

DRAFT MINUTES

Extraordinary Meeting of Council



We're with you

Wednesday 30 October 2024

Council Chambers, Wingecarribee Shire Council Civic Centre

68 Elizabeth Street, Moss Vale

The meeting commenced at 3.30PM

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 30 OCTOBER 2024**

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**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 30 OCTOBER 2024**

**MINUTES OF THE EXTRAORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN
COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 30
OCTOBER 2024 COMMENCING AT 3:30 PM**

Present:

- Cr Jesse Fitzpatrick (Mayor)
- Cr Erin Foley (Deputy Mayor)
- Cr Heather Champion
- Cr Therese Duffy
- Cr James Farrell
- Cr David Kent
- Cr Sara Moylan
- Cr Rachel Russell
- Cr Nicole Smith

In Attendance:	General Manager	Ms Lisa Miscamble
	Director Corporate Strategy and Resourcing	Ms Shelley Jones
	Director Communities and Place	Mr Michael McCabe
	Director Service and Project Delivery	Mr Clinton McAlister
	Acting Executive Manager Strategic Outcomes	Ms Susan Stannard
	Chief Financial Officer	Mr Pav Kuzmanovski
	Manager Governance and Corporate Performance	Ms Danielle Lidgard
	Manager Assets	Mr Shaun Robinson
	Manager Community Life and Libraries	Ms Kathryn Baget-Juleff
	Manager Business and Property Services	Mr James Borbone
	Coordinator ICT Operations	Mr Ayhan Biyik
	ICT Support Officer	Mr Marcellino Derby
	Coordinator Governance	Ms Paige Zelunzuk

1 OPENING OF THE MEETING

The Mayor opened the meeting and welcomed members of the public and the press.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged country:

"Wingecarribee Shire Council acknowledges the Gundungurra and Dharawal people as the Traditional Custodians of this land. I pay my respect to the Traditional Custodians, their Ancestors

who cared for this Country for many thousands of years, and their Elders and descendants who continue to care for Country. I would also like to extend that respect to all Aboriginal and Torres Strait Islander peoples, including those here today."

3 STATEMENT OF ETHICAL OBLIGATIONS

Councillors were reminded of the Oath or Affirmation of Office made by them under Section 233A of the Local Government Act and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interests.

4 APOLOGIES

Nil.

5 DECLARATIONS OF INTEREST

Mayor Fitzpatrick declared a non-pecuniary, non-significant interest in Item 6 - Mayoral Minute and Item 8.1 - Quarterly Delivery Program and Budget Review 30 September 2024, as he is a builder, as is some of his family. He stated that he will remain in the Chamber for consideration of those items.

Councillor Kent declared a pecuniary interest in Item 7.1 - Submission to NSW Independent Planning Commission – State Significant Development (SSD) - Moss Vale Plastics Recycling Facility (Plasrefine) Proposal as his place of residence is approximately 500 metres from the proposed recycling facility site and the outcome of the matter may affect the value of the property. He stated that he will be absent from the Chamber for consideration of that item.

Councillor Rachel Russell declared a non-pecuniary, non-significant interest in Item 7.1 - Submission to NSW Independent Planning Commission – State Significant Development (SSD) - Moss Vale Plastics Recycling Facility (Plasrefine) Proposal as she has been spokesperson for the Moss Vale Matters community group. She stated she will remain in the Chamber for consideration of that item.

6 MAYORAL MINUTE

MN 2024/304

MOTION moved by Cr Fitzpatrick

THAT the General Manager:

1. **Prepare a report:**
 - a. **on the current state of the Shire's roads and maintenance service levels**
 - b. **Expected budget impacts for 2025/26 and future years if service levels increased to have**
2. **Provide a monthly update on road maintenance including number of reported potholes published in Council's e-newsletter each month commencing in November 2024.**
3. **Commence routine reporting on Development Application progress to monitor how Council is improving with a goal to meet the Minister's expectations.**

CARRIED

6.1 ITEMS BY EXCEPTION

MN 2024/305

MOTION moved by Cr Fitzpatrick, seconded by Cr Smith

THAT the order of business be changed in order to bring forward the following items for consideration by exception and the recommendations be adopted:

Item 7.3 Investments report - August 2024

Item 7.4 Investments report - September 2024

Item 8.2 Community Engagement Strategy 2024-2028 - Draft for Public Exhibition

Item 8.4 Office of Local Government Discussion Paper - Councillor Conduct Framework

Item 8.6 Wastewater Main Renewal - Spencer Street. Moss Vale Tender Evaluation Report

CARRIED UNANIMOUSLY

7 GENERAL MANAGER

7.1 Submission to NSW Independent Planning Commission - State Significant Development (SSD) - Moss Vale Plastics Recycling Facility (Plasrefine) Proposal

Report of: Susan Stannard
Acting Executive Manager Strategic Outcomes

Authorised by: Lisa Miscamble
General Manager

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Reiterate its strong opposition to the proposed State Significant Development (SSD-9409987) for the Moss Vale Plastic Recycling Facility, on fundamental grounds that the proposal:**
 - a. Is an unsuitable location at a residential interface on Braddon Road creating long-term land use conflict issues.**
 - b. Compromises and sterilises land for future employment-generating landuses across the broader Southern Highlands Innovation Park (SHIP) with excessive truck movements across the entire precinct, from the highway traversing available heavy industrial lands, available general industrial lands and navigating 3 level rail crossings to reach a well-established residential interface.**
 - c. Undermines Council's State-funded strategic framework, including a Master Plan, Governance Strategy and Strategic Positioning Paper for the Southern Highlands Innovation Park (SHIP) to foster an emerging biotechnology sub-precinct at that location.**
 - d. Still presents unresolved matters in NSW Department of Planning Housing & Infrastructure (DPHI) Assessment Report and Recommended Conditions of Consent, that are unresolved and in their current form deemed unworkable and irreconcilable to Council.**
- 2. Does not accept DPHI's risk assessment relating to known and emerging microplastics (airborne and water) contaminants, as the site is immediately adjacent to a riparian corridor in a Sydney Drinking Water Catchment Area. This environmental impact requires further rigorous assessment, independent evidence-based validation and assurances from State Agencies including DPHI and EPA that residents' health would not be compromised.**
- 3. Endorse the draft Submission at Attachment 1 for lodgement with the NSW Independent Planning Commission.**
- 4. Lodge the exhibited SHIP strategic work, including Master Plan, Governance Strategy and Strategic Positioning Paper at Attachment 2, in support of its formal Submission to the NSW IPC.**
- 5. Highlight the significant community impacts and unaddressed matters associated with the current Proposal by writing to the NSW Minister for Planning requesting a statutory Public Hearing into this matter, with the Hearing to consider:**

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- The environmental impacts of the proposal
- All submissions received on the proposal
- Any relevant expert advice
- Any other relevant information

Councillor Kent left the Chamber at 3.36PM for consideration of Item 7.1 due to a declared pecuniary interest in the item.

The General Manager introduced the item and tabled the [attached submission](#) received from Anna Phillips on behalf of Moss Vale Matters.

The Acting Executive Manager Strategic Outcomes addressed the meeting.

MN 2024/311

EXTENSION OF TIME moved by Cr Fitzpatrick, seconded by Cr Foley

THAT in accordance with Council's Code of Meeting Practice, Council approve an extension of one minute for Councillor Russell to address the meeting.

CARRIED

MN 2024/312

MOTION moved by Cr Russell, seconded by Cr Farrell

THAT Council:

- 1. Reiterate its strong opposition to the proposed State Significant Development (SSD-9409987) for the Moss Vale Plastic Recycling Facility, on fundamental grounds that the proposal:***
 - a. Is an unsuitable location at a residential interface on Braddon Road creating long-term land use conflict issues.***
 - b. Compromises and sterilises land for future employment-generating landuses across the broader Southern Highlands Innovation Park (SHIP) with excessive truck movements across the entire precinct, from the highway traversing available heavy industrial lands, available general industrial lands and navigating 3 level rail crossings to reach a well-established residential interface.***
 - c. Undermines Council's State-funded strategic framework, including a Master Plan, Governance Strategy and Strategic Positioning Paper for the Southern Highlands Innovation Park (SHIP) to foster an emerging biotechnology sub-precinct at that location.***
 - d. Still presents unresolved matters in NSW Department of Planning Housing & Infrastructure (DPHI) Assessment Report and Recommended Conditions of Consent, that are unresolved and in their current form deemed unworkable and irreconcilable to Council.***

- 2. Does not accept DPHI's risk assessment relating to known and emerging microplastics (airborne and water) contaminants, as the site is immediately adjacent to a riparian corridor in a Sydney Drinking Water Catchment Area. This environmental impact requires further rigorous assessment, independent evidence-based validation and assurances from State Agencies including DPHI and EPA that residents' health would not be compromised.*
- 3. Endorse the draft Submission at Attachment 1 for lodgement with the NSW Independent Planning Commission.*
- 4. Lodge the exhibited SHIP strategic work, including Master Plan, Governance Strategy and Strategic Positioning Paper at Attachment 2, in support of its formal Submission to the NSW IPC.*
- 5. Highlight the significant community impacts and unaddressed matters associated with the current Proposal by writing to the NSW Minister for Planning requesting a statutory Public Hearing into this matter, with the Hearing to consider:*
 - The environmental impacts of the proposal*
 - All submissions received on the proposal*
 - Any relevant expert advice*
 - Any other relevant information*

CARRIED UNANIMOUSLY

7.2 TechnologyOne CiA Implementation Tender Evaluation Report

Report of: Pav Kuzmanovski
Chief Financial Officer

Authorised by: Lisa Miscamble
General Manager

OFFICER'S RECOMMENDATION

THAT Council:

1. Accept the tender for the Technology One CiA Implementation from Chartertech Pty Ltd at a lump sum price of \$464,805 (inclusive of GST).
2. Note the tenders received ranged from \$88,500 to \$2,484,000.
3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

Cr Kent returned to the Chamber at 4.11pm.

The Chief Financial Officer addressed the meeting.

The Manager Assets addressed the meeting.

MN 2024/313

MOTION moved by Cr Foley, seconded by Cr Duffy

THAT Council:

1. *Accept the tender for the Technology One CiA Implementation from Chartertech Pty Ltd at a lump sum price of \$464,805 (inclusive of GST).*
2. *Note the tenders received ranged from \$88,500 to \$2,484,000.*
3. *Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.*

CARRIED UNANIMOUSLY

7.3 Investments Report - August 2024

Report of: Stephen Joss
Deputy Chief Financial Officer

Authorised by: Pav Kuzmanovski
Chief Financial Officer

OFFICER'S RECOMMENDATION

THAT Council receive and note this Cash Investment Report as at 31 August 2024.

MN 2024/306

MOTION moved by Cr Fitzpatrick, seconded by Cr Smith

THAT Council receive and note this Cash Investment Report as at 31 August 2024.

CARRIED BY EXCEPTION

7.4 Investments Report - September 2024

Report of: Stephen Joss
Deputy Chief Financial Officer

Authorised by: Pav Kuzmanovski
Chief Financial Officer

OFFICER'S RECOMMENDATION

THAT Council receive and note this Cash Investment Report as at 30 September 2024.

MN 2024/307

MOTION *moved by Cr Fitzpatrick, seconded by Cr Smith*

THAT Council receive and note this Cash Investment Report as at 30 September 2024.

CARRIED BY EXCEPTION

8 REPORTS

8.1 Quarterly Delivery Program and Budget Review 30 September 2024

Report of: Shayley McCracken
Coordinator Strategy and Business Improvement
Stephen Joss
Deputy Chief Financial Officer

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council:

1. Note the Quarterly Progress Report on the Delivery Program and Operational Plan for the period ended 30 September 2024 in Attachment 1.
2. Approve the budget adjustments and endorse the projected financial position as of
3. 30 September 2024 in Attachment 2.

MN 2024/314

MOTION moved by Cr Russell, seconded by Cr Moylan

THAT Council:

1. Note the Quarterly Progress Report on the Delivery Program and Operational Plan for the period ended 30 September 2024 in Attachment 1.
2. Approve the budget adjustments and endorse the projected financial position as of
3. 30 September 2024 in Attachment 2.
4. That a report is presented to the next Council meeting on the rationale behind the prioritisation of back of house Civic Centre refurbishment resolved by Council in July 2024 over the delivery of infrastructure for the community in the Quarterly Delivery Program.

CARRIED UNANIMOUSLY

8.2 Community Engagement Strategy 2024-2028 – Draft for Public Exhibition

Report of: Kathryn Baget-Juleff
Manager Community Life and Libraries

Authorised by: Michael McCabe
Director Communities and Place

OFFICER'S RECOMMENDATION

THAT Council endorse the draft Community Engagement Strategy 2024-2028 to be placed on public exhibition for a period of 28 days calling for submissions.

MN 2024/308

MOTION moved by Cr Fitzpatrick, seconded by Cr Smith

THAT Council endorse the draft Community Engagement Strategy 2024-2028 to be placed on public exhibition for a period of 28 days calling for submissions.

CARRIED BY EXCEPTION

8.3 Christmas Program 2024

Report of: Kathryn Baget-Juleff
Manager Community Life & Libraries

Authorised by: Michael McCabe
Director Communities and Place

OFFICER'S RECOMMENDATION

THAT Council:

1. Note the Christmas Activations Program 2024.
2. Note, in the interest of time, that submissions from the Festival of Lights Ltd public exhibition period are as tabled at the meeting.
3. Waive fees and charges for the use of the Senior Citizens rooms in Corbett Gardens to conduct the Festival of Lights Christmas activities up to an amount of \$7,000, in accordance with Section 610(F) of the Local Government Act 1993.
4. Allocate \$25,000 from within the 2024 Christmas budget to the Festival of Lights Ltd for light displays in Corbett Gardens.
5. Re-allocate the \$25,000 to the main town centres for Council installations if the Festival of Lights Ltd does not proceed.

The General Manager noted the attached [tabled items](#) had been circulated to the Councillors prior to the meeting.

The Director Communities and Place addressed the meeting.

MN 2024/315

MOTION moved by Cr Fitzpatrick, seconded by Cr Duffy

THAT Council:

1. Note the Christmas Activations Program 2024.
2. Note, in the interest of time, that submissions from the Festival of Lights Ltd public exhibition period are as tabled at the meeting.
3. Waive fees and charges for the use of the Senior Citizens rooms in Corbett Gardens to conduct the Festival of Lights Christmas activities up to an amount of \$7,000, in accordance with Section 610(F) of the Local Government Act 1993.

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- 4. Allocate \$25,000 from within the 2024 Christmas budget to the Festival of Lights Ltd for light displays in Corbett Gardens.*
- 5. Re-allocate the \$25,000 to the main town centres for Council installations if the Festival of Lights Ltd does not proceed.*
- 6. Requests the General Manager bring back a report to Council no later than March 2025 providing an evaluation of the 2024 Christmas program and options for the 2025 program including delivery.*

CARRIED UNANIMOUSLY

8.4 Office of Local Government Discussion Paper - Councillor Conduct Framework

Report of: Warwick Lawrence
Governance Advisor

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council endorse the draft submission in relation to the Office of Local Government's Discussion Paper on Councillor Conduct and Meeting Practices, as included in Attachment 1 to this report.

MN 2024/310

MOTION moved by Cr Fitzpatrick, seconded by Cr Smith

THAT Council endorse the draft submission in relation to the Office of Local Government's Discussion Paper on Councillor Conduct and Meeting Practices, as included in Attachment 1 to this report.

CARRIED BY EXCEPTION

8.5 Local Government NSW Annual Conference 2024

Report of: Warwick Lawrence
Governance Advisor

Authorised by: Shelley Jones
Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Nominate the Mayor and Deputy Mayor and two (2) other Councillors as its voting delegates to attend the 2024 LGNSW Annual Conference to be held in Tamworth from 17 to 19 November 2024.**
- 2. Request the General Manager to notify Local Government NSW of its voting delegates no later than Wednesday 6 November 2024.**

MN 2024/316

MOTION *moved by Cr Farrell, seconded by Cr Smith*

THAT Council:

- 1. Nominate the Mayor, Deputy Mayor, Councillor Farrell and Councillor Russell as its voting delegates to attend the 2024 LGNSW Annual Conference to be held in Tamworth from 17 to 19 November 2024.***
- 2. Request the General Manager to notify Local Government NSW of its voting delegates no later than Wednesday 6 November 2024.***

CARRIED UNANIMOUSLY

**8.6 Wastewater Main Renewal - Spencer Street, Moss Vale Tender
Evaluation Report**

Report of: Graeme Mellor
Manager Water Services

Authorised by: Clinton McAlister
Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT Council:

1. Accept the Tender for the wastewater main renewal in Spencer Street and Lovelle Street in Moss Vale from Interflow Pty Ltd at a lump sum price of \$332,450.82 (inclusive of GST)
2. Note the tenders received ranged from \$332,450.82 to \$998,530.00.
3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

MN 2024/309

MOTION moved by Cr Fitzpatrick, seconded by Cr Smith

THAT Council:

1. Accept the Tender for the wastewater main renewal in Spencer Street and Lovelle Street in Moss Vale from Interflow Pty Ltd at a lump sum price of \$332,450.82 (inclusive of GST)
2. Note the tenders received ranged from \$332,450.82 to \$998,530.00.
3. Delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution.

CARRIED BY EXCEPTION

9 NOTICES OF MOTION

10 QUESTIONS WITH NOTICE

11 MEETING CLOSURE

The General Manager addressed the meeting to advise Council that a long serving staff member, Lorraine Brayshaw, passed away last week. Lorraine had worked with Council for approximately twenty years and was a long term member of the Moss Vale community. Lorraine was the Coordinator Corporate Information Services and started at Council in May 1981 as a junior filing clerk and was with Council for a number of years, left and came back. Lorraine worked across many areas of Council including engineering, records and finance and was well known. She had an infectious laugh and a great sense of humour and will be greatly missed by her immediate team. The General Manager gave her condolences to Lorraine's husband, Mark, and their family.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.17PM