



DRAFT MINUTES

of the Extraordinary Meeting of Council

held jointly in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

AND remotely using audio visual link and is open to
members of the community via webcast

on

Wednesday 28 July 2021

The meeting commenced at 3.30pm

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MINUTES OF THE EXTRAORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD JOINTLY IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE AND REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 28 JULY 2021 COMMENCING AT 3.30PM

Present:	Interim Administrator	Mr Viv May PSM
In Attendance:	General Manager	Ms Lisa Miscamble*
	Acting Deputy General Manager Operations, Finance and Risk	Mr Richard Mooney*
	Interim Deputy General Manager Corporate Strategy and Development Services	Ms Marissa Racomelara
	Group Manager Corporate and Community	Ms Danielle Lidgard
	Group Manager Capital Delivery	Mr Ned Tripkovic*
	Acting Group Manager Organisational Development/Chief Information Officer	Mr John Crawford*
	Acting Chief Financial Officer	Mr Damien Jenkins*
	Manager Open Space, Recreation and Building Maintenance	Mr Greg Bray*
	Acting Manager Assets	Ms Rachel Forte*
	Coordinator Media and Communications	Mr David Sommers*
	Administration Officer	Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The remaining staff were present in the Council Chambers for this meeting.

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

The Interim Administrator, Mr Viv May PSM acknowledged country:

“Wingecarribee Shire Council acknowledge 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

The Interim Administrator, Mr Viv May PSM led the civic 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. APOLOGY

There were no apologies at this Meeting.

5. DECLARATIONS OF INTEREST

That where necessary any interest now be disclosed and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

Interim Administrator V May PSM declared a less than significant non-pecuniary interest in Item 7.1 Audit, Risk and Improvement Committee - Appointment of Chair and Independent Members as he has a professional relationship with two of the appointees. He stated that he would remain in the Chamber when this matter was discussed and take part in the debate and voting thereon.

PUBLIC FORUM

Item 6.2 Mittagong Pool – Options Assessment

Mr Barry Anstee addressed Council in support of the Recommendation

INTERIM ADMINISTRATOR MINUTE

Community Update

MN 210/21

MOTION moved by *Interim Administrator V May PSM*

It is important that residents, ratepayers, staff and councillors have an 'independent ear' in the Council dealing with formal complaints. From the information available to me it is clear that this has not in the past been the practice at this Council.

At the Council Meeting held on 21 April, I requested the Acting General Manager to explore the introduction of an internal ombudsman service. Following this request, and the associated recommendation from the Governance, Human Resources and Statutory Reporting Review, that Council should consider a greater use of shared resources, partnership agreements and professional development relationships with larger urban councils in NSW, Wingecarribee Shire Council has developed an ongoing relationship with Wollongong City Council's Internal Ombudsman, known as the Professional Conduct Coordinator, has been engaged to investigate a number of matters since this time. This casual shared service relationship has shown to be positive and discussions will continue with Wollongong City Council regarding this service.

Council records note that as early as 2005 it was looking at the appropriateness of using the line between the northern villages and Mittagong as a walking track for Tourism. At the time Transport Heritage confirmed that the line was leased by them and was used to operate work trains and inspection vehicles. They were open to discussion but identified that significant funds would be required to separate rail and cycle/ pedestrian traffic.

The matter remained dormant until 2017 when \$25,000 was provided in the budget towards the 'Rail Side Project Feasibility Study on the basis of a matching contribution from Wollondilly Council, however, as a result of a rescission motion the matter lapsed.

Last week I met with the CEO and support staff of Transport Heritage NSW about plans to restore and refurbish Picton to Mittagong Loopline from Buxton to Colo Vale. The State Government has already made substantial financial commitments to the project and from discussions with the Member for Wollondilly, has his enthusiastic support.

This is an exciting project and has the potential to deliver to some of the northern villages substantial economic and community benefits.

In meetings with representatives of northern villages and residents, a number of associated matters with the plans of Transport Heritage have been raised and it is appropriate that they be dealt with and accordingly, it is recommended that Council support the proposal to refurbish and restore the Picton to Mittagong Loopline from Buxton to Colo Vale, subject to:

1. No further action being taken to restore the illegal rail crossings in Balmoral
2. Council reconfirming that it will not support the relocation of the Balmoral RFS shed
3. It being noted that at this stage it is not practical to include a 'rail trail' in the proposal
4. Council working with Transport Heritage NSW to develop public toilets and a children's playground on the land owned by the State on the western side of the track at Hill Top on the basis of 50/50 funding
5. \$400,000 from the Station Street Improvements Grant balance (subject to State Government approval) be allocated to the Hill Top project from the allocation detailed

in the Interim Administrator Minute of 23 June.

6. Council supporting the naming of the park adjacent to the railway at Hill Top as 'Hill Top Village Park'.

If approved the State Government's investment in this project is in the order of \$13m almost totally invested within the Wingecarribee Shire Council area. The Council will not deliver this project but is a very important partner and in view of its strategic nature warrants the General Managers direct involvement through the newly created position of Executive Manager Strategic Outcomes.

In consultation with the Acting General Manager and now the new General Manager, a number of reviews and audits have been undertaken in relation to the operation of Council and, in short, they have shown that Wingecarribee Shire Council was not a good example of local government. In addition, the Small Business Commissioner released a report following his consultations with small businesses that is generally consistent with the earlier initiated reviews.

Notice was given at an earlier meeting that an audit was being undertaken in relation to former Senior Staffs' use of credit cards and a review of expenditure of the Tourism and Economic Development Branch. In relation to the latter the consultant submitted a more detailed report to the General Manager on the findings, as there are commercial – in confidence – arrangements in place.

The tabling of these reports has been delayed due to legal advice; however, I now table both reports as they were presented to me and commend the General Manager on the action she has already taken to address the very serious issues raised in the recommendations.

The final report of Earnest Consulting has been delayed due to COVID-19 and the importance of viewing sites and talking directly with residents. A second report has now been received titled 'Righting the Wrongs' and is tabled. The issue with DA's appears never ending and I acknowledge that staff are working hard to address what appears to be a myriad of problems. An operational report is being prepared by the consultants as it contains confidential advice as a way forward for a number of matters that could involve expenditure by Council to 'right the wrongs' and in the meantime, I have asked the General Manager to report on the recommendations captured in the most recent report.

The Animal Shelter Review Report completed by Mr David Ackroyd in conjunction with Mr Malcolm Ryan (Earnest Consulting) has also been received and is tabled. It confirms my concerns in relation to compliance with statutory obligations and raises new matters that require attention. It has been referred to the General Manager for action and report to the next meeting when plans for the new facility and its location will also be addressed.

As previously advised, Risk-e Business Consultants were engaged to undertake a review of the Council's response to the 2019/20 Black Summer Bushfires and I now table the Wingecarribee Shire Council Bushfire Response and Recovery Review 2021.

This is a comprehensive document and on behalf of the community, especially those who were directly affected I thank Mr Owens for his work and acknowledge all who freely contributed. There are 44 recommendations that need to be urgently addressed and I doubt

the capacity of the suspended Council if returned to Office to deal both compassionately and professionally with a matter of such importance.

A constant theme of the Report is a lack of leadership, failure of communication, respect of roles and emergency readiness.

In relation to the Mayoral Relief Fund Mr Owens notes... “disparity between response to Balmoral to that at Wingello was clearly evident”.

It is my view that the report and its recommendations should be subject to a formal response by the General Manager as soon as possible and that an external person or new senior employee should have carriage as some aspects maybe worthy of further interrogation.

Arrangements have been made to make a copy of the Report available to the Minister of Local Government and the Members for Goulburn and Wollondilly.

Last Saturday the Minister for Local Government published an Order in the Government Gazette postponing the Local Government elections to 4 December 2021. It is well known that my appointment is until 10 September and under the provision of the Local Government Act, it cannot be extended without a Public Inquiry.

The next meeting of Council will be on 11 August and in view of the new date for the election the caretaker period will not apply. I will be releasing at that meeting my final report to the Minister under s438N of Local Government Act that will include recommendations that in my view will improve the proper and effective functioning of the Council.

While stated on a number of occasions that I did not support the calling of a Public Inquiry circumstances have changed. In my first Minute in March, residents were assured that I would do my best to independently serve in an honest, open and transparent way ensuring all voices are heard.

Many residents and community organisations have reached out and I have listened and responded to the best of my ability.

Staff have been open and frank, and it has been necessary to arrange additional consultancies and audits to independently enquire and review matters that have been raised.

A new General Manager has been appointed and the new organisation structure is a work in progress. We are at critical time operationally and my expectation was that the community could pass judgement in September.

The General Manager needs “air” to address the matters before her and the release today of the reports of Risk-e Business and Earnest Consulting only add to the seriousness and complexity of this major challenge.

The law is the law but in my view the return of the suspended Council is untenable.

Accordingly, I give notice to the community that it is my intention in the final report to

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 28 July 2021



recommend for the Minister's consideration that a public inquiry under s438u of the Act into Wingecarribee Shire Council be held.

The former Council has 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 its responsibilities in relation to Integrated Planning and Reporting and I will detail my examples on 11 August.

In coming to this conclusion, I am conscious that it could impact on the elections to be held in December, but the matter is too important for the future of the Shire given the current circumstances.

THAT the minute be received and noted and the recommendations contained therein be adopted.

CARRIED

6. OPERATIONS FINANCE AND RISK

6.1 Mittagong Memorial Hall (Playhouse) - Community Update

Report Author: Group Manager Capital Projects
Authoriser: Acting Deputy General Manager

OFFICERS' RECOMMENDATION

THAT Council notes the information contained within this report including the current status of the Mittagong Memorial Hall (Playhouse).

MN 211/21

MOTION moved by Interim Administrator V May PSM

THAT Council notes the information contained within this report including the current status of the Mittagong Memorial Hall (Playhouse).

CARRIED

6.2 Mittagong Pool - Options Assessment Report

Report Author: Manager Open Space, Recreation and Building Maintenance
Authoriser: Acting Deputy General Manager

OFFICERS' RECOMMENDATION

THAT

1. Council endorse the temporary closure of the Mittagong Pool for the 2021/22 Season and undertake community consultation regarding the updated Aquatics Strategy and development of the Mittagong Community Precinct Masterplan.
2. Council notify key stakeholder groups (in writing) of this decision, and that notification be provided to all residents and users through Council's formal communication channels.
3. The Budget implications in relation to the temporary closure of the Mittagong Pool for the 2021/22 Season and the expected costs of updating the Aquatics Strategy and the development of the Mittagong Community Precinct Masterplan be reported to the September Quarterly Review of the 2021/22 Budget.

MN 212/21

MOTION moved by Interim Administrator V May PSM

THAT

1. Council endorse the temporary closure of the Mittagong Pool for the 2021/22 Season and undertake community consultation regarding the updated Aquatics Strategy and development of the Mittagong Community Precinct Masterplan.
2. Council notify key stakeholder groups (in writing) of this decision, and that notification be provided to all residents and users through Council's formal communication channels.
3. The Budget implications in relation to the temporary closure of the Mittagong Pool for the 2021/22 Season and the expected costs of updating the Aquatics Strategy and the development of the Mittagong Community Precinct Masterplan be reported to the September Quarterly Review of the 2021/22 Budget.
4. Council give consideration to funding mechanisms for the provision of a regional aquatic-leisure centre in the Shire, including infrastructure levies and or value capture mechanisms which can be imposed on new urban release areas (to deliver a material public benefit), as identified in the recently adopted Local Housing Strategy.

CARRIED

6.3 Public Toilets - Options Assessment Report

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

OFFICER'S RECOMMENDATION

THAT

1. *The Lions Park Bowral Public Toilet renewal project proceed as indicated in the Capital Works Program.*
2. *Provision of additional public toilets at Yerrinbool be considered upon review of the Public Toilet Strategy in 2022/23.*
3. *Renewal of the Sutton Forest public toilets be considered for inclusion in the Capital Works Program for design in 2023/24 and construction in 2024/25.*

MN 213/21

MOTION moved by Interim Administrator V May PSM

THAT

1. *The Lions Park Bowral Public Toilet renewal project proceed as indicated in the Capital Works Program.*
2. *Provision of additional public toilets at Yerrinbool be considered upon review of the Public Toilet Strategy in 2022/23.*
3. *Renewal of the Sutton Forest public toilets be considered for inclusion in the Capital Works Program for design in 2023/24 and construction in 2024/25.*
4. *A further report be provided on the funds allocated for the next five years in Council's forward Financial Plan and Proposed Works under the Public Toilet Strategy.*
5. *Council continue to monitor grant opportunities for the provision of accessible public toilets in the Shire villages and localities.*

CARRIED

6.4 Acceptance of Grant Funding - Bushfire Local Economic Recovery Package

Report Author: Acting Manager Assets
Authoriser: Acting Deputy General Manager

OFFICER'S RECOMMENDATION

THAT

1. Council accept Grant Funding from the State and Federal Governments under the NSW Bushfire Local Economic Recovery Program for:
 - \$2,479,000 for Casburn Park Wingello Resilience Project
 - \$205,000 for Indigenous Cultural Burning Project
2. Council write to the following Members of Parliament to acknowledge the support and assistance in securing this grant funding:
 - Member for Hume, Mr Angus Taylor MP
 - Member for Whitlam, Mr Stephen Jones MP
 - Member for Goulburn, Mrs Wendy Tuckerman MP
 - Member for Wollondilly, Mr Nathaniel Smith MP

MN 214/21

MOTION moved by Interim Administrator V May PSM

THAT

1. Council accept Grant Funding from the State and Federal Governments under the NSW Bushfire Local Economic Recovery Program for:
 - \$2,479,000 for Casburn Park Wingello Resilience Project
 - \$205,000 for Indigenous Cultural Burning Project
2. Council write to the following Members of Parliament to acknowledge the support and assistance in securing this grant funding:
 - Member for Hume, Mr Angus Taylor MP
 - Member for Whitlam, Mr Stephen Jones MP
 - Member for Goulburn, Mrs Wendy Tuckerman MP
 - Member for Wollondilly, Mr Nathaniel Smith MP

CARRIED

6.5 Tender for Water Main Renewal - Exeter NSW

Report Author: Group Manager Water & Sewer
Authoriser: Acting Deputy General Manager

PURPOSE

THAT

- 1. Council accepts the tender from Killard Infrastructure Pty Ltd at a Lump Sum of \$822,605 inclusive of GST - to undertake Water Main Renewals at Exeter.*
- 2. Council note the tender prices received for the entire tendered package of works ranged from \$476,099 to \$1,774,307 Inclusive of GST*
- 3. Council delegate authority to the Interim Administrator and General Manager to execute the contract and any other documentation required to give effect to this resolution.*

MN 215/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. Council accepts the tender from Killard Infrastructure Pty Ltd at a Lump Sum of \$822,605 inclusive of GST - to undertake Water Main Renewals at Exeter.*
- 2. Council note the tender prices received for the entire tendered package of works ranged from \$476,099 to \$1,774,307 Inclusive of GST*
- 3. Council delegate authority to the Interim Administrator and General Manager to execute the contract and any other documentation required to give effect to this resolution.*

CARRIED

6.6 Tender for the Supply of One (1) Vacuum Jetter Truck

Report Author: Acting Chief Financial Officer
Authoriser: Acting Deputy General Manager

OFFICER'S RECOMMENDATION

THAT:

1. Council accepts the alternative tender submission from KOR Equipment Solutions Pty Ltd for a lump sum price of (\$714,516 Inclusive GST).
2. Council accepts the trade-in offer submitted by KOR Equipment Solutions Pty Ltd for a lump sum price of (\$137,500 Inclusive GST).
3. Council note the tender prices received for the truck purchase ranged from \$636,757 to \$714,516 Inclusive of GST, and the trade-in prices for Council's existing truck ranged from \$77,000 to \$137,500.
4. Council delegate authority to the Interim Administrator and General Manager to execute the contract and any other documentation required to give effect to this resolution.

MN 216/21

MOTION moved by Interim Administrator V May PSM

THAT:

1. Council accepts the alternative tender submission from KOR Equipment Solutions Pty Ltd for a lump sum price of (\$714,516 Inclusive GST).
2. Council accepts the trade-in offer submitted by KOR Equipment Solutions Pty Ltd for a lump sum price of (\$137,500 Inclusive GST).
3. Council note the tender prices received for the truck purchase ranged from \$636,757 to \$714,516 Inclusive of GST, and the trade-in prices for Council's existing truck ranged from \$77,000 to \$137,500.
4. Council delegate authority to the Interim Administrator and General Manager to execute the contract and any other documentation required to give effect to this resolution.

CARRIED

6.7 Lease to Berrima District Historical & Family History Society Inc - Mittagong Memorial Hall - Revised Lease Space

Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager

OFFICER'S RECOMMENDATION

THAT:

1. *The General Manager be delegated authority to negotiate with Berrima District Historical & Family History Society Inc for a revised leased space within Memorial Hall, 114-116 Main Street Mittagong for a maximum twenty one (21) years, on the same terms and conditions to the current agreement, but varying the space occupied.*
2. *Council give public notice of its intention to enter into a twenty one (21) year Lease for the revised leased area referred to in Resolution 1 above.*
3. *If there are no objections received by Council during the period of public notice, the General Manager and Mayor/Interim Administrator be delegated authority to execute the revised twenty one (21) year Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents.*
4. *If there are any objections received by Council during the period of public notice a further report will be forwarded to a future Ordinary Meeting of Council.*

MN 217/21

MOTION moved by Interim Administrator V May PSM

THAT:

1. ***The General Manager be delegated authority to negotiate with Berrima District Historical & Family History Society Inc for a revised leased space within Memorial Hall, 114-116 Main Street Mittagong for a maximum twenty one (21) years, on the same terms and conditions to the current agreement, but varying the space occupied.***
2. ***Council give public notice of its intention to enter into a twenty one (21) year Lease for the revised leased area referred to in Resolution 1 above.***
3. ***If there are no objections received by Council during the period of public notice, the General Manager and Mayor/Interim Administrator be delegated authority to execute the revised twenty one (21) year Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents.***
4. ***If there are any objections received by Council during the period of public notice a further report will be forwarded to a future Ordinary Meeting of Council.***

CARRIED

6.8 Bulk Waste Kerbside Collection Service - Options Assessment Report

Report Author: Manager Business Services
Authoriser: Acting Deputy General Manager

OFFICER'S RECOMMENDATION

THAT

- 1. Council adopt Option One in relation to the Bulk Waste Kerbside Collection Service, that Council formally vary its existing Waste Collection Contract to include a Bulk Waste Kerbside Collection rate of \$22.28 + GST per premise on all 19,500 premises.*
- 2. Council vote expenditure of \$1,437,000 (Inclusive of Disposal Costs) as part of the September Quarterly Review of the 2021/22 Budget to fund this service, with the funding to be sourced from the Domestic Waste Management Cash Reserve.*
- 3. Council determine the collection dates for the 2021/22 financial year with its external waste collection contractor and that this information be communicated to all residents through Council's communication channels.*

MN 218/21

MOTION moved by Interim Administrator V May PSM

THAT

1. ***Council adopt Option One in relation to the Bulk Waste Kerbside Collection Service, that Council formally vary its existing Waste Collection Contract to include a Bulk Waste Kerbside Collection rate of \$22.28 + GST per premise on all 19,500 premises.***
2. ***Council vote expenditure of \$1,437,000 (Inclusive of Disposal Costs) as part of the September Quarterly Review of the 2021/22 Budget to fund this service, with the funding to be sourced from the Domestic Waste Management Cash Reserve.***
3. ***Council determine the collection dates for the 2021/22 financial year with its external waste collection contractor and that this information be communicated to all residents through Council's communication channels.***
4. ***Council provide a letterbox pamphlet to all eligible residents within two weeks of the collection cycle to notify all residents of the availability of this service.***
5. ***Council include provision for a bi-annual bulk waste collection service within the next waste collection contract specifications, which will commence 1 July 2024***
6. ***Council commission an independent review of its Domestic Waste Management Cash Reserve to ensure that the potential requirement to increase the domestic waste management annual charge is considered in the lead up to the new contract period.***

CARRIED

6.9 Mt Gibraltar Property Matters - Status Update

Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorse the application for closure of unformed roads within the Mount Gibraltar Heritage Reserve as shown in Attachment 2 to this report.*
- 2. Council give a minimum twenty-eight (28) days public notice of its intention to close the sections of unformed roads within Mount Gibraltar Heritage Reserve AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.*
- 3. If there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 3 of the Roads Act, 1993, Council as roads authority formally approve the closure of the portion of Council public roads referred to in Resolution 1 above and that upon closure the newly created lots will be classified as Community Land pursuant to the Local Government Act 1993.*
- 4. The General Manager and Mayor/Interim Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure of the Council public roads referred to in Resolution 1 above.*
- 5. Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closures referred to in Resolution 1 above which does not require affixing of the Common Seal of Council.*

MN 219/21

MOTION moved by Interim Administrator V May PSM

THAT

1. ***Council endorse the application for closure of unformed roads within the Mount Gibraltar Heritage Reserve as shown in Attachment 2 to this report.***
2. ***Council give a minimum twenty-eight (28) days public notice of its intention to close the sections of unformed roads within Mount Gibraltar Heritage Reserve AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.***
3. ***If there are no objections received by Council during the period of public exhibition, that pursuant to Part 4 Division 3 of the Roads Act, 1993, Council as roads authority formally approve the closure of the portion of Council public roads referred to in Resolution 1 above and that upon closure the newly created lots will be classified as Community Land pursuant to the Local Government Act 1993.***
4. ***The General Manager and Mayor/Interim Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property dealing or any other document in respect of the proposed closure of the Council public roads referred to in Resolution 1 above.***
5. ***Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the road closures referred to in Resolution 1 above which does not require affixing of the Common Seal of Council.***

CARRIED

6.10 Proposed Road Closure - Part Argyle Street Mittagong

Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager

OFFICER'S RECOMMENDATION

THAT:

- 1. Council note the information provided within this report with respect to the proposed road closure and sale of part Argyle Street, Mittagong.*
- 2. Council make a formal offer to sell the part road reserve at Argyle Street, Mittagong to the applicant for \$41,300 plus GST.*
- 3. Following the closure and sale of the road referred to in resolution 2 above, the applicant be required to consolidate the newly created lot (being the former segment of closed road) with the applicant's adjoining property at the applicant's cost and expense within 12 months of the date of transfer.*
- 4. The General Manager and Mayor/Interim Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan and real property dealings in respect of the road closure and any future sale of the road referred to in Resolution 2 above.*
- 5. The General Manager be delegated authority to execute any other document in respect of the road closure and any future sale of the road referred to in Resolution 2 above that does not require the Common Seal of Council.*

MN 220/21

MOTION moved by Interim Administrator V May PSM

THAT:

1. ***Council note the information provided within this report with respect to the proposed road closure and sale of part Argyle Street, Mittagong.***
2. ***Council make a formal offer to sell the part road reserve at Argyle Street, Mittagong to the applicant for \$41,300 plus GST.***
3. ***Following the closure and sale of the road referred to in resolution 2 above, the applicant be required to consolidate the newly created lot (being the former segment of closed road) with the applicant's adjoining property at the applicant's cost and expense within 12 months of the date of transfer.***
4. ***The General Manager and Mayor/Interim Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan and real property dealings in respect of the road closure and any future sale of the road referred to in Resolution 2 above.***
5. ***The General Manager be delegated authority to execute any other document in respect of the road closure and any future sale of the road referred to in Resolution 2 above that does not require the Common Seal of Council.***

CARRIED

6.11 Investment Report - June 2021

Report Author: Acting Chief Financial Officer
Authoriser: Acting Deputy General Manager

OFFICERS RECOMMENDATION

THAT

- 1. the information on Council's Investments as at 30 June 2021 be received and noted.*
- 2. the update on the appointment of an Investment Advisor be noted.*

MN 221/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. the information on Council's Investments as at 30 June 2021 be received and noted.*
- 2. the update on the appointment of an Investment Advisor be noted.*

CARRIED

7. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

7.1 Audit, Risk and Improvement Committee - Appointment of Chair and Independent Members

Report Author: Group Manager Corporate and Community
Authoriser: Interim Deputy General Manager

OFFICERS RECOMMENDATION

THAT Council

1. *That the Audit, Risk and Improvement Committee Terms of Reference be amended to include four (4) independent committee members, including the Chair of the Committee*
2. *Endorse the appointment of Mr Stephen Horne, Mr Mark McCoy, Ms Simone Schwarz and Mr Michael Quirk to the Audit, Risk and Improvement Committee from 1 September 2021 for a three (3) year term expiring 31 August 2024.*
3. *Appoint Mr Stephen Horne as Chair of the Audit, Risk and Improvement Committee for the three-year term.*
4. *Endorse the remuneration fee of \$1,621 (excluding GST) per meeting to committee members and \$16,213 (excluding GST) per annum payable the Chair.*

MN 222/21

MOTION moved by Interim Administrator V May PSM

THAT Council

1. ***That the Audit, Risk and Improvement Committee Terms of Reference be amended to include four (4) independent committee members, including the Chair of the Committee***
2. ***Endorse the appointment of Mr Stephen Horne, Mr Mark McCoy, Ms Simone Schwarz and Mr Michael Quirk to the Audit, Risk and Improvement Committee from 1 September 2021 for a three (3) year term expiring 31 August 2024.***
3. ***Appoint Mr Stephen Horne as Chair of the Audit, Risk and Improvement Committee for the three-year term.***
4. ***Endorse the remuneration fee of \$1,621 (excluding GST) per meeting to committee members and \$16,213 (excluding GST) per annum payable the Chair.***

CARRIED

7.2 Destination Southern Highlands Fees and Charges - Results of Public Exhibition

Report Author: Group Manager Corporate and Community
Authoriser: Interim Deputy General Manager

OFFICER'S RECOMMENDATION

THAT the Destination Southern Highlands Fees and Charges for 2021/22 as outlined in this report be adopted.

MN 223/21

MOTION moved by Interim Administrator V May PSM

THAT the Destination Southern Highlands Fees and Charges for 2021/22 as outlined in this report be adopted.

CARRIED

7.3 Post Exhibition Report on Code of Meeting Practice

Report Author: Group Manager Corporate and Community
Authoriser: Interim Deputy General Manager

OFFICER'S RECOMMENDATION

THAT Council adopt the Code of Meeting Practice as placed on public exhibition, with the following amendments:

- (a) remove the reference to Public Forum in clause 8.1 Order of Business for Ordinary Council Meetings.*
- (b) Amend section 21 on 'Workshops' to clarify that formal decisions are not made at councillor workshops."*

MN 224/21

MOTION moved by Interim Administrator V May PSM

THAT Council adopt the Code of Meeting Practice as placed on public exhibition, with the following amendments:

- (a) remove the reference to Public Forum in clause 8.1 Order of Business for Ordinary Council Meetings.***
- (b) amend section 21 on 'Workshops' to clarify that formal decisions are not made at councillor workshops, as outlined in Attachment 1.***
- (c) include in section 21 on 'Workshops' the following "Workshops are to be open to the public unless the General Manager is satisfied that grounds exist to exclude members of the public."***
- (d) it be noted that reference to Public Forum has been removed as it does not form part of the Council's meeting and the General Manager provide a report on guidelines for such public opportunities to be made available prior to or at the end of the Council meetings.***

CARRIED

7.4 Wingecarribee Local Planning Panel - Membership, Delegations and Process Updates

Report Author: Manager Development Assessment
Authoriser: Interim Deputy General Manager

OFFICER'S RECOMMENDATION

THAT Council:

- 1. Adopt the name 'Wingecarribee Local Planning Panel (WLPP)' for its Local Planning Panel;*
- 2. Appoint Ms. Julie Walsh as Chair of the Wingecarribee Local Planning Panel, as selected by the Minister for Planning, for a term from 01 July 2021 until 29 February 2024;*
- 3. Appoint Mr Michael Mantei and Mr Stephen Leathley as Alternate Chairs of the Wingecarribee Local Planning Panel, as selected by the Minister for Planning, for a term from 1st July 2021 until 29 February 2024;*
- 4. Appoint the Expert Members of the Wingecarribee Local Planning Panel, as selected by Council for a term from 1st July 2021 until 29 February 2024. The Members are as follows: Scott Barwick, Larissa Ozog, Alf Lester, Heather Warton, Linda Kelly;*
- 5. Appoint the Community Representatives for the Wingecarribee Local Planning Panel, as selected by Council for a term from 1st July 2021 until 29 February 2024. The Community Representatives are as follows: Richard Colley, Chris McCann, William (Bill) Davidson, Robert Staas, Denis McManus, Anthony Geoffrey Neill;*
- 6. Resolve to set the Panel Remuneration in accordance with the current Remuneration Determination for LPPs as prescribed by the Minister for Planning under the Environmental Planning and Assessment Act, 1979;*
- 7. Resolve that planning proposals must be considered by and advised on by the Local Planning Panel as per the current Local Planning Panels Direction under S9.1 of the Environmental Planning and Assessment Act 1979 – Planning Proposals;*
- 8. Resolve that all Panel Members must abide by the Local Planning Panels Code of conduct and complete all relevant and required administrative documentation in a timely manner as required by the Local Planning Panels Code of Conduct -August 2020 (as amended).*

MN 225/21

MOTION moved by Interim Administrator V May PSM

That Council:

1. **Adopt the name 'Wingecarribee Local Planning Panel (WLPP)' for its Local Planning Panel;**
2. **Appoint Ms. Julie Walsh as Chair of the Wingecarribee Local Planning Panel, as selected by the Minister for Planning, for a term from 01 July 2021 until 29 February 2024;**
3. **Appoint Mr Michael Mantei and Mr Stephen Leathley as Alternate Chairs of the Wingecarribee Local Planning Panel, as selected by the Minister for Planning, for a term from 1st July 2021 until 29 February 2024;**
4. **Appoint the Expert Members of the Wingecarribee Local Planning Panel, as selected by Council for a term from 1st July 2021 until 29 February 2024. The Members are as follows: Scott Barwick, Larissa Ozog, Alf Lester, Heather Warton, Linda Kelly;**
5. **Appoint the Community Representatives for the Wingecarribee Local Planning Panel, as selected by Council for a term from 1st July 2021 until 29 February 2024. The Community Representatives are as follows: Richard Colley, Chris McCann, William (Bill) Davidson, Robert Staas, Denis McManus, Anthony Geoffrey Neill;**
6. **Resolve to set the Panel Remuneration in accordance with the current Remuneration Determination for LPPs as prescribed by the Minister for Planning under the Environmental Planning and Assessment Act, 1979;**
7. **Resolve that planning proposals must be considered by and advised on by the Local Planning Panel as per the current Local Planning Panels Direction under S9.1 of the Environmental Planning and Assessment Act 1979 – Planning Proposals;**
8. **Resolve that all Panel Members must abide by the Local Planning Panels Code of conduct and complete all relevant and required administrative documentation in a timely manner as required by the Local Planning Panels Code of Conduct -August 2020 (as amended).**

CARRIED

7.5 Response to independent reports - Economic Development Roundtable by KPMG and Small Business Consultation by the Small Business Commissioner

Report Author: Acting Group Manager Organisational Development
Authoriser: Interim Deputy General Manager

OFFICER'S RECOMMENDATION

THAT

1. Council formally accept the recommendations of the Report on the Economic Development Roundtable delivered by KPMG.
2. Council formally accept the recommendations of the Small Business Consultation Report delivered by the Small Business Commissioner.
3. Implementation of the recommendations commences and a further report be brought to Council before the end of the year to provide an update on progress.

MN 226/21

MOTION moved by Interim Administrator V May PSM

THAT

1. Council formally accept the recommendations of the Report on the Economic Development Roundtable delivered by KPMG.
2. Council formally accept the recommendations of the Small Business Consultation Report delivered by the Small Business Commissioner.
3. Implementation of the recommendations commences and a further report be brought to Council before the end of the year to provide an update on progress.

CARRIED

8. CLOSED COUNCIL

Nil

9. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.12 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 28 July 2021 numbered M/N 210/21 to M/N 226/21 were signed by me hereunder at the Council Meeting held on Wednesday 11 August 2021.

INTERIM ADMINISTRATOR

READ AND CONFIRMED ON WEDNESDAY 11 AUGUST 2021

INTERIM ADMINISTRATOR

PUBLIC OFFICER