

MINUTES

of the
Extraordinary Meeting of Council

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 24 November 2021

The meeting commenced at 3.30pm

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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 24 NOVEMBER 2021 COMMENCING AT 3.30PM**

Present:	Interim Administrator	Viv May PSM
In Attendance:	General Manager	Lisa Miscamble
	Director Corporate Strategy and Resourcing	Carmel Foster
	Director Communities and Place	Geoff King
	Director Service and Project Delivery	Karin Targa
	Strategic Governance Executive	Marissa Racomelara
	Chief Information Officer	John Crawford
	Acting Chief Financial Officer	Damien Jenkins
	Group Manager Corporate and Community	Danielle Lidgard
	Coordinator ICT Operations	Ian Vong
	Coordinator Property Services	Mandy McCullagh
	Corporate Strategy and Governance Officer	Olivia Nettleton
	Corporate Strategy and Governance Officer	Ivana Vidovich

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 or watching.”

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.

5. DECLARATIONS OF INTEREST

Nil.

6. INTERIM ADMINISTRATOR MINUTES

6.1 Community Update

Report Author: Interim Administrator

The Interim Administrator did not provide a Community Update at the Council Meeting.

7. GENERAL MANAGER

7.1 Address by Chair of the Audit, Risk and Improvement Committee

Report Author: Group Manager Corporate and Community
Authoriser: Director, Corporate Strategy and Resourcing

The Chair, Mr Stephen Horne of the Audit, Risk and Improvement Committee addressed Council.

At its meeting held on 21 April 2021, Council resolved to dissolve the Audit Risk and Improvement Committee (ARIC) in place as at that date. An updated ARIC Charter was adopted at the same meeting - based on emerging new sector-wide requirements from the Office of Local Government (OLG) – and Council also resolved to undertake an open market recruitment process to re-establish the ARIC under the new Charter.

The results of that process were reported in the Council meeting of 28 July 2021, with appointments to the ARIC taking effect from 1 September 2021.

Whilst the ARIC's Charter is a public document, I serve on a number of ARICs / and elsewhere I have found it useful to take an early opportunity to clarify the ARIC's role – as this is not always well understood.

The ARIC is a unique committee in the Council framework. I find it helpful to begin by clarifying what the ARIC is not.

It does not oversee the conduct of Councillors, or the decisions made by Council. Other mechanisms operate to provide accountability of that type.

The ARIC is not a public facing committee, and does not comprise community representation or participation. It does not serve as a public consultation or complaints mechanism. Neither does the ARIC assist Council with operational matters/ as other committees do. The ARIC does not in any way alter the responsibilities and authority of either the body of Councillors, or the appointed management.

It does not ratify Council decisions, nor approve management policies. The ARIC has no decision-making authority and cannot be delegated any such authority. It cannot approve, direct or determine. But what it can do is enquire, review, and recommend.

It is a truly independent mechanism, which the OLG has created as part of a new governance framework for the NSW Local Government Sector. The Legislation that establishes ARICs will take full effect from 2022. The role set out for ARICs in the legislation is very substantial – so much so / that ARICs for NSW Councils will have the broadest mandate of ANY audit committees in the world.

The ARIC will examine matters such as how well the Council:

- aligns operations to the needs of the community
- achieves its strategic objectives with a firm view on being efficient, effective and economical
- can improve levels of service delivery
- can increase accountability and transparency
- can achieving better decision-making
- can increase financial stability
- can achieve and maintain compliance with all laws, regulations, internal policies and procedures, and
- can better safeguard their public assets.

The guidelines from OLG relating to these matters are currently still draft, pending final consultation with the sector. Feedback on those guidelines closes this coming Friday, 26 November, and we expect to see the final guidance material issued during the first quarter of 2022.

I can advise that the new ARIC here IS in situ, underway, and that Wingecarribee is ahead of the timeline set out by OLG for implementing the new requirements relating to the ARIC, to internal audit, and to risk management.

OFFICER'S RECOMMENDATION

THAT the address from the Chair of Council's recently established Audit, Risk and Improvement Committee be noted.

MN 326/21

MOTION moved by Interim Administrator

THAT

1. ***Mr Horne be thanked for his informative advice***
2. ***In accordance with Council's decision on 10 November 2021, the General Manager be requested to liaise with the Chair of the Audit Risk and Improvement Committee to implement as soon as possible the Draft Guidelines, particularly in relation to the annual workplan.***

CARRIED

7.2 Presentation of the Audited Annual Financial Statements for the year ended 30 June 2021

Report Author: Acting Chief Financial Officer
Authoriser: Director, Corporate Strategy and Resourcing

The Acting Chief Financial Officer introduced the item. Mr Michael Kharzoo, Audit Office of NSW addressed the meeting.

OFFICER'S RECOMMENDATION

1. *THAT Council adopts the Audited Annual Financial Statements for the year ended 30 June 2021.*
2. *THAT Council adopt the Independent Auditor's Report for the year ended 30 June 2021.*

MN 327/21

MOTION moved by Interim Administrator

THAT

1. ***Council adopts the Audited Annual Financial Statements for the year ended 30 June 2021.***
2. ***Council adopt the Independent Auditor's Report for the year ended 30 June 2021.***
3. ***Mr Kharzoo be thanked for his attendance.***

CARRIED

7.3 Loans to Not for Profit Organisations - Current Status and proposed governance framework

Report Author: Strategic Governance Executive
Authoriser: General Manager

The Strategic Governance Executive introduced the item.

OFFICER'S RECOMMENDATION

1. *THAT a draft program for the provision of Financial Assistance through loans is developed to ensure equity and transparency in the adoption of future loans to community organisations through the use of clear criteria and accountable process.*
2. *THAT a review is undertaken of the 2014 Policy for Leases and Licences of Council Property (Not for Profit Organisations) and the 2021 updates to ensure it provides contemporary standard conditions and outlines the extent of available rental subsidies.*

MN 328/21

MOTION moved by Interim Administrator

THAT

1. ***A draft program for the provision of Financial Assistance through loans is developed to ensure equity and transparency in the adoption of future loans to community organisations through the use of clear criteria and accountable process.***
2. ***A review is undertaken of the 2014 Policy for Leases and Licences of Council Property (Not for Profit Organisations) and the 2021 updates to ensure it provides contemporary standard conditions and outlines the extent of available rental subsidies.***

CARRIED

7.4 Planning Proposal - LEP Housekeeping Amendment

Report Author: Manager Strategic Land Use Planning
Authoriser: General Manager

OFFICER'S RECOMMENDATION

1. *THAT a Planning Proposal be prepared under section 3.33 of the Environmental Planning and Assessment Act 1979 to:*
 - a) *amend Clause 7.2 of Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones.*
 - b) *amend the minimum lot size provisions for land at Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) in Moss Vale from 8000m² to 2000m².*
2. *THAT Council consult with the landowners of Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) in Moss Vale, prior to progressing a Planning Proposal to Gateway determination.*
3. *THAT the Planning Proposal be reported back to the Local Planning Panel for advice prior to being sent to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.*

MN 329/21

MOTION moved by Interim Administrator

1. **THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning and Assessment Act 1979 to:
 - a) amend Clause 7.2 of Wingecarribee Local Environmental Plan 2010 to remove an inconsistency between Clause 7.2 Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones.
 - b) amend the minimum lot size provisions for land at Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) in Moss Vale from 8000m² to 2000m².
2. **THAT** Council consult with the landowners of Hill Road (Lot 3 & 4 DP 844943) and Villiers Road (Lot 8 & 9 DP 875224 and Lot 5 DP 844943) in Moss Vale, prior to progressing a Planning Proposal to Gateway determination.
3. **THAT** the Planning Proposal be reported back to the Local Planning Panel for advice prior to being sent to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

CARRIED

8. CORPORATE STRATEGY AND RESOURCING

8.1 Review of Financial Reserves

Report Author: Acting Chief Financial Officer
Authoriser: Director, Corporate Strategy and Resourcing

The Director of Corporate Strategy and Resourcing introduced the item.

OFFICER'S RECOMMENDATION

THAT the update on the status of the review of Council's Financial Reserves be noted.

MN 330/21

MOTION moved by Interim Administrator

THAT the update on the status of the review of Council's Financial Reserves be noted.

CARRIED

8.2 2021/22 Budget - Budget Review to 30 September 2021

Report Author: Management Accountant
Authoriser: General Manager

The Acting Chief Financial Officer introduced the item.

OFFICER'S RECOMMENDATION

THAT:

1. Council approve the budget variations reported at the September Quarterly Review as listed in Attachment 1 to the report.
2. Council note the projected budget position for the 2021/22 Financial Year remains a balanced budget.

MN 331/21

MOTION moved by Interim Administrator

THAT

1. Council approve the budget variations reported in the September Quarterly Review as listed in Attachment 1 to the report, noting that the Acting Chief Finance Officer acknowledged that \$300,000 has been included as part of the September Quarterly Budget Review for the Bowral Memorial Hall.
2. The design for the Southern Highlands Animal Shelter not be transferred as a revote to 2022/23 it being noted that the principal design tender document was released on 23 November and is inclusive of the Moss Vale State Emergency Services building design; further, the document be amended to provide for the possible inclusion of a commercial component within the shelter.

CARRIED

8.3 Draft Code of Meeting Practice for Public Exhibition

Report Author: Group Manager Corporate and Community
Authoriser: Director, Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT:

1. Council endorse the amended Draft Code of Meeting Practice, as set out in Attachment 1, for public exhibition from 26 November 2021 to 16 January 2022 (52 days).
2. Following the public exhibition, the Draft Code of Meeting Practice be reported to Council for adoption at the Council meeting held on 9 February 2022.

MN 332/21

MOTION moved by Interim Administrator

THAT

1. *The matter be deferred and be referred to the General Manager to amend the Code of Meeting Practice to reflect where not inconsistent with the mandatory provisions the suggestions of the Interim Administrator in his submission to the Commissioner, Wingecarribee Shire Council Public Inquiry dated 28 October 2021, with the intent of improving good governance and transparency in the operations of the governing body.*
2. *The General Manager be delegated authority to place the Code of Meeting Practice on Public Exhibition.*
3. *It be noted that the Prayer used by the Interim Administrator since his appointment, has been All Faith and the Draft Code of Meeting Practice to be exhibited will provide an opportunity for residents to express their view on the inclusion of the Prayer at council meetings.*

CARRIED

8.4 Annual Report 2020/21

Report Author: Group Manager Corporate and Community
Authoriser: Director, Corporate Strategy and Resourcing

The General Manager introduced the item.

<https://www.wsc.nsw.gov.au/files/assets/public/council/annual-reports/annual-report-2020-21-tabled.pdf>

I am pleased to table Council's Annual Report.

This is a report on the Council's activities for the 2020-2021 financial year. Reporting to the community on our achievements as well as statutory information.

Highlights include:

- Opening the Berrima All Abilities Playground and securing funding to upgrade Moss Vale's Church Road Oval playground and Mittagong's Cook Street Park playground.
- Allocating \$115,000 to 51 community projects as part of the annual Wingecarribee Community Assistance Scheme.
- Completing construction on the Church Road Playing Fields Amenities block and Eridge Park Netball Courts.
- Securing \$542,000 in Federal Government funds to refurbish the Mittagong SES Centre.
- Commencing preliminary investigations including designs for the Moss Vale Bypass Project.
- Progressing construction on the Moss Vale Civic Centre Refurbishment Project.
- Amending the Wingecarribee Local Environment Plan to provide greater flexibility for tourism and hospitality operators.
- Organising and promoting bushfire recovery and resilience initiatives including allocating community grant funding, hosting a Recovery Concert and unveiling a memorial in honour of fallen Rural Fire Service volunteers Geoffrey Keaton and Andrew O'Dwyer.
- Commencing refurbishment works on the Bowral Memorial Hall.
- Hosting in-person or virtual community events including Australia Day Citizen of the Year and Young Citizen of Year, NAIDOC Week festivities and Learn to Skate workshops.
- Replacing 6.3 kilometres of water/sewer mains.
- Opening the refurbished Seymour Park including off-leash facilities in Moss Vale,
- Securing State and Federal grant funding to repair Wombeyan Caves Road,

-
- Launching the Wingecarribee Disaster Dashboard, and
 - Drafting an Environment and Climate Change Strategy.

The year was not without its challenges including continued post-*Black Summer* bushfire recovery actions, ongoing COVID-19 pandemic restrictions including remote working arrangements and the suspension of Council.

Despite these obstacles staff have shown incredible flexibility and resilience over the past year, I am incredibly proud of the Team and I commend them for their dedication.

I look forward to working with Council's new Executive team, establishing long-term partnerships with the Highlands community.

This report will be sent to the Office of Local Government as required no later than 30 November 2021.

OFFICER'S RECOMMENDATION

THAT the Annual Report for the Financial year 2020/2021 be tabled.

MN 333/21

MOTION moved by Interim Administrator

THAT the Annual Report for the Financial year 2020/2021 be tabled.

CARRIED

8.5 Christmas Celebrations in the Shire Villages - Proposal to Waive Fees and Charges for the Hire of Council Facilities

Report Author: Group Manager Corporate and Community
Authoriser: Director, Corporate Strategy and Resourcing

The Director Corporate Strategy and Resourcing introduced the item.

OFFICER'S RECOMMENDATION

THAT Council undertake a 28 day public notification period to waive the fees for the hire of Council facilities for Christmas Celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations Grants, in accordance with Section 356 of Local Government Act 1993.

MN 334/21

MOTION moved by Interim Administrator

THAT Council undertake a 28 day public notification period to waive the fees for the hire of Council facilities for Christmas Celebrations in the Wingecarribee Shire villages for events being delivered through the Christmas Celebrations Grants, in accordance with Section 356 of Local Government Act 1993.

CARRIED

8.6 Old Argyle Road Penrose (part) - Post Exhibition Report - Proposed Road Closure

Report Author: Coordinator Property Services
Authoriser: Director, Corporate Strategy and Resourcing

The Coordinator Property Services introduced the item.

OFFICER'S RECOMMENDATION

THAT :

1. Pursuant to Part 4 Division 3 of the Roads Act, 1993, Council as roads authority, formally approve the closure of the portion of Council public road at Old Argyle Road, Penrose as shown in Attachment 1 AND THAT upon closure the newly created lot will vest in Council and be classified as Community Land pursuant to the Local Government Act, 1993.
2. A Plan of Management be prepared for the newly created lot being Community Land the purpose for which is for fire trial.
3. The Mayor/Interim Administrator and General Manager be delegated authority to execute under the Common Seal of Council any documents associated with the road closure referred to in Resolution 1 above (if required).
4. Authority be delegated to the Mayor/Interim Administrator and General Manager to execute on behalf of Council any other documents associated with the road closure which does not require the affixing of the Common Seal of Council.

MN 335/21

MOTION moved by Interim Administrator

THAT:

1. Pursuant to Part 4 Division 3 of the Roads Act, 1993, Council as roads authority, formally approve the closure of the portion of Council public road at Old Argyle Road, Penrose as shown in Attachment 1 AND THAT upon closure the newly created lot will vest in Council and be classified as Community Land pursuant to the Local Government Act, 1993.
2. A Plan of Management be prepared for the newly created lot being Community Land the purpose for which is for fire trail.
3. The Mayor/Interim Administrator and General Manager be delegated authority to execute under the Common Seal of Council any documents associated with the road closure referred to in Resolution 1 above (if required).
4. Authority be delegated to the Mayor/Interim Administrator and General Manager to execute on behalf of Council any other documents associated with the road closure which does not require the affixing of the Common Seal of Council.
5. Negotiate with Department of Planning, Industry and Environment – Crown Lands and the Rural Fire Service for the Crown road running off Old Argyle Road (Bundanoon end) to be utilised as fire trail, with a gate being placed at the eastern end of the Crown road.

CARRIED

9. SERVICE AND PROJECT DELIVERY

9.1 Civic Centre - Naming of New Meeting Rooms

Report Author: Group Manager Capital Projects
Authoriser: General Manager

OFFICER'S RECOMMENDATION

THAT

1. Council notes the process undertaken to name the new Civic Centre meeting rooms. Meeting room names selected are:
 - Bong Bong Room
 - Guula Ngurra Room
 - Alexandra Room
 - Waratah Room
2. Council acknowledge and thank the local Aboriginal Elders for their assistance and input.

MN 336/21

MOTION moved by Interim Administrator

THAT

1. Council notes the process undertaken to name the new Civic Centre meeting rooms. Meeting room names selected are:
 - Bong Bong Room
 - Guula Ngurra Room
 - Alexandra Room
 - Waratah Room
2. Council acknowledge and thank the local Aboriginal Elders for their assistance and input.

CARRIED

9.2 Community and Recreational Facilities Strategy

Report Author: Director, Service and Project Delivery
Authoriser: General Manager

The Director Service and Project Delivery introduced the item.

OFFICER'S RECOMMENDATION

THAT Council receives and notes the contents of this report and that a tender will be advertised for Principal Consultancy services to prepare the Community and Recreational Facilities Strategy for the Shire.

MN 337/21

MOTION moved by Interim Administrator

THAT

1. ***Council receives and notes the contents of this report and that a tender will be advertised for Principal Consultancy services to prepare the Community and Recreational Facilities Strategy for the Shire.***
2. ***The brief for the Community and Recreational Facilities Strategy be publicly available.***

CARRIED

10. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.29 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 24 November 2021 numbered M/N 326/22 to M/N 337/22 were signed by me hereunder at the Council Meeting held on Wednesday 8 December 2021.

INTERIM ADMINISTRATOR

READ AND CONFIRMED ON WEDNESDAY 8 DECEMBER 2021

INTERIM ADMINISTRATOR

PUBLIC OFFICER