



MINUTES

Ordinary Council Meeting

18 March 2019

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**MINUTES OF WOLLONDILLY SHIRE COUNCIL
ORDINARY COUNCIL MEETING
held at the Council Chamber, 62-64 Menangle Street, Picton NSW 2571
on Monday, 18 March 2019 at 6.33pm**

PRESENT: Mayor Matthew Deeth, Cr Judith Hannan, Cr Robert Khan, Cr Michael Banasik, Cr Matthew Gould, Cr Noel Lowry

IN ATTENDANCE: Acting Chief Executive Officer, Executive Director Community & Corporate, Acting Director Infrastructure & Environment, Acting Director Planning, Manager Governance, Assistant Director People, Legal & Governance, Acting Chief Financial Officer and two Minute Takers

1 OPENING

2 RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

3 WEBCAST NOTICE

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4 NATIONAL ANTHEM

5 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to the Elders both past and present.

6 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

Apologies for Crs Blair Briggs, Matt Smith and Simon Landow were noted for this meeting.

RESOLUTION 44/2019

Moved: Cr Robert Khan
Seconded: Cr Matthew Gould

1. That Council receive and accept a leave of absence for the Ordinary Council Meeting on 15 April 2019 and any other Council Meetings from 30 March 2019 until 6 May 2019 from Cr Michael Banasik
2. That Council receive and accept a leave of absence for the Ordinary Council Meeting on 15 April 2019 from Mayor Matthew Deeth

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

7 DECLARATION OF INTEREST

Matthew Toro, Assistant Director People, Legal & Governance, declared a Non-Pecuniary Interest (significant) in relation to Item 16.4, due to being a committee member of the Warradale Football Club. He advised he will leave the meeting during discussion of this Item.

Cr Michael Banasik later declared a Non-Pecuniary Interest (significant) in relation to Item 16.6, due to living on a bordering property affected by the Thirlmere Precinct Development Control Plan. Cr Michael Banasik left the meeting and did not vote on this item.

Cr Michael Banasik declared a Non-Pecuniary Interest (less than significant) in relation to Item 17.5, due to being the subject of a Code of Conduct complaint by the CEO. This matter was resolved in Cr Banasik's favour. Cr Banasik advised he will stay in the meeting and vote on this Item.

8 CONFIRMATION OF MINUTES

RESOLUTION 45/2019

Moved: Cr Judith Hannan
Seconded: Cr Matthew Gould

That the minutes of the Ordinary Council Meeting held on 18 February 2019 and the Closed Council Meeting held on 18 February 2019 be confirmed.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

9 ITEMS TO BE TABLED

- Disclosure of Interests Register 2018/19 (formerly 449 Register)

10 MAYORAL MINUTE

During the past Month the following events were attended by either myself or as indicated by other Councillors with details provided on the following pages.

Thursday 21 February 2019 Pioneer Cemetery & Picton CWA Afternoon Tea

Monday 25 February 2019 Official Opening of Bargo Skate Park Refurbishment

Thursday 28 February 2019 Aerotropolis – Greater Sydney's Global Potential Luncheon attended by myself and Acting Director Planning, Stephen Gardiner

Friday 1 March 2019 Sydney South West Tourism Taskforce Lunch attended by Councillor Blair Briggs

Friday 1 March 2019 Ingham Institute Annual Luncheon

Saturday 2 March 2019 Group One Night Club Menangle attended by myself

Sunday 3 March 2019 Thirlmere Festival of Steam

Wednesday 6 March 2019 Greater Macarthur Koala Partnership Forum attended by myself and Councillor Judith Hannan

Wednesday 6 March 2019 Film Screening of Give a Dam in Council Foyer

Friday 8 March 2019 Local Government Debate attended by myself

Friday 8 March 2019 Community Links Wellbeing International Women's Day Breakfast

Monday 11 March 2019 Visit to Wollondilly Anglican College attended by Deputy Mayor and myself

Tuesday 12 March 2019 Screening of Film Give a Dam at Warragamba Workers Club

Wednesday 13 March 2019 Meeting with Vice Chancellor of Sydney University attended by Deputy Mayor Matt Gould, Executive Director Ally Dench and myself.

I would like to advise that Council will be urgently writing to Water NSW and the Minister for Primary Industries, Land and Water (Niall Blair) asking if the Dam wall raising has any additional proposed future height increases? Council wishes to clarify if the 14m proposed extension is the total height limit? Or will there be subsequent lifts in the future?

Additionally, that we urgently write to the Minister for Transport and Infrastructure, Andrew Constance, requesting information about the rail alignment and further assurances that any upgrades will not have an impact on the stations of Picton, Tahmoor and Bargo.

During January 2019 Council received 1 application for Sponsorship:

Wollondilly Women in Business applied for sponsorship of \$1500 for the WWIB Empowerment Annual Event on 31 August 2019. The application was deemed eligible under the Financial Assistance Framework criteria and approved for funding.

This request has been assessed against the Financial Assistance Program criteria's and deemed eligible to receive funding through the Donation Program.

The following pages will provide additional information relating to events attended by either myself or following Councillors.

On Thursday 21 February 2019 an Afternoon Tea was held at the Pioneer Cemetery by the Picton CWA. I would like to thank Councillors Judith Hannan and Noel Lowry for attending this event on my behalf.

The event attracted 62 guests which enabled appreciation and thanks for Grant & Donation Sponsors to be acknowledged.

The Picton CWA also launched their new Audio Tour of 12 Pioneer families, to enable mobile phones to run over the QR code which then allows you to listen to the history. New Signage was also unveiled.



On Monday 25 February 2019 the Official Opening of Bargo Skate Park Refurbishment was held. I would like to thank fellow Deputy Mayor Matt Gould, Councillors Judith Hannan and Noel Lowry for attending this event on my behalf.

As part of the celebrations for the Skate Park upgrade the Bargo Scooter Competition was held from 4pm – 7pm. The upgrades were part funded by the Australian Government's 'Stronger Communities Programme' which saw \$20,000 contributed towards the \$52,000 project with Council funding the remainder.

The event was a good success with around 80 people in attendance and over 27 registered scooter riders for the competition. Ages ranged for 7 years up with one overseas participant from Hawaii attending his first scooter competition.

The competition was facilitated by Korrupt Indoor Skate Park who provided competition judges, music, an MC and lots of great prizes for the children and young people in attendance. Community Links also supported the event with a barbecue and refreshments.

It was great to see so much activity in the park, with parents bringing along portable seats and picnic blankets making it a night out with the family.



On Sunday 3 March 2019 the Thirlmere Festival of Steam Celebrations were held in Thirlmere. This year's event was attended by His Excellency General, The Honourable David Hurley Governor of NSW.

Street Parade below



Wollondilly Anglican College students – winners of Best School in Parade award



On Wednesday 6 March 2019 the Film Give a Dam was screened in the Council Foyer.

This documentary shows the beauty of the Blue Mountains National Park and the impact that raising the Warragamba Dam Wall would have on our national parks, cultural sites and world heritage areas.

The Gundungurra traditional land owners played an important part in the making of the film.



On Friday 8 March 2019 I attended the Community Links Wellbeing International Women's Day Breakfast which was held in the Shire Hall, Picton.

I would like to thank Councillor Judith Hannan and Acting Chief Executive Officer, Michael Malone for also attending this event.



The Film Give a Dam was screened at Warragamba Workers Club on Tuesday 12 March 2019 and was very well attended. I would like to thank Deputy Mayor, Matt Gould for providing an introduction at this session on my behalf.



On Wednesday 13 March 2019 I attended a meeting with the Vice Chancellor of Sydney University and would like to thank Deputy Mayor Matthew Deeth and Executive Director Ally Dench for also attending.



The Mayor asked Cr Judith Hannan to address the meeting. Cr Hannan requested all present to stand and observe a minutes silence for the lives lost and families affected by the shootings in Christchurch, New Zealand.

Matthew Deeth
MAYOR
March 2019

RESOLUTION 46/2019

Moved: Mayor Matthew Deeth
Seconded: Cr Michael Banasik

That the Mayoral Minute be accepted.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

11 SUSTAINABLE AND BALANCED GROWTH

11.1 OUTCOME OF PUBLIC NOTIFICATION OF DRAFT DEED OF VARIATION TO PLANNING AGREEMENT FOR 2710 REMEMBRANCE DRIVEWAY TAHMOOR

RESOLUTION 47/2019

Moved: Cr Judith Hannan

Seconded: Cr Robert Khan

That Council:

- 1. adopt the Draft Deed of Variation to the Voluntary Planning Agreement attached to this report;**
- 2. authorise the Acting Chief Executive Officer to Execute the Deed of Variation to the Voluntary Planning Agreement on behalf of Council; and**
- 3. authorise the Voluntary Planning Agreement to be removed from the title of land to be acquired by Sydney Water in accordance with delegations.**

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

11.2 SOUTH WEST ILLAWARRA RAIL LINK - ADVOCACY CAMPAIGN**RESOLUTION 48/2019**

Moved: Cr Judith Hannan

Seconded: Cr Matthew Gould

1. **That Council participate in The Illawarra Business Chamber (Illawarra First) phase two SWIRL research, business case development and advocacy project by allocating \$10,000, to demonstrate the benefits passenger connectivity via Wollondilly (and Wilton in particular) will have to improved public transport access for residents and economic opportunity between employment markets in Wollondilly, the Illawarra and South-Western Sydney.**
2. **That \$10,000 be introduced from the Growth Reserve to fund this contribution.**

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

12 MANAGEMENT AND PROVISION OF INFRASTRUCTURE

12.1 TRAFFIC MANAGEMENT UPGRADES - FEBRUARY 2019

RESOLUTION 49/2019

Moved: Cr Matthew Gould

Seconded: Cr Judith Hannan

At 6:54 pm, Cr Matthew Gould left the meeting.

That the Minutes of the Traffic Committee Meeting held on 12 February 2019 be received and the following recommendations be adopted:

LTC Recommendation No. 1.1 Wollondilly Illuminate Festival 2019 – Request for Road Closures:

That:

- 1. Approval is granted for Traffic Management on Friday 17 May 2019 between 9.30am and 2.30pm for the installation of scaffold towers and projectors.**
- 2. Approval is granted for the requested road closure of Menangle Street from Colden to Argyle Streets including Saint Mary McKillop Lane and car park and Menangle Street West to Davidson Lane.**
- 3. Approval for the road closure be approved from 6.00am till 12.00am (midnight) on Saturday 18 May 2019.**
- 4. Approval be granted for the partial closure of the RSL Memorial Park for the Illuminate Kids Carnival on Saturday 18 May 2019.**
- 5. Approval be granted for local business to have Kerbside Dining on Saturday 18 May 2019 under policy ASS003.**

LTC Recommendation No. 1.5 “Bold Jack Country Music Festival 2019”, Warragamba – Request for Road Closures:

- 6. That Council approve the temporary closure of selected roads in Warragamba including Fourteenth Street, Fifteenth Street, Civic Centre Circuit and part of Weir Road for the staging of the Bold Jack Country Music Festival 2019, subject to satisfactorily meeting the requirements for the issue of a permit for “Road Event Road Closure”. The road closures are proposed to be in place between 10.00am and 11.00pm on Saturday 27 April 2019.**

LTC Recommendation No. 1.6 Picton Anzac Day March & Commemoration on Thursday 25 April 2019

- 7. That Council approve the temporary closure of selected roads in Picton including Menangle Street (West) between Argyle Street and Walton Street and Argyle Street between Menangle Street and Memorial Park (south of Downing Street), for the staging of the Picton ANZAC Day March, subject to satisfactorily meeting the requirements for the issue of a permit for “Road Event Road Closure”. The road closures are proposed to be in place between 6.30am and 7.00pm on Thursday 25 April 2019.**

LTC Recommendation No. 1.7 Warragamba Picton Anzac Day March & Commemoration on Thursday 25 April 2019

8. That Council approve the closure of Fourteenth Street, Warragamba from Twentieth Street to Weir Road and Civic Centre Cir between 9.30am to 12.00pm on Thursday 25 April 2019 for the staging of “The Warragamba ANZAC Day March” subject to the requirements for the issue of a permit for “Road Event – Road Closure”.

On being put to the meeting the motion was declared **CARRIED** 5/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth and Noel Lowry

Against: Nil

13 CARING FOR THE ENVIRONMENT**13.1 TAHMOOR SOUTH PROJECT APPLICATION****RESOLUTION 50/2019**

Moved: Cr Judith Hannan

Seconded: Cr Noel Lowry

At 6:56 pm, Cr Matthew Gould returned to the meeting.

- 1. That Council endorse the draft submission on the Tahmoor South Colliery Project Application.**
- 2. That Council write to NSW Department of Planning & Environment (DPE) requesting that the current application be reconsidered due to the identified significant shortcomings.**
- 3. *The submission include the economic benefits of the mine particularly local jobs and benefits to small business.***
- 4. *That Council's Senior Environmental Planner be thanked for writing the submission.***

On being put to the meeting the motion was declared **CARRIED 6/0**

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

14 LOOKING AFTER THE COMMUNITY

No reports for this meeting.

15 EFFICIENT AND EFFECTIVE COUNCIL

15.1 INVESTMENT OF FUNDS AS AT 31 JANUARY 2019

RESOLUTION 51/2019

Moved: Cr Judith Hannan
Seconded: Cr Matthew Gould

That the information and certification in relation to the investment of Council funds as at 31 January 2019 be noted.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

15.2 INTEGRATED SERVICE DELIVERY PLATFORM

RESOLUTION 52/2019

Moved: Cr Judith Hannan

Seconded: Cr Matthew Gould

1. That Council undertake a competitive tender to select a provider for an Integrated Service Delivery Platform.
2. That the 2018-19 Capital Projects funding, as presented in the Quarterly Review Budget Statement, be amended to include an additional \$50,000 to enable progression with a proof of concept test case.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

15.3 POLICY REVIEW - COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF

RESOLUTION 53/2019

Moved: Cr Matthew Gould
Seconded: Cr Judith Hannan

That Council:

1. ***remove Section 4.2.11 requiring the Chief Executive Officer to provide a report on the status of all Notices of Motion to the Council Meeting Agenda each month; and***
2. **adopt the *amended* Councillor Access to Information and Interaction with Staff Policy.**

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

16 NOTICE OF MOTION/RESCISSIONS**16.1 NOTICE OF MOTION - DEVELOPMENT APPLICATION 42 CARLTON ROAD THIRLMERE****RESOLUTION 54/2019**

Moved: Cr Michael Banasik

Seconded: Cr Robert Khan

1. That Council express its concerns about the proposed development at 42 Carlton Road, Thirlmere.
2. Request that advice be sought from an independent planning consultant (i.e. not associated with the development or the development assessment process) to;
 - a) draft a submission for the Mayor to sign on behalf of the elected body, to the Local Planning Panel setting out its planning concerns with the development with respect to:
 - i) potential non-compliance with DCP,
 - ii) heritage issues,
 - iii) over development,
 - iv) lack of local infrastructure particularly transport,
 - v) not keeping with the village of Thirlmere and
 - vi) effects on neighbours.
3. That \$5,000 be introduced from the Growth Reserve to fund the upper likely cost of obtaining the planning advice.

Acting Chief Executive Officer's comment:

Allocation of funding from the Growth Reserve will reduce the amount available for other growth planning activities.

At 7:10 pm, Cr Matthew Gould left the meeting and returned at 7:12 pm.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

The Mayor noted there was an Item to be raised as a matter of urgency.

RESOLUTION 55/2019

Moved: Cr Matthew Gould
Seconded: Cr Judith Hannan

That Council suspend standing orders to raise an urgent matter without notice as Item 16.6.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

16.6 REVIEWING DEVELOPMENT CONTROL PLAN FOR THIRLMERE PRECINCT**RESOLUTION 56/2019**

Moved: Cr Matthew Gould
Seconded: Cr Judith Hannan

Cr Michael Banasik declared a Non-Pecuniary (Significant) Interest in relation to this Item, due to living on a bordering property affected by the Development Control Plan. At 7:24 pm, Cr Michael Banasik left the meeting and did not vote on this item.

That Council consider urgently reviewing the Development Control Plan controls for the Thirlmere precinct.

On being put to the meeting the motion was declared **CARRIED** 5/0

In Favour: Crs Judith Hannan, Robert Khan, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

RESOLUTION 57/2019

Moved: Cr Robert Khan
Seconded: Cr Matthew Gould

That Council resume standing orders.

On being put to the meeting the motion was declared **CARRIED** 5/0

In Favour: Crs Judith Hannan, Robert Khan, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

16.2 NOTICE OF MOTION - SHADE STRUCTURES FOR PLAYGROUNDS

At 7:26 pm, Cr Michael Banasik returned to the meeting.

RESOLUTION 58/2019

Moved: Cr Michael Banasik

Seconded: Cr Robert Khan

That Council, with respect to a need for improved shading at Council play facilities, consider options for shade provision and possible funding options in the development of the Play Strategy.

Note from Acting Chief Executive Officer:

If resolved by Council this Notice of Motion has resourcing and operational implications that will be included in a report back to Council.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

16.3 NOTICE OF MOTION - REQUEST PLANNING & DEVELOPMENT REVIEW NSW PREMIER**RESOLUTION 59/2019**

Moved: Cr Judith Hannan
Seconded: Mayor Matthew Deeth

That:

1. Council write to the NSW Premier after the NSW Election, requesting that the Premier commission the Greater Sydney Commission (GSC) to undertake a formal review into planning and development in the Wollondilly Shire (under the Greater Sydney Commission Act 2015), similar to the review recently carried out for the Ryde Local Government Area,
2. the NSW Premier request advice and recommendations from the GSC, and
3. this request by Council be made on the basis of rapid rate of housing supply planned for Wollondilly which has not been matched by the State infrastructure "necessary to support it".

Note from the Acting Chief Executive Officer:

If resolved a copy of the request is to be sent to LG NSW.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

16.4 NOTICE OF MOTION - WARRAGAMBA SPORT AND RECREATION FACILITIES MASTERPLAN

At 7:41 pm the Assistant Director People, Legal & Governance left the meeting due to a previously declared Conflict of Interest.

RESOLUTION 60/2019

Moved: Cr Matthew Gould

Seconded: Cr Judith Hannan

That Council refer development of a masterplan for the area encompassing Warragamba Recreation Reserve, Warragamba SportsGround, Warragamba Pool, Warragamba Skatepark and Waterboard Oval to the Strategic Resourcing Advisory Committee for consideration in next year's budget.

Note from Acting Chief Executive Officer:

If resolved by Council this Notice of Motion has resourcing and operational implications that will be included in a report back to Council.

On being put to the meeting the motion was declared **CARRIED 6/0**

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

At 7:49pm the Assistant Director People, Legal & Governance returned to the meeting.

16.5 NOTICE OF MOTION - ALLIANCE OPPOSING RAISING OF WARRAGAMBA DAM

RESOLUTION 61/2019

Moved: Cr Matthew Gould

Seconded: Cr Judith Hannan

That Council joins the regional alliance of councils established by Blue Mountains City Council to oppose the raising of Warragamba Dam Wall.

Note from Acting Chief Executive Officer:

Council has allocated a budget of \$20,000 to the campaign against the raising of the Dam wall. Any costs of contributing to the action of this alliance and other WSC action would require a further report to Council.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

17 CLOSED REPORTS**RESOLUTION 62/2019**

Moved: Cr Michael Banasik
Seconded: Cr Noel Lowry

1. That Council considers the confidential report(s) listed below in a meeting closed to the public in *accordance with Section 10A(2) of the Local Government Act 1993*:

17.1 Report on the Wollondilly Visitor Information Centre (VIC)

This matter is considered to be confidential under Section 10A(2)(d)(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council.

The matter relates to a Visitor Information Servicing Plan for the Visitor Information Centre (VIC).

17.2 Quarterly Legal Status

This matter is considered to be confidential under Section 10A(2)(g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This report covers outcomes of litigation matters and associated legal expenditure.

17.3 Update on Council's Response to the Pendlebury Report

This matter is considered to be confidential under Section 10A(2)(a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

This report contains information relating to a personnel matter and is to be discussed confidentially.

17.4 CEO's Update on a Confidential Contractual Issue

This matter is considered to be confidential under Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This report provides an update on a contractual issue impacting on the delivery of the Warragamba Inclusive Play Space Project.

17.5 Mayor's Update on CEO's Contract of Employment

This matter is considered to be confidential under Section 10A(2)(a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

This report provides an update to the Mayor's negotiations in relation to the Chief Executive Officer's contract.

2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

The Mayor advised:

Under section 10A(4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No representations were received.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

Council moved into Closed Council at 7:53 pm. The public and media left the chamber.

The Ordinary meeting re-opened to the public and media at 9:34 pm.

Cr Michael Banasik, Acting Director Infrastructure and Environment, Executive Director Community & Corporate, Acting Director Planning, Assistant Director People, Legal & Governance, Manager Governance and one Minute Taker were not present when the meeting re-opened.

The Mayor read the resolutions adopted during closed session.

In respect of **Item 17.1** Report on the Wollondilly Visitor Information Centre (VIC):

That Council:

1. *Prepare a resourcing strategy to come back to Council before 30 June 2019 to implement a contemporary visitor information service by reviewing the tourism service of the existing Tourism and Business Investment section.*
2. *Reshapes the current way of providing a visitor information service by 30 June 2019 by way of transitioning to a contemporary virtual VIC. That this service will replace the current Wollondilly Visitor Information Centre.*
3. *That Council notes the Visitor Information Servicing Plan 2019 deliverables and a monthly progress report be given at Councillor Workshops in the lead up to the implementation of the contemporary virtual service.*
4. *That \$15,000 be introduced from the Tourism and Economic Development Restricted Cash account to fund the initial purchase and setup of Digital Kiosks and Touchscreens once Council has endorsed the resourcing strategy.*
5. *Prepare an overall implementation plan for delivering tourism targets and objectives including performance indicators and targets to be achieved. This strategy be brought back to council by 30 June 2019.*

In respect of **Item 17.2** Quarterly Legal Status:

That Council receive and note this report.

In respect of **Item 17.3** Update on Council's Response to the Pendlebury Report:

That Council:

1. *Notes the update from the acting CEO on the responses to recommendations of the Pendlebury Report;*
2. *Acknowledges the efforts of the Executive Team to strengthen and build upon the positive and constructive culture of the organisation and the actions in responding to the recommendations of the Pendlebury Report;*
3. *receive a further update from the acting Chief Executive Officer in three months' time; and*
4. *reinstate the delegations previously suspended for any matters relating to the Pendlebury Report or for any issues arising from or addressed in it as articulated in the "Instrument of Delegation, Delegation of Authority- General Manager".*

In respect of **Item 17.4** CEO's Update on a Confidential Contractual Issue:

That Council note the acting CEO's update on the confidential contractual issue.

In respect of **Item 17.5** Mayor's Update on CEO's Contract of Employment:

1. *The resolution negotiated between The Mayor, Councillor Deeth and Council's Chief Executive Officer, Luke Johnson effective 30 June 2019 be endorsed by Council and concluded by the Mayor, on behalf of Council.*
2. *As soon as practicable the Mayor inform the Chief Executive Officer of the above decision and instruct the acting Chief Executive Officer to process any termination payments that the Chief Executive Officer's is entitled to under his Contract.*

The Acting Chief Executive Officer was noted as being absent from the meeting for the consideration of Item 17.5 points 3 to 6.

3. *The Council appoints Michael Malone, Director Infrastructure and Planning, as the Council's Acting Chief Executive Officer's pursuant to sections 336 and 351 of the Local Government Act 1993, from 1 July 2019 with such person to remain as the Council's Acting Chief Executive Officer until the Council appoints a new Chief Executive Officer or until a further decision of the Council to appoint a different Acting Chief Executive Officer, whichever occurs first.*
4. *The Council delegate to the CEO's Performance Review Committee authority to seek quotes to engage an appropriate recruitment company to manage the recruitment process for the Recruitment Panel.*
5. *The recruitment panel consist of the councillors on the CEO's Performance Review Committee, the selected recruitment agency and an independent CEO or equivalent.*
6. *That as a part of the recruitment process, that all councillors be given the opportunity to meet the short listed candidates.*

18 QUESTIONS FOR NEXT MEETING

No questions for next meeting were received.

The Meeting closed at 9:40 pm.

This and the preceding 32 pages are the Minutes of the Ordinary Meeting of Council held on Monday 18 March 2019 and were confirmed at the subsequent Ordinary Council Meeting held on 15 April 2019.

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MAYOR