



MINUTES

of the
Extraordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Tuesday 9 March 2021

The meeting commenced at 4.00PM

File No. 100/2021



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MINUTES OF THE EXTRAORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 9 MARCH 2021 COMMENCING AT 4.00PM

Present: Clr T D Gair (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
Chief Information Officer Mr John Crawford
Coordinator Media and Communications Mr David Sommers
Administration Officer Ms Michelle Richardson

1. OPENING OF THE MEETING

The Mayor Clr T D Gair 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

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

4. APOLOGY

There were no apologies at this Meeting.

PERS

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.

There were no declarations of interest made at this meeting.

6. MAYORAL MINUTES

6.1 Notice of Intention to Issue a Suspension Order

Reference:	101; 102; 103/6
Report Author:	Group Manager Corporate and Community
Authoriser:	Acting 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

PURPOSE

To consider correspondence from the Minister for Local Government, The Hon. Shelley Hancock, MP advising of her intention to issue Council with a Suspension Order.

The Mayor Cllr T D Gair addressed Council on this item.

The Acting General Manager addressed Council on this item.

MN 51/21

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

1. **THAT** the Notice of Intention to Suspend Wingecarribee Shire Council issued by the Minister of Local Government, the Hon. Shelley Hancock, MP (the Minister) which invites Council to make a submission within 7 days with regard to the proposed suspension by way of Council resolution be received and noted.
2. **THAT** the following achievements of Council during the Council term be noted
 - a. Sound financial position with unmodified audit opinion for each year of the Council term
 - b. Completion of Merrigang Street Reconstruction Project
 - c. Completion of Kirkham Road Reconstruction Program
 - d. Completion of the expanded Wattle Street Carpark in Bowral
 - e. Completion of the redevelopment of Bowral Rugby Club
 - f. Completion of Bundanoon Skate Park
 - g. Repair and Upgrade of Mittagong Pool
 - h. Exemplary response to the 2019/20 Black Summer Bushfires, Drought, Floods and the COVID-19 pandemic and continuation of service delivery and support to the community during this period.
3. **THAT** Council notes that the majority of Councillors adhered to the requirements of the Performance Improvement Order issued by the Minister on the 8 September 2020 and it is a minority of Councillors that have not adhered to the requirements of this order.
4. **THAT** Council notes that the majority of Councillors adhered to the councillor agreements arising from the mediation workshop undertaken as a part of the Performance Improvement Order and it is a minority that have not adhered to these agreements.
5. **THAT** the Mayor Councillor Gair, Deputy Mayor Councillor Andrews, and Councillor Whipper request a meeting with the Minister to discuss alternative options to the suspension of all councillors.
6. **THAT** Council seek an extension for its submission to the Notice of Intention to Issue a Suspension Order until 17 March in order for a meeting with the Minister.
7. **THAT** Council call upon the Minister to reiterate that the vast majority of Councillors are not responsible for the dysfunction of Council as identified in her correspondence received by Council on 3 March 2021.
8. **THAT** following this meeting the Minister take decisive action against those Councillors identified by the majority of this democratically elected Council who continue not to adhere with the requirements of the Performance Improvement Order.

PASSED

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

1. **THAT** Council accepts the decision that Minister Hancock, MP makes on the Notice of Intention to Issue a Suspension Order as reported by Nathaniel Smith, MP and Wendy Tuckerman, MP and the direction of Minister Hancock, MP.
2. **THAT** Council submits this submission to the Notice of Intention to Issue a Suspension Order to the Minister for Local Government by Close of Business Wednesday 10 March 2021.
3. **THAT** Council has failed the community on its public communication policy on providing Councillors and the community information on major projects. Items of contention are listed below:
 - Frankland Street sale;
 - Mittagong swimming pool - \$6m cost and closed for four years out of five years;
 - Berrima Overpass - failure to provide Councillors and community information in a timely manner on the failure of this project;
 - Station Street upgrade - failure to provide information to the community on the increased budget costs and on this project;
 - Royal Commission and NSW Government Bushfire Inquiries - failure to make submissions on time, being five months late and three pages in length;
 - Asbestos on local roads costing the community over \$2m;
 - Civic Centre Project - not providing real time accurate costs on the budget and variations;
 - Bowral Memorial Hall - no explanation of \$500,000 more in the tender process selected by the Mayor using his casting vote;
 - Excessive delays on development applications, providing profoundly misleading files and statements made by staff;
 - The Mayor using his casting vote on many items that are in the public interest; and
 - The Mayor in breach of the Code of Meeting Practice on multiple occasions.

LOST

Clr K J Halstead OAM tendered his resignation from the position of Councillor effective immediately.

The Mayor Clr T D Gair acknowledged the resignation.

The Mayor ruled the matter to be of urgency and to be considered at the meeting.

MN 52/21

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

THAT the resignation of Clr K Halstead OAM effective immediately be acknowledged AND THAT Clr K J Halstead OAM be thanked for his service.

PASSED

All Councillors acknowledged and thanked Clr K J Halstead OAM for his lengthy service to Council and the community as Mayor and Councillor.

7. PUBLIC FORUM

There were no public forum at this meeting.

8. VISITOR MATTERS

OPERATIONS

Nil

9. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

10. CLOSED COUNCIL

The was no Closed Council at this meeting.

11. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.14 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Tuesday 9 March 2021 numbered MN 51/21 to MN 52/21 were signed by me hereunder at the Council Meeting held on Wednesday 10 March 2021.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 10 MARCH 2021

CHAIRMAN

PUBLIC OFFICER