

MINUTES

of the
Ordinary Meeting of Council
held in
Nattai Room,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Wednesday 18 May 2022

The meeting commenced at **3:30 pm**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 18 MAY 2022**

1	OPENING OF THE MEETING	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	PRAYER	3
4	STATEMENT OF ETHICAL OBLIGATIONS	3
5	APOLOGIES	3
6	ADOPTION OF MINUTES OF PREVIOUS MEETING	4
7	DECLARATIONS OF INTEREST	4
8	INTERIM ADMINISTRATOR MINUTES	5
	8.1 Community Update.....	5
9	GENERAL MANAGER	8
	9.1 Functions Of Council	8
	9.2 Planning Proposal - Farm Stay Accommodation.....	9
10	REPORTS	10
	10.1 Proposed Right Of Carriageway Over Council Property Being Lot 2 DP 790406 And Lot 1 DP 738374 Station Street Bowral - Further Report Following Formal Abandonment Of Minute 139/16	10
	10.2 Planning Proposal To Reclassify Council Owned Land At Lot 128 DP 1263043, 232 Oxley Drive, Bowral.....	11
	10.3 Investment Report - April 2022.....	12
	10.4 Operational Plan 2021/22 And Budget – March Quarterly Review	13
	10.5 Waste Water Reticulation System Pipe Bursting Package	14
	10.6 Department Of Planning And Environment Grant - Wingello	15
11	MEETING CLOSURE	17

**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 18 MAY 2022**

**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN
COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 18
MAY 2022 COMMENCING AT 3:30 PM**

Present:	Interim Administrator	Mr Viv May PSM
In Attendance:	General Manager	Ms Lisa Miscamble
	Director Corporate Strategy and Resourcing	Ms Carmel Foster
	Director Communities and Place	Mr Geoff King
	Director Service and Project Delivery	Ms Karin Targa
	Group Manager Corporate and Community	Ms Danielle Lidgard
	Group Manager Capital Projects	Mr Ned Tripkovic
	Chief Financial Officer	Mr Pav Kuzmanovski
	Chief Information Officer	Mr John Crawford
	Coordinator Media and Communications	Mr David Sommers
	Coordinator ICT Operations	Mr Ian Vong
	Coordinator Governance	Ms Marie Petrovski
	Corporate Strategy and Governance Officer	Ms Ivana Vidovich

1 OPENING OF THE MEETING

The Interim Administrator, Mr Viv May PSM will open the meeting.

2 ACKNOWLEDGEMENT OF COUNTRY

“Wingecarribee Shire Council acknowledges 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

“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 STATEMENT OF ETHICAL OBLIGATIONS

Business papers for all ordinary and extraordinary meetings of the Council and committees of the Council must contain a statement reminding Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the Council’s Code of Conduct to disclose and appropriately manage conflicts of interest.

5 APOLOGIES

Nil at time of print.

6 ADOPTION OF MINUTES OF PREVIOUS MEETING

MN 2022/105

MOTION moved by Interim Administrator

THAT the minutes of the Ordinary Meeting of Council held on 20 April 2022 MN 2022/68 to MN 2022/97 inclusive, be adopted as a correct record of the proceedings of the meeting.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

MN 2022/106

MOTION moved by Interim Administrator

THAT the minutes of the Extraordinary Meeting of Council held on 4 May 2022 MN 2022/98 to MN 2022/104 inclusive, be adopted as a correct record of the proceedings of the meeting.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

7 DECLARATIONS OF INTEREST

Nil.

8 INTERIM ADMINISTRATOR MINUTES

8.1 Community Update

Report Author: Interim Administrator

Since the last meeting of Council, I have attended a range of meetings to address legacy issues and have been working with the General Manager to take the Council forward.

We continue to rebuild Councils' relationships with other local authorities, state and federal government departments and agencies.

With Council set to commence its community consultation program regarding the provision of potable water to the northern and southern villages it was opportune in late April to have a visit by senior staff of Regional Water Strategies, Department of Planning and Environment.

I joined Council's acting Group Manager Water and Sewer in visiting Balmoral, Buxton, Penrose and Wingello. Following these site visits we returned to the Council Administration building and were joined by the General Manager, where we had constructive discussions on funding opportunities and the Council's projected expenditure over the next four years of \$189M on water and sewerage renewals and upgrades.

The continuing effect of El Nino wet weather is seriously damaging the Council's already deteriorating road infrastructure. Council staff are doing an excellent job however the weather is proving problematic with consistent rain periods making it difficult to undertake the required works. Let me be clear in saying this, that it is a major problem for metropolitan, regional and rural councils given the unprecedented weather conditions

I am conscious that the administrative staff have had extra workloads created by the many vacancies within our organisation, demands of the Public Inquiry, preparation of the 2022/23 Draft Operational Plan and Budget and not to mention other day to day activities, and as such the report back on the review of the Asset Management Plans that were relied on when Council made its submissions on the government's Fit for the Future Reforms and the 2015 Special Rate Variation Application has been delayed. I am repeatedly told that Council built expectations with its 45.3% cumulative rate increase and, with a new CFO now on board, rather than go to consultants I am sure the community would be happy to have his views on the matter. I note that Council at its meeting in February 2013 resolved to "apply for an SRV to reduce infrastructure backlogs and achieve sustainability indicators set by the NSW state government's Fit for the Future Local Government Reform Program".

The Quarterly Review of the Operational Plan 2021/22 and Budget listed for consideration today notes that approximately 13,000 potholes were attended to on Shire roads in the last quarter. An extra \$1.3M is provided in the draft 2022/23 Budget for an extra "pothole gang" and as I have no intention of varying that allocation I have asked the General Manager to start the recruitment and procure the necessary capital purchases to ensure a 1 July start.

**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 18 MAY 2022**

The Wingecarribee Shire Council Public Inquiry concluded its public hearings on 28 April 2022 and, in accordance with the Commissioner's directions, Counsel Assisting provided his final written submissions on 9 May. The directions of the Commissioner also stated that persons who consider that they are directly affected by the Inquiry's Terms of Reference and evidence given during the public hearings may make final written submissions, including any submission that responds to the submissions made by the Counsel Assisting by 23 May.

I gave evidence in the Inquiry on 5 April and was afforded the opportunity to formally respond to an email submitted to the Inquiry on 27 April. The transcript of my evidence and response to the email are publicly available on the Office of Local Government Public Inquiry website and I am satisfied that I have been afforded ample opportunity by both the Commissioner and Counsel Assisting to address not only my submission to the Inquiry, but my two reports submitted to the former Minister for Local Government. In the circumstances I will not be making any further submissions. The General Manager and I have discussed whether the governing body of Council should make a submission and we have agreed it would not be appropriate.

On a number of occasions, I have raised concerns about the perceived need for residents, particularly in the development area, to retain former council employees apparently on the basis of having to do so to navigate the Council's so-called complex processes. In my view this is not a practice that promotes probity and good governance and may lead to unnecessary community perceptions promoting the need to do so to achieve positive outcomes. I am conscious that the General Manager is taking all actions within her control to assure residents that they do not need, what I call "bureaucracy busters" and that they should rely on the professionalism and integrity of current employees. In addition, the Wingecarribee Planning Panel established in 2021 adds another layer of independence and confidence in process.

It is my strong view that the industry Standard Contract for General Managers and Senior Staff should be amended to provide that former employees cannot provide consultancy services to the Council in which they were employed for three years in a similar vein to private sector non-compete clause.

To put a stop to this practice, which I consider to be expensive to residents and completely unnecessary, I have asked the General Manager to investigate the possibility of the Council maintaining a public register of third-party contact by former employees and the possibility of ensuring any matter with a former employee involvement is only dealt with by an employee who did not work with that person directly previously. This suggestion should not be taken to in any way question the integrity or professionalism of employees or former employees it is simply to ensure openness and transparency.

<https://www.wsc.nsw.gov.au/files/assets/public/council/meeting-minutes/2022-interim-administrator/ia-minute-community-update-18-may-2022.pdf>

Viv May PSM
Interim Administrator

**MINUTES OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 18 MAY 2022**

MN 2022/107

MOTION moved by Interim Administrator

THAT the minute be noted.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

9 GENERAL MANAGER

9.1 Functions of Council

Report Author: General Manager

Authoriser: General Manager

OFFICER'S RECOMMENDATION

THAT:

1. As per s332 of the *Local Government Act 1993* Council note the changes in function groupings under the three Directorates and adopts the revised functions for each Directorate as set out in this report.
2. A further report be provided to Council following the implementation of the structure to provide details of the Manager level (Tier 3) and their respective functions.

The General Manager introduced the item.

MOTION moved by Interim Administrator

THAT:

1. As per s332 of the *Local Government Act 1993* Council note the changes in function groupings under the three Directorates and adopts the revised functions for each Directorate as set out in this report.
2. A further report be provided to Council following the implementation of the structure to provide details of the Manager level (Tier 3) and their respective functions.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

Per Code of Meeting Practice, 17.15 (a) please refer to page 16 for the correction of the above Council resolution and the recommitted motion.

9.2 Planning Proposal - Farm Stay Accommodation

Report Author: Senior Strategic Land Use Planner
Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT the Planning Proposal (Attachment 1) to amend WLEP 2010 to include clause 5.23 farm stay accommodation into WLEP 2010 and permit with consent farm stay accommodation in the RU4 Primary Production Small Lots zone of WLEP 2010 be SUPPORTED for submission to the Department of Planning & Environment for a Gateway Determination.

LOCAL PLANNING PANEL ADVICE

This matter was considered at the Local Planning Panel meeting of 4 May 2022 and the Panel agreed with the recommendation of the staff.

REASONS: The panel received a briefing, including background, from Council Officers regarding the planning proposal and supports the recommendations and outcomes in the Council Officer's report.

The Executive Manager Strategic Outcomes introduced the item.

MN 2022/108

MOTION moved by Interim Administrator

THAT the Planning Proposal (Attachment 1) to amend WLEP 2010 to include clause 5.23 farm stay accommodation into WLEP 2010 and permit with consent farm stay accommodation in the RU4 Primary Production Small Lots zone of WLEP 2010 be SUPPORTED for submission to the Department of Planning & Environment for a Gateway Determination.

LOCAL PLANNING PANEL ADVICE

This matter was considered at the Local Planning Panel meeting of 4 May 2022 and the Panel agreed with the recommendation of the staff.

REASONS: The panel received a briefing, including background, from Council Officers regarding the planning proposal and supports the recommendations and outcomes in the Council Officer's report.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

10 REPORTS

10.1 Proposed Right of Carriageway over Council Property being Lot 2 DP 790406 and Lot 1 DP 738374 Station Street Bowral - further report following formal Abandonment of Minute 139/16

Report Author: Coordinator Property Services

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT :

1. Council notes the details of the Council Report 23 March 2016 that relates to compensation payable to Council for a Right of Carriageway over Council Property being Lot 2 DP790406 and Lot 1 DP738374, 39 Station Street, Bowral.
2. Council confirms provision of a Right of Carriageway in favour of Lots 33, 34 and 35 DP 1230381 being 33-37 Station Street, Bowral burdening Lot 1 DP 738374 and Lot 2 DP 790406 being Council owned property at 39 Station Street, Bowral, as provided for in *MN 139/16* be formally abandoned.

The Director Corporate Strategy and Resourcing introduced the item.

MN 2022/109

MOTION moved by Interim Administrator

THAT:

1. Council notes the details of the Council Report 23 March 2016 that relates to compensation payable to Council for a Right of Carriageway over Council Property being Lot 2 DP790406 and Lot 1 DP738374, 39 Station Street, Bowral.
2. Council confirms provision of a Right of Carriageway in favour of Lots 33, 34 and 35 DP 1230381 being 33-37 Station Street, Bowral burdening Lot 1 DP 738374 and Lot 2 DP 790406 being Council owned property at 39 Station Street, Bowral, as provided for in *MN 139/16* be formally abandoned.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

10.2 Planning Proposal to reclassify Council owned land at Lot 128 DP 1263043, 232 Oxley Drive, Bowral

Report Author: Coordinator Property Services

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT:

1. A Planning Proposal be prepared and submitted to NSW Department of Planning and Environment for Gateway Determination to reclassify part of Lot 128 DP 1263043 being the site of the Mt Gibraltar Communication Tower at 232 Oxley Drive, Bowral from Community land to Operational.
2. It is confirmed that the area of Lot 128 to be classified as Operational land is occupied by the tower structure and three (3) radio communication huts together with the adjoining 20 metres of land being the Asset Protection Zone and the remainder of Lot 128 will remain as Community land.

The Coordinator Property Services introduced the item.

MN 2022/110

MOTION moved by Interim Administrator

THAT:

1. *A Planning Proposal be prepared and submitted to NSW Department of Planning and Environment for Gateway Determination to reclassify part of Lot 128 DP 1263043 being the site of the Mt Gibraltar Communication Tower at 232 Oxley Drive, Bowral from Community land to Operational.*
2. *It is confirmed that the area of Lot 128 to be classified as Operational land is occupied by the tower structure and three (3) radio communication huts together with the adjoining 20 metres of land being the Asset Protection Zone and the remainder of Lot 128 will remain as Community land.*

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

10.3 Investment Report - April 2022

Report Author: Accounting Officer - Banking and Investments
Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT:

1. The information on Council's Investments as at 30 April 2022 be received and noted.

The Chief Financial Officer introduced the item.

MN 2022/111

MOTION moved by Interim Administrator

THAT the information on Council's Investments as at 30 April 2022 be received and noted.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

10.4 Operational Plan 2021/22 and Budget – March Quarterly Review

Report Author: Corporate Strategy & Governance Officer

Authoriser: Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT:

1. Council notes the updates of the annual deliverables for the 2021/22 Operational Plan contained within Attachment 1.
2. Council approves the budget adjustments and the projected financial position as at 31 March 2022 outlined in Attachment 2 as a part of the March 2022 Quarterly Budget Review Statement.

The Group Manager Corporate and Community introduced the item.

The Chief Financial Officer addressed the Council on this item.

The Director Communities and Places addressed the Council on this item.

MN 2022/112

MOTION moved by Interim Administrator

THAT:

1. Council notes the updates of the annual deliverables for the 2021/22 Operational Plan contained within Attachment 1.
2. Council approves the budget adjustments and the projected financial position as at 31 March 2022 outlined in Attachment 2 as a part of the March 2022 Quarterly Budget Review Statement.
3. An update report be brought to Council as soon as possible on the Environment program (as covered by this Operational Plan update) and the alignment of these actions to the priorities in the Community Strategic Plan, the Delivery Program and community expectations.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

10.5 Waste Water Reticulation System Pipe Bursting Package

Report Author: Senior Operational Program Engineer

Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council accepts the Tender for the waste water reticulation system pipe bursting package 2022 as proposed by Benex Group at the lump sum price of \$662,279.75 (inclusive of GST).
2. Council notes the tenders received ranged from \$662,279.75 to \$2,118,832.10 (inclusive of GST).
3. Council delegate authority to the Mayor/Interim Administrator and General Manager to execute the contract and any other documentation required to give effect to this resolution.

The Acting Group Manager Water and Sewer introduced the item.

MN 2022/113

MOTION moved by Interim Administrator

THAT:

1. Council accepts the Tender for the waste water reticulation system pipe bursting package 2022 as proposed by Benex Group at the lump sum price of \$662,279.75 (inclusive of GST).
2. Council notes the tenders received ranged from \$662,279.75 to \$2,118,832.10 (inclusive of GST).
3. Council delegate authority to the Mayor/Interim Administrator and General Manager to execute the contract and any other documentation required to give effect to this resolution.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

10.6 Department of Planning and Environment Grant - Wingello

Report Author: Recreational Planner
Authoriser: Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council receive and note the contents of this report.
2. Authorise the General Manager, Mayor/Interim Administrator to sign and affix the seal

The Director Service Delivery and Projects introduced the item.

MN 2022/114

MOTION moved by Interim Administrator

THAT:

1. Council receive and note the contents of this report.
2. Authorise the General Manager, Mayor/Interim Administrator to sign and affix the seal.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

9.1 GENERAL MANAGER - Functions of Council (continued)

The General Manager advised that there was a minor omission in item 9.1 that outlines the organisational changes and sets out Council's functions under each directorate. The report states that the fleet function was to be moved from Corporate Strategy and Resourcing to Service and Project Delivery and waste function was to be moved from Service and Project Delivery to the Communities and Place, however the diagram in the report does not reflect the change. Therefore under section 17.15 of Code of Meeting Practice the item is required to be recommitted, so that the resolution formally reflects the change.

MN 2022/115

MOTION moved by Interim Administrator

THAT the motion for item 9.1 be recommitted to amend the organisational structure functions so that Council's Fleet function and be included in the Service and Project Delivery Directorate.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

The Interim administrator adjourned the meeting at 4:20pm to allow time for staff to amend the officers recommendation.

The meeting resumed at 4:23pm, to allow for the item to be recommitted, so that the officers recommendation formally reflects the changes.

OFFICER'S RECOMMENDATION

THAT:

- 1. As per s332 of the Local Government Act 1993 Council note the changes in function groupings under the three Directorates and adopts the revised functions for each Directorate as set out in this report.***
- 2. A further report be provided to Council following the implementation of the structure to provide details of the Manager level (Tier 3) and their respective functions.***

MN 2022/116

MOTION moved by Interim Administrator

THAT:

- 1. As per s332 of the Local Government Act 1993 Council note the changes in function groupings under the three Directorates and adopts the revised functions for each Directorate as set out in this report.*
- 2. A further report be provided to Council following the implementation of the structure to provide details of the Manager level (Tier 3) and their respective functions.*
- 3. That the organisational structure be amended to include Council's Fleet function in the Service and Project Delivery Directorate and waste in Communities and Place Directorate.*

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

11 MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.31pm.