

DRAFT MINUTES

Extraordinary Meeting of Council



We're with you

Monday 9 September 2024

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

The meeting commenced at 3:34 PM

**MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL
MONDAY 9 SEPTEMBER 2024**

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MONDAY 9 SEPTEMBER 2024**

**MINUTES OF THE EXTRAORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN
COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON MONDAY 9
SEPTEMBER 2024 COMMENCING AT 3:34 PM**

Present:	Administrator	Mr Viv May PSM
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
	Executive Manager Strategic Outcomes	Mr Deniz Kilic
	Chief Financial Officer	Mr Pav Kuzmanovski
	Manager Governance and Corporate Performance	Ms Danielle Lidgard
	Manager Assets	Mr Shaun Robinson
	Acting Deputy Chief Financial Officer	Ms Margaret Cusack
	Asset Systems Officer	Mr Patrick Irvine
	Governance Advisor	Mr Warwick Lawrence
	Coordinator ICT Operations	Mr Ayhan Biyik
	Coordinator Governance	Ms Paige Zelunzuk
	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

The Administrator, Mr Viv May PSM, 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

The Administrator, Mr Viv May PSM, stated:

“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.

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.

5 DECLARATIONS OF INTEREST

The General Manager, Ms Lisa Miscamble declared a pecuniary interest in Administrator Minute 1 and Item 6.1 Notice of Intention to Issue a Performance Order to Wingecarribee Shire Council as the Notice of Intention to issue a Performance Improvement Order, if issued, includes a clause relating to the General Managers contract. The General Manager vacated the Chambers for consideration of the items.

5.1 ADMINISTRATOR MINUTE 1

The General Manager declared a pecuniary interest in this item as it relates to the Notice of Intention to Issue a Performance Order to Wingecarribee Shire Council. If the Performance Order is issued, it includes a clause relating to the General Managers contract.

The General Manager left the Chambers at 3:37 pm.

The Director Corporate Strategy and Resourcing addressed the meeting and tabled the attached submissions.

[Tabled Item - Email dated 6 September 2024 from Sara Moylan](#)

[Tabled Item - Email dated 9 September 2024 from Graham Kelly](#)

[Tabled Item - Email dated 9 September 2024 from Rachel Russell](#)

[Tabled Item - Received by hand from Rachel Russell - Emails dated 9 September 2024](#)

ADMINISTRATOR MINUTE 1

Last Monday, Council was formally served by the Minister for Local Government, Notice of his intention to issue a Performance Improvement Order (PIO) under the Local Government Act – giving seven days to make any submissions. The Notice and a letter addressed to me from the Minister is included in the agenda giving notice of this meeting and will be formally attached to this Minute.

As Council already had an Extraordinary Meeting scheduled for the draft 2023/24 Financial Statements to be considered and released for Audit by the Audit Office of NSW, the Office of Local Government was advised that consideration of the Minister's Order would be on 9 September 2024.

The letter from the Minister notes that over the past three years there has been significant progress in establishing the new Council and that Council is now well placed to deliver the service and infrastructure that local communities need and deserve, both now and into the future.

To ensure the Administration legacy is not lost during the transition to an elected Council, the Minister advised that he is using his powers to create a clear expectation for the future governance and operation of the Wingecarribee Shire Council.

The Minister noted reasons for the proposed order are summarised below:

1. Council needs to keep its budget discipline to maintain its financial sustainability, particularly given its program of new water and sewer infrastructure at Moss Vale and Bowral tied to its housing strategy and the ongoing management of operational costs.
2. Council needs to ensure it maintains access to appropriate staff expertise and engagement to provide secure advice to the Councillors on financial, governance and regulatory matters.
3. Council needs to maintain its strong governance processes to give staff confidence in providing the best advice and options to ensure there is a clear strategy for service delivery, infrastructure investment and renewal, as well as planning decisions on future housing.

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4. Council should only be changing strategic priorities with clear understanding of costs and have supporting strategies to ensure Council doesn't fund initiatives through either debt or inappropriate access of restricted funds, and
5. Council needs to continue to delivery and implement the changes required as part of the recommendations of the Glover Inquiry.

I am confident that the decision of the Minister will be well received having regards to residents past experience with the operation and conduct of the former Council – at both the political and operational levels. The Minister, in the Order, makes particular reference to the need for Council to deliver and implement the changes required as part of the recommendations of the Glover Inquiry (Wingecarribee Shire Council Public Inquiry) and after my time at the Council, I can assure residents that the Inquiry only scratched the surface and there is still much to be done - most of which is outlined in my End of Term Report.

The Glover Report highlighted the need for training of Councillors so they better understand their roles and responsibilities. In response to that recommendation, Council organised, with the assistance and support of the Office of Local Government, comprehensive Candidate Sessions earlier this year and it is most unfortunate that some of the lead candidates did not even bother to attend any session.

I support the proposed Performance Improvement Order and am of the view that it will be of great assistance to the fresh faces that will form the incoming governing body in providing leadership, good governance and financial sustainability.

Attached is my draft submission in response to the proposed Order dated 2 September 2024. It will be noted in the response that I have requested that the General Manager report to the Minister and Deputy Secretary on full details of the induction program and individual Councillors attendance at all sessions.

I formally move that the Minute be noted and that Council welcome the Proposed Improvement Order dated 2 September 2024 and the draft letter be adopted and forwarded to the Minister.

MN 2024/291

MOTION *moved by the Administrator*

THAT *Council note the Administrator Minute and welcome the Proposed Improvement Order dated 2 September 2024 and the draft letter be adopted and forwarded to the Minister.*

DECLARED CARRIED BY THE ADMINISTRATOR

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The General Manager declared a pecuniary interest in Item 6.1 Notice of Intention to issue a Performance Order to Wingecarribee Shire Council as if the Performance Order is issued, it includes a clause relating to the General Managers contract.

6 GENERAL MANAGER

6.1 Notice of Intention to Issue a Performance Order to Wingecarribee Shire Council

Report Author: Lisa Miscamble
General Manager

Authoriser: Lisa Miscamble
General Manager

OFFICER'S RECOMMENDATION

THAT the report be noted.

MN 2024/293

MOTION *moved by the Administrator*

THAT the report be noted.

DECLARED CARRIED BY THE ADMINISTRATOR

The General Manager returned to the Chambers at 3:43 pm.

6.2 2023/24 Draft Financial Statements Release for Audit

Report Author: Pav Kuzmanovski
Chief Financial Officer

Authoriser: Lisa Miscamble
General Manager

OFFICER'S RECOMMENDATION

THAT:

1. Council refer the Draft Financial Statements for the year ended 30 June 2024 for audit in accordance with Section 413(1) of the *Local Government Act 1993*.
2. The Mayor and a nominated Councillor be authorised to sign the "Statement by Councillors and Management" pursuant to Section 413(2)(c) of the *Local Government Act 1993*, with the General Manager and the Responsible Accounting Officer.
3. Council fixes the date of 20 November 2024 for the audited Financial Statements, together with the auditor's reports, to be presented to the public in accordance with Section 418(1)(a) and (1)(b) of the *Local Government Act 1993*.
4. Council endorse the temporary release of Internally Restricted Reserves as outlined in the report until funds are received from external agencies.

The Chief Financial Officer introduced the item.

MN 2024/294

MOTION moved by the Administrator

THAT:

1. Council refer the Draft Financial Statements for the year ended 30 June 2024 for audit in accordance with Section 413(1) of the *Local Government Act 1993*.
2. The Mayor and a nominated Councillor be authorised to sign the "Statement by Councillors and Management" pursuant to Section 413(2)(c) of the *Local Government Act 1993*, with the General Manager and the Responsible Accounting Officer.
3. Council fixes the date of 20 November 2024 for the audited Financial Statements, together with the auditor's reports, to be presented to the public in accordance with Section 418(1)(a) and (1)(b) of the *Local Government Act 1993*.

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4. *Council endorse the temporary release of Internally Restricted Reserves as outlined in the report until funds are received from external agencies.*

DECLARED CARRIED BY THE ADMINISTRATOR

6.3 Local Housing Strategy

Report Author: Deniz Kilic
Executive Manager Strategic Outcomes

Authoriser: Lisa Miscamble
General Manager

OFFICER'S RECOMMENDATION

THAT Council:

1. Note that the NSW Department of Planning, Housing and Infrastructure has endorsed the Wingecarribee Local Housing Strategy and in doing so, has acknowledged the commitment of Council to best-practice strategic planning in the Shire.
2. Note that no additional sites are being considered by the NSW Department of Planning, Housing and Infrastructure at this time and any future updates to the Strategy would be guided by demographic trends and Departmental advice.

The Executive Manager Strategic Outcomes introduced the item and advised:

All Councils across NSW are expected to lead the preparation and active implementation of a Local Housing Strategy. The Wingecarribee LHS was adopted in July 2021 and we have been steadily implementing the LHS since that time. The LHS accommodates existing and future Southern Highlanders with a balanced 50/50 approach between infill and greenfield areas, that is 50% of new dwellings are expected to be within existing town and village forms and the other 50% of new dwellings are expected across 6 New Living Areas.

It is important to remember that every Masterplan, every Planning Proposal and every Gateway approval is a demonstration of active implementation of our strategy-led landuse planning framework.

Recently, we requested the Department to endorse the Wingecarribee LHS 2021. The Letter of Endorsement commends Council for our commitment to strategic landuse planning and provides endorsement with routine expectations for future updates. This aligns with the state-wide LHS Departmental Guidelines.

The endorsement provides a long-term pathway going forward and in the meantime the endorsement is confirmation from the Department that the LHS was appropriately prepared and reflects the limited opportunities across the Shire for any new urban release areas, given limited servicing infrastructure.

We'd like to shift the conversation around housing to affordable housing, particular key worker housing, over the next year. As these New Living Areas and strategic infill areas come online, we

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need to ensure the State is proactively engaged to provide social housing and Community Housing Providers are investing in well-located, well-designed affordable housing for moderate income and key workers in the Southern Highlands.

MN 2024/295

MOTION moved by the Administrator

THAT Council:

- 1. Note that the NSW Department of Planning, Housing and Infrastructure has endorsed the Wingecarribee Local Housing Strategy and in doing so, has acknowledged the commitment of Council to best-practice strategic planning in the Shire.***
- 2. Note that no additional sites are being considered by the NSW Department of Planning, Housing and Infrastructure at this time and any future updates to the Strategy would be guided by demographic trends and Departmental advice.***

DECLARED CARRIED BY THE ADMINISTRATOR

7 REPORTS

7.1 Canberra Region Joint Organisation - Board Meeting Minutes 2 August 2024

Report of: Lisa Miscamble
General Manager

Authoriser: Lisa Miscamble
General Manager

OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the Canberra Region Joint Organisation meeting on 2 August 2024.

MN 2024/296

MOTION *moved by the Administrator*

THAT *Council receive and note the minutes of the Canberra Region Joint Organisation meeting on 2 August 2024.*

DECLARED CARRIED BY THE ADMINISTRATOR

7.2 Country Mayors Association - Meeting Minutes 9 August 2024

Report of: Lisa Miscamble
General Manager

Authoriser: Lisa Miscamble
General Manager

OFFICER'S RECOMMENDATION

That Council Receive and note the minutes of the Country Mayors Association held on 9 August 2024

MN 2024/297

MOTION *moved by the Administrator*

THAT *Council Receive and note the minutes of the Country Mayors Association held on 9 August 2024.*

DECLARED CARRIED BY THE ADMINISTRATOR

7.1 ADMINISTRATOR MINUTE 2

At my first meeting as Interim Administrator, in March 2021 I stated that while I held the position, I would do my best to independently serve in an honest, open and transparent way ensuring all voices are heard.

The restoration of public confidence in the effective functioning of the Council was my priority.

I forecast that I would be making some tough decisions and that “bandaids” were not an option.

At the time, I had no idea what a debacle the Council actually was.

On 30 August 2024 I issued an End of Term Report which will be attached to this Minute for the record.

Since the issue of the report, there have been three matters that should be addressed prior to the end of my term as follows:

Financial Statements

Council is in a solid financial position. The final result is consistent with monthly financial reporting and the Council’s long term financial plan projections.

The draft results were considered and endorsed by the ARIC and referred to this meeting for endorsement and referral to NSW Audit Office.

I draw attention to the fact that Council complies with all but one of the six financial indicators – Operating Performance Indicator – which trended positively from 2022/23. Importantly, Council’s unrestricted working capital is now \$6.08M which will ensure it has capacity to deal with any short-term financial emergency.

Of concern is the fact that as of 30 June 2024, Council is owed \$6.2M in DRFA funds from works it has undertaken following declared natural disasters – the resulting effect being a loss of interest on investments to the Wingecarribee Community.

It is important that Council remain disciplined and only make decisions that are affordable and evidence based rejecting the notion of populist or expedient decisions.

Local Housing Strategy

The endorsement of the Wingecarribee Local Housing Strategy 2021 by the NSW Department of Planning, Housing and Infrastructure (DPHI) is a milestone that marks the start of a new chapter in land use planning in the Shire.

Council is required to provide additional dwellings by 2041 and has to play its part in the National Housing Accord. This means at least 6,000 additional dwellings by 2041 based on existing population projections or 9,500 dwellings by 2041 in the case of higher growth scenarios.

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In my view, until it is proved that the Shire has capacity to accommodate in a sustainable way more growth and community acceptance is gauged any higher growth projection should be totally rejected.

The Strategy identifies six new residential living areas to be developed over the next 30 years, but importantly demonstrates how 50% of future development will be infill within existing towns and villages to ensure Council avoids sprawl or what some would call residential creep.

For too long land use planning in the Shire has been driven by the State Government, developers (including LandCom) and builders at the expense of the environment and residential amenity. Tens of millions of dollars have been lost in developer contributions as there has been little strategic thought or planning.

Council will continue to work with the State and Federal Governments and community housing providers to ensure key worker accommodation, together with choice of and affordable housing are not precluded from towns and villages across the Shire.

The letter from the acting Director of Local Planning and Council Support, NSW DPPI, notes that the Council's first New Living Area – Bowral South, is bounded by the Wingecarribee River necessitating flood impact studies in any future proposals and the possible impacts from release of water from Wingecarribee Dam. Residents are assured that these matters are being addressed by Council officers and with a guarantee that neither Council nor the State Government will approve any development on flood prone land. The Council's land releases are being driven not by landowners (or their advocates) but by evidence based professional advice.

During my term as Administrator, I have declined to entertain any applications for spot rezonings and the incoming Council and staff will need to be vigilant in this regard. Consistency is required and any new housing (other than allowed under existing zonings) should be restricted to the New Living Areas.

Performance Improvement Order

The biggest casualty of the turmoil that engulfed the former Council was its residents. In my view, Wingecarribee Shire Council was a poor example of good local government and failed the community it was meant to serve in the exercise of its functions, provision of core services, decision making, community participation, financial management and integrated planning and reporting. This should never be repeated.

I applaud the Minister for Local Government in proposing to implement a Performance Improvement Order (PIO) on the new Council to ensure the work of the past 3.5 years is not lost in the transition to an elected Council.

My recent village and town meetings, observing local media, reading candidates pamphlets, and residents bringing my attention to some social media comment it is alarming what some candidates are promising and it has even been suggested to me 'have lessons been learnt from the past?' by some of those putting their names forward for such an important role.

The decision of the Minister to ensure that Councillors elected in September will have their performance monitored and the strong reporting responsibilities of the General Manager to the

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Office of Local Government should be welcomed by all residents who want a Council that is focused on local community issues and have a vision for the Shire.

Roles and Responsibilities must be both respected and understood.

Non-compliance with a PIO issued by the Minister can be a trigger for a potential suspension of the Council and I am confident that the 12-month conditions and reporting mechanisms outlined in the 2nd September 2024, PIO will be respected and adhered to by the incoming Council and administration.

Council has had a fresh start but there is still much to be done.

I am not one who normally names people for recognition, but I cannot go past the enormous contribution that the General Manager, Lisa Miscamble has made in her leadership, addressing so many issues – I simply say on behalf of the residents who you serve with professionalism, dignity and respect – thank you.

The reviews that I commissioned and are outlined in the published End of Term Report, that in essence led to a refreshing of the Executive team, placed an enormous workload on the Administration and I thank all staff who have responded to the challenge and who are committed and proud to work for the Shire.

It has been a pleasure to serve as Administrator and I thank those residents who have made me feel very welcome while undertaking what many see as a thankless task.

To the incoming Councillors, my plea is that you take full advantage of the opportunity the ballot box has given you and leave your mark for the betterment of all residents.

I have done my best and wish you all well for the future.

MN 2024/298

MOTION *moved by the Administrator*

THAT *the minute be received and noted.*

DECLARED CARRIED BY THE ADMINISTRATOR

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The General Manager addressed the meeting and expressed appreciation for Mr May's dedication to the challenging and often thankless role of Administrator. On behalf of management and the broader team, the General Manager thanked the Administrator for making decisions for both our current and future communities, for his commitment to good governance, openness, transparency and advancing the one source of truth.

The General Manager wished Mr May well in his next venture and looks forward to welcoming the newly elected Council to the Chambers on Wednesday 9 October 2024. It was noted that Council has achieved a great deal over the last three and a half years and that there is still much more to achieve over the coming four years.

8 MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4:07 pm.