

MINUTES

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

Wednesday 17 March 2021

The meeting commenced at 3.30pm

File No. 100/2021

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 17 March 2021



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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 17 MARCH 2021 COMMENCING AT 3.30PM

Present:	Interim Administrator	Mr Viv May PSM
In Attendance:	Acting General Manager	Mr John Burgess
	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
	Chief Information Officer	Mr John Crawford
	Coordinator Media and Communications	Mr David Sommers

1. OPENING OF THE MEETING

The Interim Administrator, Mr Viv May PSM opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Interim Administrator, Mr Viv May PSM acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Straight Islanders present here today.”

3. PRAYER

The Interim Administrator, Mr Viv May PSM led the civic prayer:

“Let us meet in this Council Chamber in a spirit of fellowship and goodwill to represent all the members of the community in its cultural and religious diversity. To be honest and objective in all our deliberations. To respect the view of the residents, the rights of all to express their opinions without fear or favour and to make decisions for the common good of the community.”

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any interest now be disclosed 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 were made at this meeting.

6. INTERIM ADMINISTRATOR MINUTE

6.1 Introduction and Community Update

Reference: 101; 102; 103/6
Report Author: Interim Administrator

PURPOSE

The purpose of this report is to introduce the Interim Administrator, Mr Viv May PSM, to the Wingecarribee Shire and to provide an update to the community.

The Interim Administrator, Mr Viv May PSM addressed Council on this item and made the following statement.

In accordance with my obligations of appointment as Interim Administrator of Wingecarribee Shire Council, I formally table for attachment to this Minute the Suspension Order, dated 12 March 2021, from the Minister for Local Government, The Hon. Shelley Hancock, MP.

Residents may be assured that while I hold the position of Interim Administrator I will do my best to independently serve in an honest, open and transparent way, ensuring all voices are heard.

I come to the role with an open mind and will aim to address all the issues raised by the Minister in her correspondence of 2 March 2021 to the Council and no doubt other many and varied matters.

The restoration of public confidence and the effective functioning of the Council will be my priority. At this stage I have no idea how it all got to this. From my past experiences as an Administrator I do know however, the uncertainty that the suspension of a Council brings to some employees who just want to get on with their jobs. In my view loyal and dedicated employees deserve better.

I have started meeting with suspended Councillors and my door will be open to any person who may wish to meet with me over the coming weeks. The importance of confidentiality is well known to me and residents and staff (current and former) alike should not hesitate to make contact. It is difficult for me to guarantee that confidential emails will only be seen by me, but instructions have been issued that correspondence addressed to myself and marked confidential will only be opened by me and secured in a way that complies with statutory requirements.

It is important for everyone to appreciate that I have not been appointed as the General Manager of the Council and the day to day operations must and will continue in a seamless way. I have noted recent comments that the functions of Council will in some way stall during the Administration period but let me assure you that this is incorrect.

With that in mind, I wish to advise of the following matters: -

- Notice is given that effective from Monday 22 March 2021, I have appointed Mr Les McMahon as the Acting General Manager until a permanent replacement is recruited. Mr McMahon should be well known to many in the community as a former General Manager of Wollondilly Shire Council. He is very well regarded in the industry and I am confident he will assist in taking the Council forward. My decision should not be taken as a sign that I lack confidence in the current administration. There are a number of matters that I consider require addressing and no doubt further matters will be brought to my attention and having 'fresh eyes' oversee that process should be seen as an important step in restoring public confidence in Wingecarribee Shire Council.
- An Independent Hearing and Assessment Panel (IHAP), also now referred to as Local Planning Panels, is to be established to deal with:
 - all Development Applications ordinarily referred to Council for decision.
 - all Planning Proposals and make recommendations to the Council with regard to their merit.

This action will assist in depoliticising the planning function with the added benefit through peer decision and review of validating or exposing the professionalism and competence of planning staff.

The Acting General Manager has been requested to ensure that the necessary membership, procedures and policies for the appointment of the Panel are reported to the Council meeting on 24 March 2021.

- The Chair of the IHAP will be an appointed Council representative on the Joint Regional Planning Panel with the Deputy Chair as the alternate and will be paid a fee as determined by the General Manager.
- The functions of the Finance Committee will now be dealt with by Council and the Acting General Manager has been requested to report to the upcoming Council meeting regarding the necessity of Council needing to meet twice a month.
- A Governance, Human Resource and Statutory Obligations Audit is to be independently commissioned in consultation with the Acting General Manager.
- An independent desktop review of the Council's financial position, resourcing strategy, maintenance of basic infrastructure, depreciation schedules and capacity to deliver projects identified in the Community Strategic Plan (more particularly the Operational Plan and Delivery Program) will be undertaken in consultation with the Acting General Manager.

- The Acting General Manager has been requested to report to the April Council meeting on the Charter and membership of the Audit, Risk and Improvement Committee.
- The appointment of a new General Manager will probably be the most important matter I will deal with over the next three (3) months. I have already initiated discussions with the recruitment managers, LGNSW, and asked that the position be advertised for a further 14 days to allow persons who may not have applied the chance to do so now that the circumstances of the Council have changed. In addition, I will be seeking two community representatives to assist in the selection process. Suspended and former Councillors and candidates for election, past and prospective, will not be considered. It is just not realistic to defer this matter until September in view of the importance of stability and to assist a new Council to move forward and the opportunity now presents for an independent process in which the community can have total confidence.
- I am advised that since the last election there have been 32 Code of Conduct matters resulting in referrals costing more than \$201,948. In view of the suspension of Councillors a stop has been put to two (2) matters presently under investigation. Public money I am sure all residents will agree is better spent on the Council's core responsibilities.

The intervention of the Minister for Local Government gives the Wingecarribee Shire community the opportunity for review and renewal. From my early observations there has been a general lack of respect and frankly the community deserves better.

Be assured, I will do my best!

MN 79/21

MOTION moved by Interim Administrator V May PSM

THAT the report be received and noted.

RESOLVED ACCORDINGLY

7. PUBLIC FORUM

There was no public forum at this meeting.

8. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

Nil

9. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

10. CLOSED COUNCIL

Nil

There was no Closed Council at this meeting.

11. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3.42pm

In accordance with the provisions of Section 375(2) of the *Local Government Act, 1993* these Minutes of the Extraordinary Council Meeting held Wednesday 17 March 2021 minute number 79/21 was signed by me hereunder at the Council Meeting held on Wednesday 24 March 2021.

INTERIM ADMINISTRATOR

READ AND CONFIRMED ON WEDNESDAY 24 MARCH 2021

INTERIM ADMINISTRATOR

PUBLIC OFFICER