

DRAFT MINUTES

Extraordinary Meeting of Council



We're with you

Wednesday, 26 June 2024

Council Chambers, Wingecarribee Shire Council Civic Centre
68 Elizabeth Street, Moss Vale

The meeting commenced at 4:14 PM

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 26 JUNE 2024**

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**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL
WEDNESDAY 26 JUNE 2024**

**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN
COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 26
JUNE 2024 COMMENCING AT 4.14PM.**

Present: Administrator Mr Viv May PSM

In Attendance:

General Manager	Ms Lisa Miscamble
Acting Director Corporate Strategy and Resourcing	Mr Pav Kuzmanovski
Acting Director Communities and Place	Mr Clinton McAlister
Acting Director Service and Project Delivery	Mr Shaun Robinson
Executive Manager Strategic Outcomes	Mr Deniz Kilic
Manager Governance and Corporate Performance	Ms Danielle Lidgard
Manager Environment and Sustainability	Mr Barry Arthur
Coordinator Governance	Mr Warwick Lawrence
ICT Support Officer	Mr Brett Murray
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 and the press.

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

The Administrator is reminded of the obligations conferred on them at the time of their appointment.

The Administrator is to undertake the duties of the office of Administrator in the best interests of the people of the Wingecarribee Shire Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of your ability and judgement.

The Administrator is 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.

5 DECLARATIONS OF INTEREST

Nil.

6 ADMINISTRATOR MINUTES

Nil.

7 ITEMS FOR CONSIDERATION BY EXCEPTION

MN 2024/196

MOTION *moved by the Administrator*

THAT *Standing Orders be suspended in order to bring forward the following items for consideration by exception:*

Item 9.4 Pesticide Use Notification Plan Draft for Public Exhibition

Item 9.5 Backflow Prevention Policy Post Exhibition Report

Item 9.6 Chemical Supply Water and Wastewater Tender Evaluation Report

Item 9.7 Water Zone Control Valves Construction Tender Evaluation Report

DECLARED CARRIED BY THE ADMINISTRATOR

MN 2024/197

MOTION *moved by the Administrator*

THAT *the recommendations contained in the reports for the following items be adopted by exception:*

Item 9.4 Pesticide Use Notification Plan Draft for Public Exhibition

Item 9.5 Backflow Prevention Policy Post Exhibition Report

Item 9.6 Chemical Supply Water and Wastewater Tender Evaluation Report

Item 9.7 Water Zone Control Valves Construction Tender Evaluation Report

DECLARED CARRIED BY THE ADMINISTRATOR

MN 2024/198

MOTION *moved by Administrator*

THAT *Standing Orders be resumed.*

DECLARED CARRIED BY THE ADMINISTRATOR

8 GENERAL MANAGER

8.1 Bowral Riverfront Greenway - Connecting our paths and cycleways

Report of: Garima Mendiratta
Senior Strategic Planner

Authorised by: Deniz Kilic
Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT Council delegate authority to the General Manager to commence due diligence investigations and potential negotiations for strategic riverfront land acquisitions to join walking tracks from Bong Bong Common and Cecil Hoskins Nature Reserve to the emerging Bowral South New Living Area to realise the '*Bowral Riverfront Greenway*' along the Wingecarribee riverfront.

The General Manager tabled the attached correspondence.

[Tabled Item - 8.1 Bowral Riverfront Greenway - Connecting our paths and cycleways - Mr Kennelly received 25 June 2024](#)

[Tabled Item - 8.1 Bowral Riverfront Greenway - Connecting our paths and cycleways - Mrs Norris received 25 June 2024](#)

[Tabled Item - 8.1 Bowral Riverfront Greenway - Connecting our paths and cycleways - Mr and Mrs Corkhill received 22 June 2024](#)

[Tabled Item - 8.1 Bowral Riverfront Greenway - Connecting our paths and cycleways - MITRY Lawyers received 26 June 2024](#)

The Executive Manager Strategic Outcomes introduced the item.

The meeting was adjourned at 4:33 PM.

The meeting resumed at 4:39 PM.

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MN 2024/199

MOTION *moved by the Administrator*

THAT:

- 1. Council commence due diligence investigations (including a cost analysis) on the feasibility of constructing a shared path that adjoins Bong Bong Common and Cecil Hoskins Nature Reserve to the emerging Bowral South New Living Area along the Wingecarribee river front.***
- 2. As part of the investigations the land owners of the six properties referred to in the report, be consulted as to their ideas and views.***
- 3. A further report be provided for Council's consideration following the completion of parts 1 and 2 of the resolution in conjunction with the Draft Bowral South New Living Area Masterplan .***
- 4. A notice be placed on any S10.7 (5) certificate for the subject properties of this resolution of Council's intention to pursue the possible purchase of the affected land referred to in the report.***

DECLARED CARRIED BY THE ADMINISTRATOR

9 REPORTS

9.1 Draft Operational Plan and Budget 2024/25 and Resourcing Strategy 2024-2034 for Adoption

Report of: Danielle Lidgard
Manager Governance and Corporate Performance

Authorised by: Pav Kuzmanovski
Acting Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council:

1. Consider the public submissions received during the public exhibition period and the responses to each submission.
2. Adopt the Operational Plan and Budget 2024/25 including Revenue Policy, Fees and Charges and the 2024 – 2034 Resourcing Strategy.
3. Make and levy the Rates and Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the Local Government Act 1993.
4. Make and levy the Domestic Waste Management Services Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the *Local Government Act 1993*.
5. Make and levy the Stormwater Management Service Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the *Local Government Act 1993*.
6. Make and levy the Water and Sewer Access and User Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the Local Government Act 1993.
7. Authorise loan borrowings of \$20,575,000 in the 2024/25 financial year to fund the following:
 - a. Southern Highlands Regional Animal Shelter (General Revenue) for \$4,125,000
 - b. Bowral STP Upgrade (Sewer Fund) for \$11,000,000
 - c. Moss Vale STP Upgrade (Sewer Fund) for \$5,450,000
8. Set the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 10.5% per annum for the 2024/25 financial year.
9. Endorse the Unrestricted Working Capital Benchmark methodology contained within this report, with the benchmark to be reviewed every 2 years and update the Financial Reserves Policy to reflect the updated benchmark methodology.
10. Endorse the revised Unrestricted Working Capital Benchmark of \$5.8M.
11. Adopt the Guidelines for the Community Waste Disposal Assistance Scheme.
12. Note the update provided on the Mittagong Playhouse and associated funding allocation in the 2024/25 – 2027/28 Capital Works Program.

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13. Write to the residents who lodged a submission to formally thank them for their comments and feedback on the draft Operational Plan and Budget 2024/25 including Budget, Revenue Policy, Fees and Charges and draft Resourcing Strategy 2024 – 2034.

The General Manager addressed the meeting.

The Acting Director Corporate Strategy and Resourcing introduced the item.

The Acting Director Service and Project Delivery addressed the meeting.

MN 2024/200

MOTION moved by the Administrator

THAT Council:

1. ***Consider the public submissions received during the public exhibition period and the responses to each submission.***
2. ***Adopt the Operational Plan and Budget 2024/25 including Revenue Policy, Fees and Charges and the 2024 – 2034 Resourcing Strategy.***
3. ***Make and levy the Rates and Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the Local Government Act 1993.***
4. ***Make and levy the Domestic Waste Management Services Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the Local Government Act 1993.***
5. ***Make and levy the Stormwater Management Service Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the Local Government Act 1993.***
6. ***Make and levy the Water and Sewer Access and User Charges for the 2024/25 financial year as detailed in the Revenue Policy contained within the Operational Plan 2024/25 in accordance with the Local Government Act 1993.***
7. ***Authorise loan borrowings of \$20,575,000 in the 2024/25 financial year to fund the following:***
 - a. ***Southern Highlands Regional Animal Shelter (General Revenue) for \$4,125,000***
 - b. ***Bowral STP Upgrade (Sewer Fund) for \$11,000,000***
 - c. ***Moss Vale STP Upgrade (Sewer Fund) for \$5,450,000***
8. ***Set the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 10.5% per annum for the 2024/25 financial year.***
9. ***Endorse the Unrestricted Working Capital Benchmark methodology contained within this report, with the benchmark to be reviewed every 2 years and update the Financial Reserves Policy to reflect the updated benchmark methodology.***

- 10. Endorse the revised Unrestricted Working Capital Benchmark of \$5.8M.*
- 11. Adopt the Guidelines for the Community Waste Disposal Assistance Scheme.*
- 12. Note the update provided on the Mittagong Playhouse and associated funding allocation in the 2024/25 – 2027/28 Capital Works Program.*
- 13. Write to the residents who lodged a submission to formally thank them for their comments and feedback on the draft Operational Plan and Budget 2024/25 including Budget, Revenue Policy, Fees and Charges and draft Resourcing Strategy 2024 – 2034.*

DECLARED CARRIED BY THE ADMINISTRATOR

9.2 Asset Management Plans for Adoption

Report of: Shaun Robinson
Manager Assets

Authorised by: Karin Targa
Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT:

1. Council adopt the suite of Asset Management Plans covering the asset classes of
 - a. Transport
 - b. Stormwater
 - c. Open Spaces
 - d. Buildings
 - e. Water
 - f. Wastewater

The Acting Director Service and Project Delivery introduced the item.

MN 2024/201

MOTION *moved by the Administrator*

THAT:

1. ***Council adopt the suite of Asset Management Plans covering the asset classes of***
 - a. Transport***
 - b. Stormwater***
 - c. Open Spaces***
 - d. Buildings***
 - e. Water***
 - f. Wastewater***

DECLARED CARRIED BY THE ADMINISTRATOR

9.3 Wingecarribee Local Planning Panel Appointments

Report of: Jon Shillito
Manager Development Assessment and Regulation

Authorised by: Clinton McAlister
Acting Director Communities and Place

OFFICER'S RECOMMENDATION

THAT:

1. In accordance with the Minister's decision, Council acknowledge the appointment of Mr Steven Layman as Chair of the Wingecarribee Local Planning Panel (LPP) from 1 July 2024 to 30 June 2027.
2. In accordance with the Minister's decision, Council acknowledge the appoint Mr Ian Reynolds and Ms Louise Byrne as Alternate Chairs of the Wingecarribee Local Planning Panel from 1 July 2024 to 30 June 2027.
3. In accordance with the Minister's decision, Council appoint the following Twenty (20) experts to the Wingecarribee Local Planning Panel from 1 July 2024 to 30 June 2027:
 - Scott Barwick
 - Graham Brown
 - Nick Brunton
 - Sheridan Burke
 - Mark Carlon
 - Judith Clark
 - Stephen Davies
 - Sue Francis
 - Linda Gosling
 - Linda Kelly
 - Stephen Leathley
 - John McFadden
 - Stephen McMahon
 - Michael Mantei
 - Larissa Ozog
 - Michael Ryan
 - Chris Young
 - Amelia Thorpe
 - Annelise Tour
 - Heather Warton
4. In accordance with the Minister's recommendation, Council appoint the following five Community representative to the Wingecarribee Local Planning Panel from 1 July 2024 to 30 June 2027:
 - Richard Colley
 - Chris McCann
 - Anthony (Tony) Neill
 - Julian Siu

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- Robert Staas
5. The Wingecarribee Local Planning Panel Remuneration be in accordance with the Minister for Planning as determined under clauses 14 and 15 of Schedule 2 to the Environmental Planning and Assessment Act 1979 and that the members be paid the following remuneration:
 - a) in the case of the chairperson or the alternate of the chairperson a minimum of \$2,000 plus GST per meeting and \$285 per hour for business that is undertaken outside of meetings
 - b) in the case of an independent person or the alternate of an independent person a minimum of \$1,500 plus GST per meeting and \$214 per hour for business that is undertaken outside of meetings or,
 - c) in the case of the representative of the community or the alternate of a representative of the community a minimum of \$500 plus GST per meeting and \$71 per hour for business that is undertaken outside of meetings
 6. As required by the Local Planning Panels Code of Conduct - August 2020 (as amended) and in accordance with the Local Planning Panels Ministerial Direction, all Local Planning Panel Members must:
 - a) abide by the Code of Conduct for Local Planning Panel Members
 - b) achieve a satisfactory result in the relevant probity checks
 - c) complete all relevant and required administrative documentation (including a statutory declaration stating that they are not property developers or real estate agents)

The Acting Director Communities and Place introduced the item.

MN 2024/202

MOTION *moved by the Administrator*

THAT:

1. *In accordance with the Minister's decision, Council acknowledge the appointment of Mr Steven Layman as Chair of the Wingecarribee Local Planning Panel (LPP) from 1 July 2024 to 30 June 2027.*
2. *In accordance with the Minister's decision, Council acknowledge the appoint Mr Ian Reynolds and Ms Louise Byrne as Alternate Chairs of the Wingecarribee Local Planning Panel from 1 July 2024 to 30 June 2027.*
3. *In accordance with the Minister's decision, Council appoint the following Twenty (20) experts to the Wingecarribee Local Planning Panel from 1 July 2024 to 30 June 2027:*
 - *Scott Barwick*
 - *Graham Brown*
 - *Nick Brunton*
 - *Sheridan Burke*
 - *Mark Carlon*

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- *Judith Clark*
 - *Stephen Davies*
 - *Sue Francis*
 - *Linda Gosling*
 - *Linda Kelly*
 - *Stephen Leathley*
 - *John McFadden*
 - *Stephen McMahon*
 - *Michael Mantei*
 - *Larissa Ozog*
 - *Michael Ryan*
 - *Chris Young*
 - *Amelia Thorpe*
 - *Annelise Tour*
 - *Heather Warton*
4. *In accordance with the Minister's recommendation, Council appoint the following five Community representative to the Wingecarribee Local Planning Panel from 1 July 2024 to 30 June 2027:*
- *Richard Colley*
 - *Chris McCann*
 - *Anthony (Tony) Neill*
 - *Julian Siu*
 - *Robert Staas*
5. *The Wingecarribee Local Planning Panel Remuneration be in accordance with the Minister for Planning as determined under clauses 14 and 15 of Schedule 2 to the Environmental Planning and Assessment Act 1979 and that the members be paid the following remuneration:*
- a) *in the case of the chairperson or the alternate of the chairperson a minimum of \$2,000 plus GST per meeting and \$285 per hour for business that is undertaken outside of meetings*
 - b) *in the case of an independent person or the alternate of an independent person a minimum of \$1,500 plus GST per meeting and \$214 per hour for business that is undertaken outside of meetings or,*
 - c) *in the case of the representative of the community or the alternate of a representative of the community -a minimum of \$500 plus GST per meeting and \$71 per hour for business that is undertaken outside of meetings*
6. *As required by the Local Planning Panels Code of Conduct - August 2020 (as amended) and in accordance with the Local Planning Panels Ministerial Direction, all Local Planning Panel Members must:*
-

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- a) abide by the Code of Conduct for Local Planning Panel Members*
- b) achieve a satisfactory result in the relevant probity checks*
- c) complete all relevant and required administrative documentation (including a statutory declaration stating that they are not property developers or real estate agents)*

DECLARED CARRIED BY THE ADMINISTRATOR

9.4 Pesticide Use Notification Plan Draft for Public Exhibition

Report of: Barry Arthur
Manager Environment and Sustainability

Authorised by: Clinton McAlister
Acting Director Communities and Place

OFFICER'S RECOMMENDATION

THAT:

1. Council endorse the draft Pesticides Use Notification Plan at Attachment 1 to be placed on public exhibition for 28 days.
2. A further report be submitted to Council following the conclusion of the public exhibition period.

MN 2024/203

MOTION

THAT:

1. Council endorse the draft Pesticides Use Notification Plan at Attachment 1 to be placed on public exhibition for 28 days.
2. A further report be submitted to Council following the conclusion of the public exhibition period.

DECLARED CARRIED BY EXCEPTION

9.5 Backflow Prevention Policy Post Exhibition Report

Report of: Emma Britten
Operations Technical Officer Quality Water Services

Authorised by: Karin Targa
Director Services and Project Delivery

OFFICER'S RECOMMENDATION

THAT Council adopt the reviewed Backflow Prevention policy having been on public exhibition for the required 28 days.

MN 2024/204

MOTION

THAT Council adopt the reviewed Backflow Prevention policy having been on public exhibition for the required 28 days.

DECLARED CARRIED BY EXCEPTION

9.6 Chemical Supply Water and Wastewater Tender Evaluation Report

Report of: Graeme Mellor
Manager Water Services

Authorised by: Karin Targa
Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT Council:

1. Accept the Tenders received through Regional Procurement for water treatment chemical product supply from BOC Limited, Ixom Operations Pty Ltd, Nowra Chemical Manufacturers Pty Ltd, Redox Ltd, Chemiplas Aust Pty Ltd and SNF (Australia) Pty Ltd as detailed in Table A for the bulk chemical supplies for water and wastewater treatment plants and that these companies be awarded the contract for the open Panel Source for suppliers to Wingecarribee Shire Council for the period 1 July 2024 to 30 June 2027 with an optional one year extension as a panel arrangement.
2. Note that the awarded contractors under this contract will be engaged in accordance with their tendered schedule of rates as required.
3. Delegate authority to the General Manager to execute the contracts and any other documentation required to give effect to this resolution as part of the regional procurement process.

MN 2024/205

MOTION

THAT Council:

1. *Accept the Tenders received through Regional Procurement for water treatment chemical product supply from BOC Limited, Ixom Operations Pty Ltd, Nowra Chemical Manufacturers Pty Ltd, Redox Ltd, Chemiplas Aust Pty Ltd and SNF (Australia) Pty Ltd as detailed in Table A for the bulk chemical supplies for water and wastewater treatment plants and that these companies be awarded the contract for the open Panel Source for suppliers to Wingecarribee Shire Council for the period 1 July 2024 to 30 June 2027 with an optional one year extension as a panel arrangement.*
2. *Note that the awarded contractors under this contract will be engaged in accordance with their tendered schedule of rates as required.*
3. *Delegate authority to the General Manager to execute the contracts and any other documentation required to give effect to this resolution as part of the regional procurement process.*

DECLARED CARRIED BY EXCEPTION

9.7 Water Zone Control Valves Construction Tender Evaluation Report

Report of: Samir Paudel
Project Manager

Authorised by: Karin Targa
Director Service and Project Delivery

OFFICER'S RECOMMENDATION

THAT Council:

1. Accept the tender submission from Killard Infrastructure Pty Ltd for RFT# T-2024-11 at a total lump sum price of \$1,795,798.32 including GST for Construction of Water Supply Control Valves.
2. Delegate authority to the General Manager to execute the contract.
3. Note the total project budget for Financial Year 24/25 is \$1,877,425.52 to be funded from the Water Fund and to be incorporated into Council's Long Term Financial Plan.

MN 2024/206

MOTION

THAT Council:

1. Accept the tender submission from Killard Infrastructure Pty Ltd for RFT# T-2024-11 at a total lump sum price of \$1,795,798.32 including GST for Construction of Water Supply Control Valves.
2. Delegate authority to the General Manager to execute the contract.
3. Note the total project budget for Financial Year 24/25 is \$1,877,425.52 to be funded from the Water Fund and to be incorporated into Council's Long Term Financial Plan.

DECLARED CARRIED BY EXCEPTION

MN 2024/207

MOTION moved by Administrator

THAT In accordance with Clause 9.3(b) of the Code of Meeting Practice I move, as a matter of urgency that the supplementary report on the Visitor Economy Advisory Panel be considered at this meeting.

DECLARED CARRIED BY THE ADMINISTRATOR

9.8 SA 1.1 Visitor Economy Advisory Panel

Report of: James Borbone
Acting Manager Business and Property Services

Authorised by: Pav Kuzmanovski
Acting Director Corporate Strategy and Resourcing

OFFICER'S RECOMMENDATION

THAT Council:

1. Endorse the following individuals to form the Visitors Economy Advisory Panel:
 - a. Stefano Marvella
 - b. Nathan Ponder
 - c. Max Mason
 - d. Kellie Stapleton
 - e. Ally Seymour
 - f. Amanda Fry
 - g. Natalie Dare
 - h. Ben Shephard
 - i. Richard Sainsbury

2. Note the first VEAP meeting will be schedule in July 2024.

MN 2024/208

MOTION *moved by the Administrator*

THAT Council:

1. Endorse the following individuals to form the Visitors Economy Advisory Panel:
 - a. Stefano Marvella
 - b. Nathan Ponder
 - c. Max Mason
 - d. Kellie Stapleton
 - e. Ally Seymour
 - f. Amanda Fry
 - g. Natalie Dare
 - h. Ben Shephard
 - i. Richard Sainsbury

2. Note the first VEAP meeting will be schedule in July 2024.

DECLARED CARRIED BY THE ADMINISTRATOR

10 QUESTIONS WITH NOTICE

Nil.

11 MEETING CLOSURE

The General Manager addressed the meeting to commend Mr McAlister for his work and professionalism over the past few months in the role of Acting Director Communities and Place. The General Manager advised that the new Director Communities and Place, Mr Michael McCabe, will commence at Council on Monday, 1 July 2024.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5:19 pm.