

MINUTES

of the Extraordinary Meeting of Council

held in

Council Chambers
Civic Centre, Elizabeth Street, Moss Vale

on

Thursday 20 May 2021

The meeting commenced at 3.30pm

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9.



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MINUTES OF THE EXTRAORDINARY MEETINGOF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 20 MAY 2021 COMMENCING AT 3.30PM

Present: Interim Administrator Mr Viv May PSM

In Attendance: Acting General Manager Mr Les McMahon

Acting Deputy General Manager Operations.

Finance and Risk Mr Richard Mooney

Acting Deputy General Manager Corporate

Strategy and Development Services Ms Danielle Lidgard Acting Chief Financial Officer Mr Damien Jenkins Group Manager Capital Delivery Mr Ned Tripkovic

Group Manager Planning, Development

Regulatory Services Mr Nicholas Wilton

Acting Group Manager Corporate and

Community

Ms Claire Digger Chief Information Officer Mr John Crawford Coordinator Property Services Ms Mandy McCullagh Coordinator Media and Communications Mr David Sommers Administration Officer

Ms Michelle Richardson

Also in Attendance: Managing Director, Micromex Research

And Consulting Mr Stu Reeve

OPENING OF THE MEETING 1.

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

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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.

There were no declarations of interest made at this meeting



INTERIM ADMINISTRATOR MINUTES

Vale Terry Oakes-Ash OAM

The community will be aware of the passing of Mr Terry Oakes-Ash OAM on 5 May 2021.

I did not personally know Mr Oakes-Ash but I have been told many stories about his enormous contribution to this Shire which saw him awarded a Medal of the Order of Australia (OAM) in 2016 for his contribution to the community and to commerce; Citizen of the Year in 2007; and the NSW Premier's Award for Community Service in 2011.

He was an active member across the Wingecarribee Shire for decades in various roles including member of Council's Economic Development and Tourism Committee; Chairman for Southern Highlands Salvation Army Red Shield Appeal; Board Member for Regional Development Australia (Southern Inland); President Southern Highlands Business Chamber and Bowral Chamber of Commerce.

It is rare that an individual is consistently spoken of so highly by so many.

I attended the funeral service this afternoon at St Jude's Anglican Church in Bowral and in lieu of flowers, as per the family's request, Council has made a donation to the Salvation Army Red Shield Appeal.

On behalf of Council I extend our condolences to the family and friends of Mr Oakes-Ash whose contribution to the community will long be remembered.

Viv May PSM

Interim Administrator

All present in the Council Chambers stood for one minute's silence.

MN 133/21

MOTION moved by Interim Administrator V May PSM

THAT the minute be noted.

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Appointment of General Manager

The Office of Local Government has issued Guidelines for the Appointment and Oversight of General Managers which must be taken into account in any recruitment process and as is my statutory obligation these have been followed.

LGNSW Management Solutions was engaged by Council to assist in the recruitment of a General Manager. I have reported earlier on the number of applications received and the need to re-advertise the position even after extending the earlier closing date by two weeks. This decision proved very productive.

To ensure that the Wingecarribee Shire community was represented in the process, residents were invited to put their names forward and I selected Ms Christina Hawkins AM, Ms Kellie Hayes, and to join Mr John Rayner PSM and myself in the interview process. A short biography on each panel member* is attached to this Minute.

The interviews were facilitated by the LGNSW Management Solutions representative and five candidates were shortlisted by the Panel. Interviews were held at the Council Chamber on 17 and 18 May 2021.

The calibre of the final applicants was extremely high and the panel was unanimous in its decision to recommend Ms Lisa Miscamble. Ms Miscamble is presently the General Manager of Hunter's Hill and has held senior positions at Campbelltown City Council; City of Canada Bay Council; and Camden Council.

The Total Remuneration Package (TRP) is \$350,000 per annum (including superannuation and vehicle) with a five-year performance-based contract. Should the first annual performance review be assessed as "more than satisfactory" Council will increase the TRP to \$360,000. Lisa Miscamble and her family will move to the Shire and, as is the norm when recruiting Senior Staff, Council will meet removal expenses up to \$10,000. Fifty percent will be payable at the time of the move and the remaining fifty percent on the completion of twelve month's satisfactory service.

Ms Miscamble will commence duties on Monday 21 June and Mr McMahon has agreed to stay in the Acting General Manager's role until Monday 14 June. On behalf of the Wingecarribee Shire community and personally, I would like to acknowledge my appreciation to Mr McMahon for his very constructive approach in starting to address so many issues.

With the appointment of Ms Miscamble, we now start a new phase in the rebuilding of the Council's administration and the pace of change will accelerate.

An expert in transformation change, organisation structure and governance generally, Ms Marissa Racomelara, will commence duties on 15 June 2021, firstly as Acting General Manager and then as Acting Deputy General Manager, Corporate Strategy and Development Services. Ms Racomelara has committed to Council until after the September elections, induction of new Councillors and adoption of the Council structure as is required under Section 332 of the Local Government Act. Residents and staff may be assured that the new structure will focus on the community, not individuals.

I will be working closely with Ms Miscamble and Ms Racomelara to realign the Council's

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operations to ensure that they are both resident and staff friendly with a major focus on bringing the Council back to concentrating on its core responsibilities, strategic planning and financially responsible scoping of projects. A report will be presented to Council in this regard in July outlining directorates and roles. Ms Danielle Lidgard will return to her former role and Mr John Crawford will retain responsibility for Organisational Development and Risk in the short term. My appreciation is extended to them for their support and cooperation under what have been difficult times.

LGNSW will now prepare in line with the Guidelines issued by the Office of Local Government the Model Contract for signature. The Contract requires that the employee and Council sign a performance agreement setting out agreed performance criteria and I have asked that it acknowledge, inter alia, the importance of villages and localities in the Shire and that either Ms Hawkins or Ms Hayes be the independent member on any General Manager Performance Review Panel for the next two years and I have asked this document is submitted to the July Council meeting for endorsement.

*see https://www.wsc.nsw.gov.au/Council/Council-Meeting-Minutes-Agendas

Viv May PSM

Interim Administrator

MN 134/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. Ms Lisa Miscamble be appointed to the position of General Manager on a five year performance based contract.
- 2. Ms Christine Hawkins AM, Ms Kelly Hayes, and Mr John Rayner PSM be thanked for their time and expertise in assisting in the process.

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Community Update

It is very pleasing to note that the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, has approved the formation of the Wingecarribee Local Planning Panel and the appointment of Ms Julie Walsh as Chair until 29 February 2024.

The Panel is an important step in improving transparency and consistency in the operation of Wingecarribee Shire Council and the staff are thanked for preparing the late item to this meeting to ensure expert members and community representatives are in place and all documentation completed for its next meeting.

Council adopted its Southern Highlands Destination Strategy 2020-2030 in November 2020. This followed what appears to have been a comprehensive process over two years, however, the document remains controversial.

A number of approaches have been made to me in relation to the document and what I would generally call the nexus between economic development in the Shire and tourism. In my view both have a different skill set and I have not had the opportunity (or time!) to better understand the operations, role and responsibility of the Tourism and Economic Development section of Council. The section is branded Destination Southern Highlands and appears to operate remotely from Council.

The Acting General Manager has raised concerns with me regarding the Southern Highlands Innovation Park which has no master plan. He has set up a project group of staff to investigate the development of a master plan and servicing strategy. The three stage process will require the Council to undertake in Stage 1, reframing the viability of the project in the context of 2021 from both a geographic and thematic perspective.

As Council moves into the next phase of review outlined in my previous Minute the above no doubt will become clearer.

In my view there are too many 'voices' in the economic development area and I am unsure whether they have political overtones or have simply filled a vacuum by virtue of personality and Council dysfunction. What I do know is that issues like this do the Shire no favours – especially for such a strategically important function which the Council has statutory obligations and must accept responsibility.

In an endeavour to unite all players and provide an open and frank opportunity for constructive dialogue I am presently arranging an independently facilitated workshop or round table to develop a way forward.

The format would involve up to 20 people registering and presentations from two major NSW regional Councils who in the industry's view undertake their economic functions well.

In accordance with my earlier views, Councillors past, suspended or prospective will be excluded together with their agents. The politics and personality have to stop and it is time to put the community first and that is what I will do.

Viv May PSM

Interim Administrator

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MN 135/21

MOTION moved by Interim Administrator V May PSM

THAT this minute be received and noted.

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6. OPERATIONS FINANCE AND RISK

6.1 Bowral Memorial Hall - Outcome of Further Stakeholder Consultation

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

The Group Manager Capital Delivery addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. Council notes the further consultation which has been undertaken with the primary users of the Bowral Memorial Hall.
- 2. Council notes that the revised stage design deviates from the initial scope for a multi-use facility and will be re-focussed on unamplified music.
- 3. Council approves the proposed redesign and associated costs resulting from the consultation.

MN 136/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. Council notes the further consultation which has been undertaken with the primary users of the Bowral Memorial Hall.
- 2. Council notes that the revised stage design deviates from the initial scope for a multi-use facility and will be re-focussed on unamplified music.
- 3. Council approves the proposed redesign and associated costs resulting from the consultation.

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6.2 Independent Review of Council's Finances - Recommendations Report

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

The Acting Chief Financial Officer addressed Council on this item.

The Acting Deputy General Manager Operations Finance and Risk addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT the responses from Management to the eleven recommendations outlined in the Review of Council Finances report be formally endorsed by Council.

MN 137/21

MOTION moved by Interim Administrator V May PSM

THAT the responses from Management to the eleven recommendations outlined in the Review of Council Finances report be formally endorsed by Council.

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6.3 Tender for West Bowral Trunk Main Duplication Construction

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

The Group Manager Capital Delivery addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT:

- 1. Council accepts the tender from Fluid Plumbing & Drainage Services Pty Ltd at a Lump Sum of \$2,145,058 (Inclusive of GST) to undertake the West Bowral Trunk Main Duplication.
- 2. Council note the tenders received ranged from \$2,145,058 to \$4,747,791 (inclusive of GST)
- 3. Council allocate additional funding of \$1,100,000 toward this project as part of the post exhibition report of the draft 2021/22 Operational Plan and Budget, with the shortfall to be funded from the Water Fund Reserve.

MN 138/21

MOTION moved by Interim Administrator V May PSM

THAT:

- 1. Council accepts the tender from Fluid Plumbing & Drainage Services Pty Ltd at a Lump Sum of \$2,145,058 (Inclusive of GST) to undertake the West Bowral Trunk Main Duplication.
- 2. Council note the tenders received ranged from \$2,145,058 to \$4,747,791 (inclusive of GST)
- 3. Council allocate additional funding of \$1,100,000 toward this project as part of the post exhibition report of the draft 2021/22 Operational Plan and Budget, with the shortfall to be funded from the Water Fund Reserve.

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6.4 Proposed sale of Council Property - 42 Banksia Street, Colo Vale

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

The Coordinator Property Services addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. The Acting General Manager be delegated authority to select a selling agent and negotiate with prospective purchasers within a ten per cent (10%) range of market appraisal in respect of the sale of Lot 3 Section 5 Deposited Plan 2389 being 42 Banksia Street Colo Vale.
- 2. Council affix the Common Seal of Council to the Contract for Sale for the property referred to Resolution 1 above AND THAT authority be delegated to the Acting General Manager and Interim Administrator to execute that Contract for Sale.
- 3. Authority be delegated to the Acting General Manager and Interim Administrator to execute on behalf of Council any documents associated with the sale of the property referred to in resolution 1 above that does not require the Common Seal of Council.
- 4. The net proceeds of the sale be retained and held for specific future works within the Colo Vale Village. These works would be identified through consultation with residents of Colo Vale.

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MN 139/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. The Acting General Manager be delegated authority to select a selling agent and negotiate with prospective purchasers within a ten per cent (10%) range of market appraisal in respect of the sale of Lot 3 Section 5 Deposited Plan 2389 being 42 Banksia Street Colo Vale.
- 2. Council affix the Common Seal of Council to the Contract for Sale for the property referred to Resolution 1 above AND THAT authority be delegated to the Acting General Manager and Interim Administrator to execute that Contract for Sale.
- 3. Authority be delegated to the Acting General Manager and Interim Administrator to execute on behalf of Council any documents associated with the sale of the property referred to in resolution 1 above that does not require the Common Seal of Council.
- 4. The net proceeds of the sale be retained and held for specific future works within the Colo Vale Village. These works would be identified through consultation with residents of Colo Vale.

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6.5 Classification of Land - Renwick Community Centre

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

The Coordinator Property Services addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. Lot 100 in Deposited Plan 1267562 being Renwick Community Centre, 55 Renwick Drive, Renwick be classified as Operational Land pursuant to the Local Government Act, 1993.
- 2. Once a Plan of Management is adopted for the Renwick Community Centre, Council reclassify Lot 100 in Deposited Plan 1267562 as Community Land pursuant to the Local Government Act, 1993.
- 3. Reclassification is to allow for lease (or licence) of the space dedicated for independent use. There is no intention to dispose of the Community Centre.

MN 140/21

MOTION moved by Interim Administrator V May PSM

THAT no further action be taken in this matter regarding the classification to the land and a Plan Of Management facilitating the leasing of the commercial space in the centre be prepared as a matter of urgency.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

SUSPENSION OF STANDING ORDERS

MN 141/21

MOTION moved by Interim Administrator V May PSM

THAT Standing Orders be suspended in order for the Managing Director of Micromex Research and Consulting, Mr Stu Reeve address Council on Item 7.1 - 2021 Community Research Results.

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7. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

7.1 2021 Community Research Results

Report Author: Acting Group Manager Corporate and Community

Authoriser: Acting Deputy General Manager

The Managing Director, Micromex Research and Consulting addressed Council on this item.

The Acting Group Manager Corporate and Community addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. The 2021 Community Research results be noted.
- 2. The report be made available to the public and published on Council's website.
- 3. Future community research results be reported to Council.

MN 142/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. The 2021 Community Research results be noted
- 2. The report be made available to the public and published on Council's website
- 3. Future community research results be reported to Council
- 4. The Community Research Project Team report back to Council before the end of July 2021.

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7.2 Initial Response to Governance, Human Resources and Statutory Reporting Independent Review Report

Report Author: Acting Group Manager Corporate and Community

Authoriser: Acting Deputy General Manager

The Acting Group Manager Corporate and Community addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT

- 1. Council note that recommendations 3.3, 6.3, 7.3, 13.3 and 13.4 of the Governance, Human Resources and Statutory Review Report have been actioned.
- 2. Recommendation 7.1 of the Governance, Human Resources and Statutory Review Report be noted.
- 3. The amended Code of Conduct provided at Attachment 2 be adopted.
- 4. The Gifts and Benefits Policy and Statement of Ethics be repealed.
- 5. A further report be bought back to the 14 July 2021 meeting addressing the residual Review recommendations.

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MN 143/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. Council note that recommendations 3.3, 6.3, 7.3, 13.3 and 13.4 of the Governance, Human Resources and Statutory Review Report have been actioned
- 2. Recommendation 7.1 of the Governance, Human Resources and Statutory Review Report be noted
- 3. The amended Code of Conduct provided at Attachment 2 be adopted.
- 4. The Gifts and Benefits Policy and Statement of Ethics be repealed.
- 5. A further report be bought back to the 14 July 2021 meeting addressing the residual Review recommendations
- 6. All Staff undertake Code of Conduct training
- 7. The following modification be made to the proposed Code of Conduct at 3.16:
 - 3.16 "The assessment of development applications referred to in clause 3.15 must be undertaken by external consultants who have no pecuniary or non-pecuniary interest (as defined in this code) in the application. Such consultants are to be prepare and provide an assessment report to the local planning panel, or staff with delegated authority, as relevant, to consider in determining the application."

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7.3 Draft Code of Meeting Practice

Report Author: Coordinator Corporate Strategy and Governance

Authoriser: Acting Deputy General Manager

The Acting Group Manager Corporate and Community addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT:

1. Council endorse the amended Draft Code of Meeting Practice, as set out in Attachment 1, for public exhibition for a period of 42 days.

2. Following the public exhibition, the Draft Code of Meeting Practice be reported to Council for adoption. The Councillor Information Session Code be repealed

MN 144/21

MOTION moved by Interim Administrator V May PSM

THAT:

- 1. Council endorse the amended Draft Code of Meeting Practice, as set out in Attachment 1, for public exhibition for a period of 42 days
- 2. Following the public exhibition, the Draft Code of Meeting Practice be reported to Council for adoption. The Councillor Information Session Code be repealed
- 3. The following modification be made to Clause 3.33: All briefing sessions and workshops will only be considered in closed council if they meet the provisions of the Local Government Act, 1993 and any guidelines issued by the Office of Local Government.

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7.4 Update on the Preparation for Wingecarribee Local Government Election - 4 September 2021

Report Author: Acting Group Manager Corporate and Community

Authoriser: Acting Deputy General Manager

The Acting Group Manager Corporate and Community addressed Council on this item.

OFFICERS' RECOMMENDATION

THAT the report on the preparations for the Wingecarribee Shire Local Government Elections be noted.

MN 145/21

MOTION moved by Interim Administrator V May PSM

THAT the report on the preparations for the Wingecarribee Shire Local Government Elections be noted.

DECLARED CARRIED BY THE INTERIM ADMINISTRATOR

MN 146/21

MOTION moved by Interim Administrator V May PSM

THAT In accordance with Clause 10.3(b) of the Code of Meeting Practice I move as a matter of urgency that a supplementary item be considered in relation to Item 7.5 - Appointment of Community Representatives to the Local Planning Panel and Council and Community Representatives of the Southern Region Planning Panel.

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7.5 Appointment of Community Representatives to the Local Planning Panel and Council and Community Representatives of the Southern Region Planning Panel

Report Author: Group Manager Planning, Development and Regulatory

Services

Authoriser: Acting Deputy General Manager

<u>The Group Manager Planning, Development and Regulatory Services addressed Council on this item.</u>

OFFICERS' RECOMMENDATION

THAT

- 1. The following community members be appointed to the Interim Independent Advisory Assessment Panel and the Local Planning Panel (once established) until 1 February 2024.
 - Richard Colley
 - Chris McCann
 - William (Bill) Davidson
 - Robert Staas
 - Denis McManus
 - Anthony Geoffrey Neill
- 2. The following additional experts be appointed to the Interim Independent Advisory Assessment Panel to broaden the panel membership to be consistent with the number of experts available within other Planning Panels.
 - Linda Kelly
 - Brian McDonald
- 3. The current Council representative Duncan Gair and alternate Council representative Graham McLaughlin and the community representative Carl Peterson and alternate community representative Jim Gilvarry be removed from membership of the Southern Region Planning Panel and the following members be appointed until 1 February 2024:
 - Julie Walsh (Council Representative)
 - Michael Mantei (Council Representative Alternate)
 - Stephen Leathley (Council Representative Alternate)

And appoint the following community representatives to the Southern Region Planning Panel until 1 February 2024:

- Richard Colley
- Chris McCann
- William (Bill) Davidson
- Robert Staas
- Denis McManus
- Anthony Geoffrey Neill

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- 4. The former Council representative and alternate, Duncan Gair and Graham McLaughlin and former community representatives and alternate Carl Peterson and Jim Gilvarry be formally thanked for their contribution to the Southern Regional Planning Panel.
- 5. The Acting General Manager notify the Department of Planning Industry and Environment of the appointed community representatives to the Local Planning Panel (once established) for the Local Government Area.
- 6. The Acting General Manager notify the Department of Planning Industry and Environment of the appointed Council representatives to the Southern Region Planning Panel.

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MN 147/21

MOTION moved by Interim Administrator V May PSM

THAT

- 1. The following community members be appointed to the Interim Independent Advisory Assessment Panel and the Local Planning Panel (once established) until 1 February 2024.
 - Richard Colley
 - Chris McCann
 - William (Bill) Davidson
 - Robert Staas
 - Denis McManus
 - Anthony Geoffrey Neill
- 2. The following additional experts be appointed to the Interim Independent Advisory Assessment Panel to broaden the panel membership to be consistent with the number of experts available within other Planning Panels.
 - Linda Kelly
 - Brian McDonald
- 3. The current Council representative Duncan Gair and alternate Council representative Graham McLaughlin and the community representative Carl Peterson and alternate community representative Jim Gilvarry be removed from membership of the Southern Region Planning Panel and the following members be appointed until 1 February 2024:
 - Julie Walsh (Council Representative)
 - Michael Mantei (Council Representative Alternate)
 - Stephen Leathley (Council Representative Alternate)

And appoint the following community representatives to the Southern Region Planning Panel until 1 February 2024:

- Richard Colley
- Chris McCann
- William (Bill Davidson)
- Robert Staas
- Denis McManus
- Anthony Geoffrey Neill
- 4. The former Council representative and alternate, Duncan Gair and Graham McLaughlin and former community representatives and alternate Carl Peterson and Jim Gilvarry be formally thanked for their contribution to the Southern Regional Planning Panel.
- 5. The Acting General Manager notify the Department of Planning Industry and Environment of the appointed community representatives to the Local Planning Panel (once established) for the Local Government Area.
- 6. The Acting General Manager notify the Department of Planning Industry and Environment of the appointed Council representatives to the Southern Region Planning Panel.

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8. Nil	CLOSED COUNCIL	
9.	MEETING CLOSURE	
THEF	RE BEING NO FURTHER BUSINESS, THE N	MEETING CLOSED AT 4.45 PM
Minut to MN	ccordance with the provisions of Section 37stes of the Ordinary Council Meeting held Thu N 147/21 were signed by me hereunder at th 2021.	rsday 20 May 2021 numbered MN 133/21
		INTERIM ADMINISTRATOR
REAI	D AND CONFIRMED ON WEDNESDAY 9 J	
	INTERIM ADMINISTRATOR	PUBLIC OFFICER