



MINUTES

Ordinary Council Meeting

17 March 2020

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No reports this meeting.

**MINUTES OF WOLLONDILLY SHIRE COUNCIL
ORDINARY COUNCIL MEETING
held at the Council Chamber, 62-64 Menangle Street, Picton NSW 2571
on Tuesday, 17 March 2020 at 6.37pm**

PRESENT: Cr Judith Hannan, Cr Michael Banasik, Mayor Matthew Deeth, Cr Matthew Gould, Cr Simon Landow, Cr Noel Lowry, Cr Matt Smith

IN ATTENDANCE: Chief Executive Officer, Executive Director Community & Corporate, Director Infrastructure & Environment, Director Planning, Assistant Director People, Legal & Governance, 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

Members of the public are advised that open sessions of this meeting are webcast live for public viewing on Council's website. Audio and video footage taken is of the Chambers only; your image and voice will not be recorded if you remain quietly within the public gallery.

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 were noted for Cr Blair Briggs and Cr Robert Khan.

7 DECLARATION OF INTEREST

Cr Lowry declared a Non-Pecuniary (less than significant) Interest in Item 12.1 - Traffic Management Upgrades - February 2020 as he is an honorary member of the Camden Cycling Club. He advised that he will stay during discussion on the matter and will vote on the item.

Cr Gould later declared a Non-Pecuniary (less than significant) Interest in Item 16.1 – Notice of Motion – Policy on Hall Hire as he is a member of the Rural Fire Service. He advised he will stay during discussion on the matter and will vote on the item.

Cr Smith later declared a Non-Pecuniary (less than significant) Interest in Item 16.1 – Notice of Motion – Policy on Hall Hire as he is a member of the Rural Fire Service. He advised he will stay during discussion on the matter and will vote on the item.

Cr Lowry later declared a Non-Pecuniary (significant) Interest in Item 17.1 – Code of Conduct – OLG Advice as he is the involved in this matter. He left the meeting and did not vote on the item.

8 CONFIRMATION OF MINUTES

RESOLUTION 35/2020

Moved: Cr Judith Hannan
Seconded: Cr Matt Smith

That the minutes of the Ordinary Council Meeting held on 18 February 2020 be confirmed.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

9 ITEMS TO BE TABLED

- DISCLOSURE OF INTEREST REGISTER 2019/20

10 MAYORAL MINUTE**10.1 MAYORAL MINUTE**

At 6.42pm, Cr Noel Lowry left the meeting and returned at 6.44pm.

RESOLUTION 36/2020

Moved: Mayor Matthew Deeth

1. That Council take every possible step, where responsible and reasonable to do so, to ensure the health and safety of our community in accordance with advice received by relevant health authorities and key agencies.
2. That Council urgently receive a briefing from the Economic Development team, within the next week, as to a range of measures that will provide immediate support to small businesses within the Shire that are already dealing with the impacts of drought, fire and flood.
3. That Council setup an information resource via our website providing links to key authorities, agencies and guidance to the public. This should also include any information of key actions taken by Council.
4. That the Chief Executive Officer take all reasonable steps to ensure the safety and wellbeing of staff as well as ensure continuity of service delivery to our residents.
5. That Council note due to public safety concerns related to the potential spread of coronavirus and advice received from the NSW Department of Health, events including the Band Together 2020 Concert scheduled for 28 March 2020 is to be cancelled.
6. That the Mayoral Minute be accepted.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

10.2 MAYORAL MINUTE

During the past Month the following events were attended by either myself or by other Councillors as indicated.

Wednesday 19 February 2020 Liveability Round 2 Announcement attended by myself and Chief Executive Officer, Ben Taylor.

Thursday 20 February 2020 Sky Racing Carnival of Miracles Launch Breakfast attended by myself.

Thursday 20 February 2020 HSC High Achievers Ceremony attended by myself, Councillors Judith Hannan and Michael Banasik and Executive Director, Ally Dench

Friday 21 February 2020 Community Links "Dam Good Picnic" attended by myself

Sunday 23 February 2020 State Memorial for those impacted by the Bushfires attended by myself and Deputy Mayor Matt Gould

Tuesday 25 February 2020 National Growth Areas Alliance Meeting at Parliament House Canberra attended by myself

Friday 28 February 2020 Catholic Business Connections February Luncheon attended by myself

Saturday 29 February 2020 Bushfire Benefit Concert Wollongong City Council event attended by myself

Sunday 1 March 2020 Step Up to Clean Up Stonequarry Creek attended by myself

Wednesday 4 March 2020 International Charity Tour of Fire Effected areas attended by myself

Friday 6 March 2020 Community Links Wollondilly International Women's Day BBQ Breakfast MC Councillor Judith Hannan, attended by myself and Councillor Noel Lowry

Saturday 7 March 2020 Wollondilly Women in Excellence Award attended by myself (in part), Councillors Michael Banasik, Robert Khan, Judith Hannan, Executive Director, Ally Dench and Chief Financial Officer, Clair Hardy

Saturday 7 March 2020 Miracle Mile Event at Club Menangle attended by myself (in part)

Sunday 15 March 2020 Camden Country Uniting Church Celebrating 160 Years attended by myself

Matthew Deeth

MAYOR

March 2020

RESOLUTION 37/2020

Moved: Mayor Matthew Deeth

1. **That Council congratulate those at Council who were recognised at the 7 March 2020 Wollondilly Women in Excellence Awards which was hosted by the Wollondilly Women in Business Network. Congratulations to Council's Chief Financial Officer who was a finalist in Outstanding Employee Award and congratulations to Council's Executive Director Ally Dench for being awarded the Diamond Award which recognised Ally's contribution to the Community.**
2. **That Council congratulate former Councillor Col Mitchell on his Life Membership presented at the 5 March 2020 Association of Mining & Energy Related Council's Meeting. This award celebrated Col Mitchells commitment to this Association as he was a delegate from 9 September 2008 to 26 September 2016 and during this time elected on Executive in November 2011 and elected as Chair November 2012 through to November 2014.**
3. **That the Mayoral Minute be accepted.**

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

The Mayor would now like to deal with Items by Exception.

SUSPENSION OF STANDING ORDERS

RESOLUTION 38/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matt Smith

That Council suspend standing orders to deal with Items by Exception.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

The Mayor went through all items of business on the agenda to determine the items to be dealt with by exception.

Councillors called out the matters which they wanted to speak to, debate or move an Alternate Motion on.

Items 14.2, 15.1 and 15.3 were determined to be dealt with by exception.

ITEMS BY EXCEPTION

RESOLUTION 39/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matt Smith

That Council block resolve Items 14.2, 15.1 and 15.3 by exception to be adopted as per the recommendation in the business paper.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

14.2 DONATION APPLICATIONS JANUARY/FEBRUARY 2020

RESOLUTION 40/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matt Smith

That donation payments of \$722.94 be made to the following recipients:

- **\$250 donation be provided to Taylah Robson;**
- **\$250 donation be provided to Sophie Robson; and**
- **\$222.94 donation be provided to the Menangle Australia Day Committee.**

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

15.1 REVIEW OF THE INTERACTION WITH DEVELOPERS, LOBBYISTS AND SUBMITTERS POLICY

RESOLUTION 41/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matt Smith

- 1. That this policy be placed on public exhibition for a period of 28 days with a further 14 days for submissions.**
- 2. That a report come to Council following the submission period for the policy to be adopted.**

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

15.3 CONFLICTS OF INTEREST POLICY REVIEW**RESOLUTION 42/2020**

Moved: Mayor Matthew Deeth

Seconded: Cr Matt Smith

1. **That the Conflicts of Interest Policy be placed on public exhibition for a period of 28 days with a further 14 days for submissions.**
2. **That a report come to Council following the submission period for the policy to be adopted.**

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

RESOLUTION 43/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matthew Gould

That Council resume standing orders.On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

11 SUSTAINABLE AND BALANCED GROWTH**11.1 DRAFT PLANNING PROPOSAL TO ALLOW ANIMAL BOARDING OR TRAINING ESTABLISHMENTS IN R2 AND R5 ZONES**

At 7:07pm, Cr Matt Smith left the meeting and at 7:09pm returned to the meeting.

RESOLUTION 44/2020

Moved: Cr Judith Hannan

Seconded: Cr Matthew Gould

- 1. *That the Draft Planning Proposal to Allow Animal Boarding or Training Establishments in R2 and R5 Zones be deferred.***
- 2. *That during the deferral, consultation occurs with stakeholders and a workshop with Councillors be held.***
- 3. *That any solutions be investigated.***
- 4. *That Council write to the Department of Planning Industry & Environment requesting a practice note.***

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

11.2 AMENDMENTS TO WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016 (WDCP) FOR MULTI DWELLING HOUSING

At 7:25pm, Cr Noel Lowry left the meeting and at 7:26pm returned to the meeting.

RESOLUTION 45/2020

Moved: Cr Matthew Gould

Seconded: Cr Michael Banasik

1. ***That Council adopts the proposed amendments to Wollondilly Development Control Plan 2016 (WDCP 2016) for multi dwelling housing with the following amendments:***
 - a. ***The first sentence of Control 6 be amended to read “any development shall avoid continuous rows of more than three attached dwellings”.***
 - b. ***Control 9 be amended to read “A facade facing a street of any dwelling in the development but have no stretch of blank wall greater than 5.0m in length.***
 - c. ***Control 22 be amended to read “The roof pitch and dwelling design shall be consistent with the existing character of the area”.***
 - d. ***The third sentence of control 26 be amended to read “Any fencing proposed forward of the building line of dwellings facing a street are to be open style, not exceeding 1.2 metres in height.***
 - e. ***The first sentence of Control 28 be amended to read “The minimum front setback for the dwelling closest to the street in a multi dwelling housing development shall be either 6.5 metres or within 25% of the average setback of neighbouring properties, whichever is the greater”.***
 - f. ***Control 39 be amended to read: “Any dwelling within a multi dwelling housing development shall not:***
 - i. ***result in less than 3 hours of sunlight to the habitable rooms of an adjoining dwelling and 50% of the private open space area of any adjoining property between 9:00am and 3:00pm on 21 June;***
 - ii. ***result in less than 4 hours sunlight to 50% of the rooftop of any adjoining property between 9:00am and 3:00pm on 21 June;***
 - iii. ***have any unreasonable impact on the performance of any existing solar panels installed within the adjoining properties by restricting direct solar access, or***
 - iv. ***unreasonably restrict the ability of adjoining properties to install solar panels in future.’***
 - g. ***Amend the first sentence of control 53 to read “At least 50% of the area forward of the building line of dwellings facing a street is to be landscaped area”.***
 - h. ***Amend control 56 to read “a minimum of 20% of each area of private open space must be planted with combination of trees, hedges and other plantings. This is to include some native species endemic to the area”.***
 - i. ***Add an additional control that specifies that an appropriate private space must be provided for each dwelling for clothes drying.***

2. ***That Council notes an error on page 17 of the report under the heading 'final form of draft development controls (with post exhibition changes)' which states that a 1500m2 lot size and 20m frontage is retained for the Thirlmere precinct. This should state that a 1500m2 lot size and 30m frontage is retained for the Thirlmere precinct.***
3. ***That the amendments are publicly notified as soon as possible, and the amendment comes into effect on the 1 April 2020.***
4. ***That as soon as practical Council prepare and exhibit a further amendment to Part 3-3.19 – Residential Flat Buildings, so that the controls are generally consistent with the controls adopted in Part 3 -3.18 – Multi Dwelling Housing.***
5. ***That Councillors thank all submitters for their constructive input.***

On being put to the meeting the motion was declared **CARRIED 6/1**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Noel Lowry and Matt Smith

Against: Cr Simon Landow

12 MANAGEMENT AND PROVISION OF INFRASTRUCTURE**12.1 TRAFFIC MANAGEMENT UPGRADES - FEBRUARY 2020****RESOLUTION 46/2020**

Moved: Cr Noel Lowry

Seconded: Cr Judith Hannan

That the following endorsed traffic management upgrades be approved:

1. LTC Recommendation 1.1 - Picton ANZAC Day March & Commemoration on Saturday 25 April 2020

That Council approve the following road closures between the hours of 6.30am and 7.00am on Saturday 25 April 2020 for the staging of "The Picton ANZAC Day March" subject to the requirements for the issue of a permit for "Road Event – Road Closure":

- Menangle Street (West) between Argyle Street and Walton Street
- Argyle Street between Menangle Street and Memorial Park (south of Downing Street)

2. LTC Recommendation 1.2 - Bold Jack Country Music Festival 2020, Warragamba – Request for Road Closures

That Council approve the temporary closure of the selected roads in Warragamba as listed in this report, subject to the requirements for the issue of a permit for "Road Event Road Closure".

3. LTC Recommendation 1.6 - Camden Cycling Club - Request Approval for Two Cycling Race Events on Stevens Road and Moreton Park Road, Menangle

That Council grant consent to Camden Cycling Club to use Stevens Road and Moreton Park Road, Menangle to conduct two cycling race events subject to the requirements for the issue of a permit for "Road Event – Road Closure" prior to each individual race event, subject to the provision for hostile vehicle mitigation and revised Traffic Control Plans, subject to approval from NSW Police for "Approval to Conduct a Race on a Public Road".

4. *That Council write to individual applicants that they seek their own advice from relevant authorities as to whether the events should proceed.***5. *That in the event that these events are postponed, and the future event dates are relevant and appropriate, then the approval is applied to the new date within a 12 month period.***

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

13 CARING FOR THE ENVIRONMENT**13.1 INTEGRATED WATER MANAGEMENT POLICY, STRATEGY & WATER SENSITIVE URBAN DESIGN GUIDELINES****RESOLUTION 47/2020**

Moved: Cr Matthew Gould

Seconded: Cr Simon Landow

1. ***That Council publicly exhibit the draft Integrated Water Management Policy and Strategy after it is updated to incorporate the following issues:***
 - a. ***Greater reference to Agriculture throughout both the policy and strategy***
 - b. ***Consistency with the LSPS***
 - c. ***Clarification on the applicability of the Policy***
 - d. ***Inclusion of the Georges River as appropriate***
 - e. ***That the maps in section 5.3 and 5.4 of the strategy be updated to focus on localised impacts as per advice from relevant scientific agencies.***
2. ***That formal feedback on the draft policy be sought from the Rural Industry Advisory Committee.***
3. ***That during the community engagement process, the opportunities and issues around recycling and reuse of waste water be the subject of specific consultation to ensure a broad and representative input from the community.***
4. ***That, following the consideration of submissions, a further report will be presented to Council for the adoption of the finalised documents.***

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

14 LOOKING AFTER THE COMMUNITY**14.1 REVISION OF SOCIAL MEDIA POLICY - CP0032**

At 8:03pm, Cr Judith Hannan left the meeting and at 8:05pm returned to the meeting.

RESOLUTION 48/2020

Moved: Cr Matthew Gould

Seconded: Mayor Matthew Deeth

1. ***That this policy be placed on public exhibition for a period of 28 days with a further 14 days for submissions with the following amendments:***
 - a. ***Replace the word “sites” throughout the document with the word “channels”.***
 - b. ***In section 4.4 - Dealing with Offensive and Other Negative Posts:***
 - i. ***Remove the words “Political leaning” in dot point 3,.***
 - ii. ***After the dot points, in the first paragraph at the end of the first sentence add the following words “ ...in accordance with Council’s Unreasonable Customer Conduct (UCC) Policy. Please refer to the UCC Policy for further information including rights of appeal relating to restrictions”***
 - c. ***In section 4.7 - Roles and Responsibilities of Councillors:***
 - i. ***In the event of an Emergency at the beginning of the sentence in the first dot point add the words “Staff must be mindful...”.***
 - ii. ***Add an additional dot point with the following words “ Councillors must be mindful of their obligations under the Code of Conduct in the preparation, posting and management of their own content on Social media channels”.***
 - d. ***Remove section 4.8.***
 - e. ***In section 4.9 - Record Keeping:***
 - i. ***In the first paragraph, amend the second sentence to read “Where an issue is particularly sensitive or where inappropriate content is published on Council’s social media platforms staff should save this information in Council’s Records Management System (TRIM) and it be dealt with where necessary”.***
 - ii. ***Add a second paragraph with the following words “Councillors need to consider their obligations under the State Records Act and Code of Conduct and should forward to Council information that they deem appropriate for record keeping purposes”.***
2. ***That a report come to Council following the submission period for the policy to be adopted.***

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

Item – 14.2 Donation Applications January/February 2020 – was considered under Items by Exception – Resolution 39/2020.

15 EFFICIENT AND EFFECTIVE COUNCIL

Item – 15.1 Review of the Interaction with Developers, Lobbyists and Submitters Policy – was considered under Items by Exception – Resolution 39/2020.

15.2 INVESTMENT OF FUNDS AS AT 31 JANUARY 2020

RESOLUTION 49/2020

Moved: Cr Matthew Gould

Seconded: Cr Matt Smith

That the information and certification in relation to the investment of Council funds as at 31 January 2020 be noted.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

Item – 15.3 Conflicts of Interest Policy Review – was considered under Items by Exception – Resolution 39/2020.

16 NOTICE OF MOTION/RESCISSIONS**16.1 NOTICE OF MOTION - POLICY ON HALL HIRE**

Cr Gould declared a Non-Pecuniary (less than significant) Interest in relation to this item as he is a member of the RFS.

Cr Smith declared a Non-Pecuniary (less than significant) Interest in relation to this item as he is a member of the RFS.

At 8:12pm, Cr Michael Banasik left the meeting and at 8:15pm returned to the meeting.

RESOLUTION 50/2020

Moved: Cr Judith Hannan

Seconded: Cr Matthew Gould

That we review our Reduction or Waiver of Council Fees and Charges Policy in regard to *Facilities* charges with particular consideration given to deposit requirements for Emergency Services Organisations such as the Rural Fire Service.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

16.2 NOTICE OF MOTION - SENIOR REGIONAL TRAVEL CARDS

RESOLUTION 51/2020

Moved: Cr Noel Lowry

Seconded: Cr Judith Hannan

That Council write to the member for Wollondilly, Nathaniel Smith MP and Transport NSW requesting that Wollondilly Shire Council be included as an eligible LGA in the pilot for the Seniors Regional Travel Card.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

16.3 NOTICE OF MOTION - ESTABLISHMENT OF SMALL BUSINESS AND FARMING RELIEF ASSISTANCE FOLLOWING NATURAL DISASTERS

At 8:25pm, Cr Matt Smith left the meeting and at 8:27pm returned to the meeting.

At 8:32pm, Cr Noel Lowry left the meeting and at 8:33pm returned to the meeting.

RESOLUTION 52/2020

Moved: Cr Simon Landow

Seconded: Mayor Matthew Deeth

That the CEO prepares a report to come back to the *June 2020* Council meeting that explores options to fund in next year's budget (2020/21) a dedicated small business and farming financial relief or financial grant scheme for small business and farms within the shire that are impacted by future natural disasters including drought, bushfires and flood.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

16.4 NOTICE OF MOTION - WILDLIFE VIRTUAL BARRIER TRIAL

At 8:39 pm, Cr Matthew Gould left the meeting and at 8:41 pm returned to the meeting.

RESOLUTION 53/2020

Moved: Cr Simon Landow
Seconded: Cr Michael Banasik

1. That as part of next year's budget, (2020/2021) consideration be given to fund a trial and seek partnerships with external parties, such as Water NSW, to install wildlife virtual barrier fencing along a wildlife movement corridor in the shire for example Silverdale Road *and Appin Road* to better protect our wildlife from injury or death.
2. That Council write to the relevant ministers seeking support of the initiative and trial.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

17 CLOSED REPORTS

The Mayor advised there are two confidential items of business to be discussed this evening and stated that the matters and information are referred under S10A(2) of the Local Government Act clauses:

- (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (g) 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.

The Mayor stated that 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.

RESOLUTION 54/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matt Smith

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

17.1 Code of Conduct - Office of Local Government Advice

This matter is considered to be confidential under Section 10A(2)(i) 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 alleged contraventions of any code of conduct requirements applicable under section 440

Report deals with referral of Code of Conduct matter to the Office of Local Government.

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.

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.

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

Council moved into Closed Council at 8.50pm.

The public and media left the chambers.

The Ordinary meeting re-opened to the public at 9.36pm with Councillors Banasik, Smith, Deeth, Gould, Landow, Hannan, the CEO, Assistant Director People, Legal and Governance and two Minute takers present.

The Mayor advised the CEO to read out the resolutions adopted in respect to Items 17.1 and 17.2 adopted in closed session.

17.1 CODE OF CONDUCT - OFFICE OF LOCAL GOVERNMENT ADVICE

At 8.50pm, Mayor Matthew Deeth left the meeting

RESOLUTION 55/2020

Moved: Cr Judith Hannan

Seconded: Cr Simon Landow

That Council note the advice received from the Office of Local Government in relation to the appropriateness of the resolutions of Council on the Code of Conduct breaches by Councillor Lowry.

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

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Gould, Simon Landow, and Matt Smith

Against: Nil

At 9.03pm, Mayor Matthew Deeth returned to the meeting.

SUSPENSION OF STANDING ORDERS

RESOLUTION 56/2020

Moved: Cr Simon Landow

Seconded: Cr Matt Smith

That Council move into the Committee of the Whole.

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

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow and Matt Smith

Against: Nil

At 9.22pm, Cr Judith Hannan left the meeting and returned at 9.23pm.

RESUMPTION OF STANDING ORDERS

RESOLUTION 57/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matthew Gould

That Council move out of the Committee of the Whole and resume standing orders.

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

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow and Matt Smith

Against: Nil

17.2 QUARTERLY LEGAL STATUS**RESOLUTION 58/2020**

Moved: Cr Michael Banasik

Seconded: Cr Matthew Gould

1. **That Council receive and note this report.**
2. ***That the CEO provide a post-project review report to Council's Audit Risk & Improvement Committee on the Warragamba All-Abilities Playground Project.***

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

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow and Matt Smith

Against: Nil

RESOLUTION 59/2020

Moved: Mayor Matthew Deeth

Seconded: Cr Matt Smith

That Council moves out of the Closed Council into Open Council.On being put to the meeting the motion was declared **CARRIED 6/0**

In Favour: Crs Judith Hannan, Michael Banasik, Matthew Deeth, Matthew Gould, Simon Landow and Matt Smith

Against: Nil

18 QUESTIONS FOR NEXT MEETING

No reports this meeting.

The Meeting closed at 9.38pm.

This and the preceding 27 pages are the minutes of the Ordinary Council Meeting held on 17 March 2020 and were confirmed at the subsequent Ordinary Council Meeting held on 21 April 2020.

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MAYOR