

# MINUTES

## Extraordinary Meeting of Council



*We're With* **YOU**

Wednesday 28 June, 2023

Council Chambers, Wingecarribee Shire Council CivicCentre

68 Elizabeth Street, Moss Vale

The meeting commenced at 4:30pm

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL  
WEDNESDAY 28 JUNE 2023**

---

<b>1 OPENING OF THE MEETING</b> .....	<b>3</b>
<b>2 ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>3</b>
<b>3 STATEMENT OF ETHICAL OBLIGATIONS</b> .....	<b>3</b>
<b>4 APOLOGIES</b> .....	<b>4</b>
<b>5 DECLARATIONS OF INTEREST</b> .....	<b>4</b>
<b>6 GENERAL MANAGER</b> .....	<b>5</b>
6.1 Woolworths Moss Vale - Offer To Enter Into Voluntary Planning Agreement.....	5
<b>7 REPORTS</b> .....	<b>6</b>
7.1 Resourcing Strategy, Delivery Program And Operational Plan Including Budget Including Fees And Charges - Post Exhibition Report.....	6
7.2 Moss Vale Sewage Treatment Plant Upgrade - Project Update.....	8
7.3 Station Street Finalisation Report .....	9
7.4 IPART Review Of The Rate Peg – Response To Draft Recommendations .....	10
7.5 Moss Vale Pool Contract Variation .....	11
7.6 Council Policy Review Update .....	12
7.7 Department Of Communities And Justice Child And Family Leadership Group.....	13
<b>8 MEETING CLOSURE</b> .....	<b>14</b>

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL  
WEDNESDAY 28 JUNE 2023**

---

**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL  
CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 28 JUNE  
2023 COMMENCING AT 4.30PM**

<b>Present:</b>	Administrator	Mr Viv May PSM
<b>In Attendance:</b>	Acting General Manager	Ms Carmel Foster
	Director Communities and Place	Mr Adan Davis
	Director Service and Project Delivery	Ms Karin Targa
	Executive Manager Strategic Outcomes	Mr Michael Park
	Executive Manager Business Transformation	Mr Pav Kuzmanovski
	Executive Manager People and Culture	Ms Sally Sammit
	Chief Financial Officer	Mr Carl Conrad
	Chief Information Officer	Mr George Harb
	Manager Governance and Corporate Performance	Ms Danielle Lidgard
	Manager Project Delivery	Mr Ned Tripkovic
	Manager Waste and Resource Management	Mr Clinton McAlister
	Manager Environment and Sustainability	Mr Barry Arthur
	Manager Business and Property	Mr Salomon Kloppers
	Acting Manager Development Assessment	Mr John McFadden
	Coordinator Open Spaces and Buildings	Ms Michelle Bulloch
	Senior Project Manager	Mr Jared Brignell
	ICT Support Officer	Mr Marcellino Derby
	Governance Officer	Ms Michelle Gordon

## **1 OPENING OF THE MEETING**

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

## **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 Strait Islanders present here today.”

## **3 STATEMENT OF ETHICAL OBLIGATIONS**

“As Administrator I will undertake the duties of the Office of Administrator in the best interests of the people of the Wingecarribee Shire Council area and to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL  
WEDNESDAY 28 JUNE 2023**

---

I am committed to the declaration of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting, in accordance with the Code of Conduct and Code of Meeting Practice.”

**4 APOLOGIES**

Nil.

The Administrator noted that Ms Carmel Foster is Acting General Manager in the absence of the General Manager.

**5 DECLARATIONS OF INTEREST**

Nil.

## 6 GENERAL MANAGER

### 6.1 Woolworths Moss Vale - Offer to Enter into Voluntary Planning Agreement

**Report Author:** Executive Manager Strategic Outcomes

**Authoriser:** General Manager

---

#### OFFICER'S RECOMMENDATION

**THAT:**

1. Council note Fabcot's offer to enter into a Voluntary Planning Agreement to facilitate a new road access over Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264).
2. It be noted that negotiating or entering into a Voluntary Planning Agreement should not improperly fetter the statutory decision-making functions of Council and would have no impact on Council's assessment of any development application over the subject land and should not be seen or taken as support or otherwise for the proposed development.
3. Council authorise the General Manager to enter into negotiations in relation to Fabcot's offer to enter into a Voluntary Planning Agreement to ensure that there is a broad and material public benefit.
4. Following negotiations, the matter be reported back to Council to either endorse or reject Fabcot's offer to enter into a Voluntary Planning Agreement.
5. The General Manager provide landowners consent to Fabcot, for the purpose of lodging a development application over Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264).
6. Council not provide approval to carry out works on Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264) unless and until a Voluntary Planning Agreement has been finalised and registered on the Title of the proposed development land, being 233 Argyle Street Moss Vale (LOT 1 DP 1192022).

The Acting General Manager tabled the attached correspondence from Woolworths Group.

The Executive Manager Strategic Outcomes introduced the item.

[6.1 Tabled Item A - Email Woolworths Group to Administrator 8 June 2023](#)

[6.1 Tabled Item B - Email Woolworths Group to Administrator 19 June 2023](#)

*MN 2023/421*

***MOTION*** moved by the Administrator

***THAT*** the report on the Woolworths Moss Vale Offer to Enter into Voluntary Planning Agreement be deferred until the July 2023 Meeting of Council.

***DECLARED CARRIED BY THE ADMINISTRATOR***

## 7 REPORTS

### **F7.1 Resourcing Strategy, Delivery Program and Operational Plan including Budget Including Fees and Charges - Post Exhibition Report**

**Report Author:** Acting Chief Financial Officer

**Authoriser:** Director Corporate Strategy and Resourcing

---

#### OFFICER'S RECOMMENDATION

##### THAT Council:

1. Considers the public submissions received during the public exhibition period and the responses to each submission.
2. Adopt the Resourcing Strategy 2023 – 2033, Delivery Program 2023 - 25, Operational Plan and Budget 2023/24 including Budget, Revenue Policy, Fees and Charges.
3. Makes and levies the Rates and Charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.
4. Makes and levies the Domestic Waste Management Charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.
5. Makes and levies the Stormwater Management Service Charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.
6. Makes and levies the Water and Sewer access and user charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.
7. Authorise loan borrowings of \$4 million in the 2023/24 financial year to fund the Civic Centre back-office refurbishment.
8. Set the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 9.00% per annum for the 2023/24 financial year.
9. Write to the residents who lodged a submission to formally thank them for their comments and feedback on the draft Resourcing Strategy 2023 – 2033, Delivery Program 2023 - 25, Operational Plan and Budget 2023/24 including Budget, Revenue Policy, Fees and Charges.

The Manager Governance and Corporate Performance and the Acting Chief Financial Officer introduced the item.

The Director Service and Project Delivery addressed the meeting.

*MN 2023/422*

**MOTION** moved by the Administrator

**THAT:**

---

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL  
WEDNESDAY 28 JUNE 2023**

---

- 1. Council considers the public submissions received during the public exhibition period and endorses the responses to each submission excepting the response in submission 11, and that no action be taken to install temporary sulo bins in Bowral, and arrangements be made on weekend and public holidays to have extra emptying of the existing inefficient bins, and that all responses to submissions be made under the non-delegated signature of the General Manager.*
- 2. Council adopt the Resourcing Strategy 2023 – 2033, Delivery Program 2023 - 25, Operational Plan and Budget 2023/24 including Budget, Revenue Policy, Fees and Charges.*
- 3. Council makes and levies the Rates and Charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.*
- 4. Council makes and levies the Domestic Waste Management Charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.*
- 5. Council makes and levies the Stormwater Management Service Charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.*
- 6. Council makes and levies the Water and Sewer access and user charges for the 2023/24 financial year as detailed in the Revenue Policy contained within the 2023/24 Operational Plan in accordance with the Local Government Act 1993.*
- 7. Council authorise loan borrowings of \$4 million in the 2023/24 financial year to fund the Civic Centre back-office refurbishment.*
- 8. Council set the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 9.00% per annum for the 2023/24 financial year.*
- 9. The General Manager update Council on the strategic planning works program that will inform the review the Wingecarribee LEP and Development Contribution Plans including timeframes and linkages with the Community Strategic Plan.*
- 10. Council notes that the comparisons in the charges and fees are relative to Wollondilly, Shellharbour and Eurobodalla and that market fees are contestable, allowing residents to make use of third-party providers if they so desire.*
- 11. Consideration be given and reported to Council on the installation of GPS technology in all Council vehicles.*
- 12. The General Manager report to all meetings of the Audit, Risk and Improvement Committee on active legal action involving Council, and the details to be supplied to meetings be developed in consultation with the Chair of the Committee.*
- 13. The \$270,000 efficiency dividend be incorporated in the adopted 2023/24 Budget and allocated to the proposed Emergency Operations Centre with the construction of the 'cold shell' to be finalised during the 2023/24 financial year.*
- 14. The four year capital works program and long term financial plan be updated to incorporate the Mittagong Playhouse in the 2024/25 financial year funded by loans (\$2M) with the remaining balance funded by grants (\$6.5M) with funding to be reviewed upon the development of the next Long Term Financial Plan.*
- 15. The General Manager report on the feasibility of providing monthly financial reports that disclose Year to Date financial results, in operating statement format by fund.*
- 16. The General Manager provide a further report on its rates, water and sewerage access subsidy scheme guidelines and the financial impact on the existing recipients.*
- 17. The General Manager provide a further report on funding for recreational walking tracks including past decisions reallocating funds.*

**DECLARED CARRIED BY THE ADMINISTRATOR**

## 7.2 Moss Vale Sewage Treatment Plant Upgrade - Project Update

**Report Author:** Project Manager

**Authoriser:** Director Service and Project Delivery

---

### OFFICER'S RECOMMENDATION

**THAT:**

1. Council notes the update on the Moss Vale Sewage Treatment Plant
2. The draft Review of Environmental Factors report for the Moss Vale Sewage Treatment Plant Upgrade project be publicly displayed on Council's website.

The Manager Project Delivery introduced the item.

The Manager Waste and Resource Management addressed the meeting.

MN 2023/423

**MOTION** moved by the Administrator

**THAT:**

1. Council notes the update on the Moss Vale Sewage Treatment Plant
2. The draft Review of Environmental Factors report for the Moss Vale Sewage Treatment Plant Upgrade project be publicly displayed on Council's website.

**DECLARED CARRIED BY THE ADMINISTRATOR**

The Administrator adjourned the meeting and left the Chamber, the time being 5:28pm.

The Administrator returned to the Chamber and resumed the meeting, the time being 5:29pm.



### 7.3 Station Street Finalisation Report

**Report Author:** Manager Project Delivery

**Authoriser:** Director Service and Project Delivery

---

#### OFFICER'S RECOMMENDATION

**THAT:**

1. Council note the contents of the report.
2. Council acknowledge and thank Transport for NSW – Sydney Trains for their positive participation and contribution for funding relating to the Bowral train station carpark.

The Manager Project Delivery introduced the item.

Question taken on notice - In relation to the carpark located on the corner of Argyle Lane and Banyette Street Bowral has there been any discussion regarding reducing parking times to two to three hours.

*MN 2023/424*

**MOTION** moved by the Administrator

**THAT:**

1. Council note the contents of the report.
2. Council acknowledge and thank Transport for NSW – Sydney Trains for their positive participation and contribution for funding relating to the Bowral train station carpark.

**DECLARED CARRIED BY THE ADMINISTRATOR**

## 7.4 IPART Review of the Rate Peg – Response to Draft Recommendations

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

---

### OFFICER'S RECOMMENDATION

**THAT** Council notes the responses made to the Draft Report on the IPART Review of the Rate Peg Methodology.

The Acting Chief Financial Officer introduced the item.

*MN 2023/425*

**MOTION** moved by the Administrator

***THAT*** Council endorse the responses made to the Draft Report on the IPART Review of the Rate Peg Methodology.

**DECLARED CARRIED BY THE ADMINISTRATOR**

## 7.5 Moss Vale Pool Contract Variation

**Report Author:** Coordinator Open Spaces and Buildings

**Authoriser:** Director Service and Project Delivery

---

### OFFICER'S RECOMMENDATION

**THAT:**

1. Council uses its discretion to alter the contract options from a three (3) + two (2) + one (1) to a two (2) + three (3) + one (1) model.
2. Council agrees to a Fee for Service model for the next two (2) year option in line with the current projection provided by BlueFit.

The Coordinator Open Spaces and Buildings introduced the item.

*MN 2023/426*

**MOTION** moved by the Administrator

**THAT:**

1. Council uses its discretion to alter the contract options from a three (3) + two (2) + one (1) to a two (2) + three (3) + one (1) model.
2. Council agrees to a Fee for Service model for the next two (2) year option in line with the current projection provided by BlueFit.
3. Confidential Attachment 1 to the Moss Vale Pool Variation Contract be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993 for the following reasons - in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) - information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**DECLARED CARRIED BY THE ADMINISTRATOR**

## **7.6 Council Policy Review Update**

**Report Author:**               **Manager Governance and Corporate Performance**

**Authoriser:**                 Director Corporate Strategy and Resourcing

---

### **OFFICER'S RECOMMENDATION**

**THAT Council note the report on Council's Policy Review Program.**

The Manager Governance and Corporate Performance introduced the item.

*MN 2023/427*

**MOTION** *moved by the Administrator*

**THAT Council note the report on Council's Policy Review Program.**

**DECLARED CARRIED BY THE ADMINISTRATOR**

## **7.7 Department of Communities and Justice Child and Family Leadership group**

**Report Author:** Coordinator Community Development

**Authoriser:** General Manager

---

### **OFFICER'S RECOMMENDATION**

**THAT** Council note that the Manager Community Life and Libraries will represent Wingecarribee Shire Council on the Department of Communities and Justice Child and Family Leadership group from August 2023.

The Director Communities and Place introduced the item.

*MN 2023/428*

**MOTION** moved by the Administrator

**THAT** Council note that the Manager Community Life and Libraries will represent Wingecarribee Shire Council on the Department of Communities and Justice Child and Family Leadership group from August 2023.

**DECLARED CARRIED BY THE ADMINISTRATOR**

## **8 MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5:45pm