regional Cultural Fund.
2. **THAT** Council confirm its in principle support for a commitment of \$500,000 per annum as a contribution on behalf of the Wingecarribee Shire Council for a period of five years towards the proposed independent Gallery's operational costs (to be reviewed in the fifth year), subject to the following matters being confirmed or provided as stipulated to the satisfaction of Council:
 - (a) Formal support and agreement from the landowner of the proposed site location for the project to proceed subject to a successful grant application.
 - (b) Further detail being provided regarding the proposed governance arrangements for the Gallery, including the proposed board structure and who will be responsible for establishing these arrangements.
 - (c) A further detailed business case study being prepared which provides Council with the following information:
 - (i) Proposed Opening Times / Admission Fees
 - (ii) Staffing Structure
 - (iii) Expenditure and Revenue Forecasts for the five year establishment period (with underlying financial assumptions/drivers provided
 - (iv) Sensitivity Analysis of key expenditure and revenue assumptions
 - (v) Examples of proposed Event Listings
 - (d) Provision of independently audited financial reports at the end of each financial year after construction, detailing the financial performance and position of the Gallery.
 - (e) Council limits its financial contribution to the annual operating costs as detailed above with no further commitment to future capital expenditure or operating deficits.
 - (f) Confirmation that Council will consent as landowner to dedicate the required land for the purpose of the public road which will traverse community land to provide access to the Gallery.
3. **THAT** Council will not provide a donation for any development approval fees associated with the construction of the Gallery.

PASSED

12. RESUMPTION OF OPEN AGENDA

107/10

MN 372/18

MOTION moved by Cllr L A C Whipper and seconded by Cllr T D Gair

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 373/18

MOTION moved by Cllr T D Gair and seconded by Cllr G Markwart

THAT the recommendation of the Closed Council held on Wednesday, 19 September 2018 being MN 371/18 to be adopted.

PASSED

13. ADOPTION OF COMMITTEE OF THE WHOLE

There was no Committee of the Whole

At this juncture members of the public were invited to return to the Chamber. The General Manager then read the motion that had been adopted in Councilors.

14. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:25PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 19 September 2018 numbered M/N 368/18 to M/N 373/18 were signed by me hereunder at the Council Meeting held on Wednesday 26 September 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 26 SEPTEMBER 2018

CHAIRMAN

PUBLIC OFFICER