



MINUTES

of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss
Vale

on

Tuesday 24 April 2018

The meeting commenced at 3.30 pm

File No. 100/2018

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 11 April 2018	
6. BUSINESS ARISING.....	2
7. DECLARATIONS OF INTEREST	4
8. MAYORAL MINUTES.....	5
8.1 Staff Matter.....	5
8.2 Acknowledge the Achievements of Former Southern Highlands Athletes at the 2018 Commonwealth Games Athletes - Eliza Ault- Connell and Kaarle McCulloch.....	6
9. PUBLIC FORUM	7
Nil	7
COMMITTEE OF THE WHOLE	
10. VISITOR MATTERS	9
OPERATIONS	
Nil	9
CORPORATE AND STRATEGY	
Nil	9
11. EN BLOC MOTION	10
Nil	10
12. OPERATIONS FINANCE AND RISK	11
12.1 Investment Report - March 2018.....	11
12.2 Transfer of Land at Hill Top	12
12.3 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre	13
12.4 Salvation Army Red Shield Appeal Request for Sponsorship.....	14
13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES	15
13.1 Public Exhibition of the Draft Operational Plan and Budget 2018/19.....	15
13.2 Contingency Fund Guidelines	16
14. GENERAL MANAGER.....	17
14.1 Legal Report.....	17

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Tuesday 24 April 2018



15. DELEGATE REPORTS	18
Nil	18
16. PETITIONS.....	18
Nil	18
17. CORRESPONDENCE FOR ATTENTION.....	18
Nil	18
18. COMMITTEE REPORTS	19
18.1 Management and Advisory Committee Reports	19
18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018.....	21
19. QUESTIONS WITH NOTICE	22
Nil	22
20. NOTICES OF MOTION.....	23
20.1 Notice of Motion 11/2018 - Public Meeting.....	23
21. GENERAL BUSINESS	24
COUNCIL MATTERS	
Mayor resumes the chair	26
QUESTIONS FROM THE PUBLIC	
There were no Questions from the Public at this Meeting	27
22. CLOSED COUNCIL.....	28
Moving into Closed Session.....	28
22.1 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre	30
22.2 Legal Report - Closed Council	31
22.3 Staff Matter	32
23. RESUMPTION OF OPEN AGENDA.....	33
Adoption of Closed Council.....	33
24. ADOPTION OF COMMITTEE OF THE WHOLE.....	33
25. MEETING CLOSURE	34

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 24 APRIL 2018 COMMENCING AT 3.30 PM

Present: Clr K J Halstead (Mayor)
Clr G J Andrews
Clr T D Gair
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper

In Attendance:

General Manager	Ms Ann Prendergast
Deputy General Manager Operations, Finance and Risk	Mr Barry W Paull
Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Acting Group Manager Corporate and Community	Ms Danielle Lidgard
Chief Financial Officer	Mr Richard Mooney
Legal Counsel	Mr Ian Lacy
Manager Open Space, Recreation and Building Maintenance	Mr Greg Bray
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Ms Liz Johnson

1. OPENING OF THE MEETING

The Mayor Clr K J Halstead opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

Clr L A C Whipper acknowledged country:

"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The meeting was led in prayer by Pastor Donna Jensen of Connect Church Moss Vale.

4. APOLOGY

There were no apologies at this Meeting.

5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY
11 APRIL 2018

MN 147/18

MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 11 April 2018 MN 121/18 to MN 146/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

6. BUSINESS ARISING

1. MEDIA POLICY

5125

Clr G M Turland referred to the Media Policy adopted at the previous Meeting and asked if all people sitting at the media table comply with the Policy.

Clr Turland asked if the people sitting at the media table who may not comply with the Media Policy are allowed to tape the Council Meeting.

The General Manager advised that she would take these questions on notice.

2. ITEM 20.1 – NOTICE OF MOTION 10/2018 – PLANTINGS OF LEYLANDII

100/4, 7813/2, 107/18

Clr T D Gair referred to this matter on pages 26 and 27 of the Minutes being the Notice of Motion relating to Leylandii planted in rural areas. He asked where the funds will come from to undertake the resolution and how it will be implemented.

The General Manager advised that she would take this question on notice.

Clr G McLaughlin advised that it is his understanding that a previous Council did identify and map what is considered by Council to be important vistas and views within the Shire that should be maintained.

3. BUSINESS ARISING FROM THE MINUTES

100/1, 7457

Clr I M Scandrett referred to the question put to him at the last meeting by Clr Turland in relation to Station Street and noted that it had since occurred to him that there was probably an opportunity for him to say that there was a pecuniary interest consideration involved in this in terms of Clr Turland. He asked if Clr Turland considered that because under the Code of Meeting Practice quite clearly with two properties in the Station Street precinct he may have had to declare a Pecuniary Interest.

Clr G M Turland advised that in accordance with the Code of Meeting Practice it is up to him whether he declares an interest or not. Clr Turland advised that he had made declarations at the last Council Meetings, and noted that he does not have a second property.

The Mayor Clr K J Halstead advised that it is up to the individual Councillor whether they declare an interest or not.

7. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest 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.

101/3.1, 501/203

Clr G M Turland declared a less than significant non-pecuniary interest in Item 13.1 – Public Exhibition of the Draft Operational Plan and Budget 2018/19 [as it refers to the Station Street Upgrade] – as he is Director of a Company that owns a property in Station Street. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3.1, 107/22

Clr G M Turland declared a less than significant non-pecuniary interest in Item 14.1 – Legal Report - as he has a legal case with Council. He stated that he would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.

101/3, 107/22

Clr G M Turland declared a pecuniary interest in No 19 of Ongoing Legal Cases in Item 22.2 – Legal Report – Closed Council. He stated that he would leave the Chamber when this matter was discussed and take no part in the debate and voting thereon.

8. MAYORAL MINUTES

8.1 Staff Matter

Reference: 102, 102/5, 800
Report Author: Mayor

PURPOSE

The purpose of this report is to advise Council of a Staff Matter.

This matter is to be dealt with in Closed Council in accordance with s10A(2) of the *Local Government Act, 1993* under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than Councillors).

MN 148/18

MOTION moved by Clr G Markwart and seconded by Clr G M Turland

THAT the Staff Matter be presented as a verbal report in Closed Council – Item 22.3.

PASSED

8.2 Acknowledge the Achievements of Former Southern Highlands Athletes at the 2018 Commonwealth Games Athletes - Eliza Ault-Connell and Kaarle McCulloch

Reference: 102, 102/5

Report Author: Mayor

PURPOSE

The purpose of this Mayoral Minute is to acknowledge the achievements of former local athletes Eliza Ault-Connell and Kaarle McCulloch at the 2018 Commonwealth Games held on the Gold Coast from 4 to 15 April 2018.

MN 149/18

MOTION moved by Mayor K J Halstead and seconded by Clr T D Gair

1. **THAT** Council acknowledges the achievements of former local resident and Paralympian Eliza Ault-Connell on her success in winning a Silver Medal in the wheelchair marathon held on Sunday, 15 April 2018 at the 2018 Commonwealth Games.
2. **THAT** Council congratulates former Highlands cyclist Kaarle McCulloch who produced outstanding results at the Commonwealth Games in winning two gold, one silver and one bronze medal.

PASSED

9. PUBLIC FORUM

There was no Public Forum at this Meeting.

COMMITTEE OF THE WHOLE

107/10

MN 150/18

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT in accordance with Section 373 of the Local Government Act, 1993, Council moves into Committee of the Whole to consider various matters detailed in the Agenda with Clr G J Andrews to take the Chair.

PASSED

10. VISITOR MATTERS

OPERATIONS

There were no Visitor Items – Operations at this Meeting.

CORPORATE AND STRATEGY

There were no Visitor Items – Corporate and Strategy at this Meeting.

11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

12. OPERATIONS FINANCE AND RISK

12.1 Investment Report - March 2018

Reference:	2104
Report Author:	Deputy Chief Financial Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 March 2018.

MN 151/18

MOTION moved by Cllr L A C Whipper and seconded by Cllr P W Nelson

THAT the information on Council's Investments as at 31 March 2018 be received and noted.

PASSED

12.2 Transfer of Land at Hill Top

Reference:	PN1014200, PN548800
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to accept the transfer of title for two (2) properties at Hill Top in lieu of unpaid rates.

MN 152/18

MOTION moved by Clr T D Gair and seconded by Clr P W Nelson

1. **THAT** Council resolve to accept a transfer to Council of 2 Mylora Street, Hill Top (being Lots 1 to 5 Section 2 DP1262) in lieu of unpaid rates.
2. **THAT** Council resolve to accept a transfer to Council of Lot 70 and 71 Sec 66 DP1717 Fitzroy Street Hill Top in lieu of unpaid rates.
3. **THAT** Council pays all necessary fees related to the transfers including registration fees, and any other related fees and charges.
4. **THAT** Council waive any unpaid land rates and/or water and sewer access charges currently owing on the land.
5. **THAT** any documentation required to be executed in relation to the transfer of the land to Council be executed by the General Manger and Mayor under the Common Seal of Council.
6. **THAT** pursuant to Section 31(2) of the Local Government Act 1993, the land to be acquired by Council pursuant to resolution 1 above is to be classified as Operational Land.

PASSED

12.3 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre

Reference: 6330/18.5
Report Author: Manager Open Space, Recreation and Building Maintenance
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan: Increase promotion of healthy lifestyle choices

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Operation and Management of Moss Vale War Memorial Aquatic Centre.

MN 153/18

MOTION moved by Cllr P W Nelson and seconded by Cllr L A C Whipper

THAT the report concerning Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre – be considered in Closed Council – Item 22.1.

PASSED

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

There were no objections from the public.

12.4 Salvation Army Red Shield Appeal Request for Sponsorship

Reference:	1850/1
Report Author:	Organisational Support Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

The purpose of this report is to seek Council's approval to sponsor the annual Salvation Army Red Shield Appeal Business Breakfast to be held on 11 May, 2018 in the amount of \$1,500.

MN 154/18

MOTION moved by Clr G McLaughlin and seconded by Clr T D Gair

THAT Council provides sponsorship of the Salvation Army Red Shield Appeal 2018 in the sum of \$1,500.00 **AND THAT** it be funded from the Contingency Fund.

PASSED

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Public Exhibition of the Draft Operational Plan and Budget 2018/19

Reference:	501/2013
Report Author:	Acting Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the draft 2018/19 Operational Plan, Budget, Revenue Policy and Fees and Charges to be endorsed for public exhibition.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter [as it refers to the Station Street Upgrade], as he is Director of a company that owns a property in Station Street. He remained in the chamber, took part in the debate and voted on the matter.

The Acting Group Manager Corporate and Community, Chief Financial Officer and Deputy General Manager Operations, Finance and Risk addressed Council on this matter.

MN 155/18

MOTION moved by *Clr G M Turland* and seconded by *Clr L A C Whipper*

THAT *the draft 2018/19 Operational Plan, Budget, Revenue Policy and Fees and Charges, as set out in Attachments 1 and 2 to the report, be endorsed for public exhibition from 27 April to 24 May 2018.*

PASSED

Dissenting vote: Clr I M Scandrett requested that his dissenting vote be recorded in respect of this motion.

13.2 Contingency Fund Guidelines

Reference:	2155/1
Report Author:	Coordinator Community Development
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire

PURPOSE

To provide guidelines for consideration when Council receives requests for financial assistance or sponsorship.

MN 156/18

MOTION moved by Cllr T D Gair and seconded by Cllr P W Nelson

THAT Council adopts the Contingency Fund Guidelines attached to the report – refer Attachment 1 - effective from 1 July 2018.

PASSED

14. GENERAL MANAGER

14.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 28 March 2018.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he has a legal case with Council. He remained in the chamber, took part in the debate and voted on the matter.

MN 157/18

MOTION moved by Clr P W Nelson and seconded by Clr G McLaughlin

1. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.3.
2. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.

PASSED

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

There were no objections from the Public.

15. DELEGATE REPORTS

There were no Delegate Reports at this Meeting.

16. PETITIONS

There were no Petitions at this Meeting.

17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

18. COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference:	107/1
Report Author:	Committee Coordinator
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

1. Hill Top Community Centre Committee held on Thursday, 16 November 2017.
2. Yerrinbool Hall Committee held on Tuesday, 28 November 2017.
3. Hill Top Community Centre Committee held on Thursday, 15 February 2018.
4. Loseby Park Community Hall Management Committee held on Friday, 16 February 2018.
5. East Bowral Community Centre Management Committee held on Tuesday, 27 February 2018.
6. Mittagong Memorial Hall Management Committee held on Thursday, 1 March 2018.
7. Robertson Community Centre Management Committee held on Tuesday, 12 March 2018.
8. Wingello Mechanic Institute Management Committee held on Tuesday, 12 March 2018.
9. East Bowral Community Centre Management Committee held on Tuesday, 3 April 2018.
10. Mittagong Memorial Hall Management Committee held on Thursday, 5 April 2018.
11. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 16 April 2018.

MN 158/18

MOTION moved by Cllr G M Turland and seconded by Cllr P W Nelson

THAT the information contained in the following Committee Reports be noted:

1. ***Hill Top Community Centre Committee held on Thursday, 16 November 2017.***
2. ***Yerrinbool Hall Committee held on Tuesday, 28 November 2017.***
3. ***Hill Top Community Centre Committee held on Thursday, 15 February 2018.***
4. ***Loseby Park Community Hall Management Committee held on Friday, 16 February 2018.***
5. ***East Bowral Community Centre Management Committee held on Tuesday, 27 February 2018.***
6. ***Mittagong Memorial Hall Management Committee held on Thursday, 1 March 2018.***
7. ***Robertson Community Centre Management Committee held on Tuesday, 12 March 2018.***
8. ***Wingello Mechanic Institute Management Committee held on Tuesday, 12 March 2018.***
9. ***East Bowral Community Centre Management Committee held on Tuesday, 3 April 2018.***
10. ***Mittagong Memorial Hall Management Committee held on Thursday, 5 April 2018.***
11. ***Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 16 April 2018.***

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018

Reference:	2102/3
Report Author:	Administration Officer
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2017.

MN 159/18

MOTION moved by Deputy Mayor I M Scandrett and seconded by Cllr T D Gair

THAT recommendations Nos AR 1/18 to AR 11/18 – as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 16 April 2018 be adopted.

PASSED

19. QUESTIONS WITH NOTICE

There were no Questions with Notice at this Meeting.

20. NOTICES OF MOTION

20.1 Notice of Motion 11/2018 - Public Meeting

Reference:	100/4, 2120, 501/2013
Report Author:	Administration Officer
Authoriser:	Acting Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 24 April 2018:

THAT a public meeting be held in Bowral to present and discuss the draft 2018-19 Wingecarribee Shire Budget as part of the public exhibition process.

MOTION moved by Deputy Mayor I M Scandrett

THAT a public meeting be held in Bowral to present and discuss the draft 2018-19 Wingecarribee Shire Budget as part of the public exhibition process.

THE MOTION LAPSED THROUGH THE WANT OF A SECONDER

21. GENERAL BUSINESS

1. FIT FOR THE FUTURE

200/11

Clr T D Gair referred to Council's strategy in meeting its Fit for the Future Improvement Plan and noted the requirement to undertake a review of all Council's facilities. Clr Gair asked if it was possible to prioritise open spaces, parks and operational land for the next review.

The General Manager advised that anything is possible but asked for clarification of what Clr Gair is asking.

Clr Gair advised that he will put in a Notice of Motion.

The General Manager advised that if Clr Gair puts in a Notice of Motion it would be clear about what the requirement was.

2. LARGE TRAILER PARKED IN KIRKHAM ROAD

RD1569, 7460/8

Clr G M Turland asked if the large trailer that is parked outside the Co-op in Kirkham Street, Bowral can be removed as it impedes the safety view from the Co-op and Reece Plumbing. Clr Turland advised that this trailer had been parked there for some time and that he had photographs which he would hand up.

The General Manager advised that the question would be taken on notice.

3. MITTAGONG RIVULET

5457/7

Clr G M Turland referred to the Mittagong Rivulet which is full of regrowth trees and rubbish and asked if it could be cleared out.

The General Manager advised that the question would be taken on notice.

4. DEVELOPMENT CONSENTS ISSUED CONTRARY TO THE PROVISIONS OF SEPP (HOUSING AND SENIORS OR PEOPLE WITH A DISABILITY) 2004

5320/5

The Mayor Clr K J Halstead referred to his question asked at the Council Meeting on Wednesday, 28 March 2018 in relation to this matter, and asked if the General Manager could update him in terms of the response to his question where he asked if a report could come to Council.

The General Manager advised that work has been done on the matter and asked if the Group Manager Planning, Development and Regulatory Services could provide an update.

The Group Manager Planning, Development and Regulatory Services advised that the report would come to Council for the second Meeting in May.

5. COMMUNITY OVAL AND PRECINCT LANDS

6546/7

Clr I M Scandrett asked if staff could provide a detailed briefing on all proposals and discussions relating to the future use of Community Oval and precinct lands.

The General Manager advised that the question would be taken on notice.

6. REFERRAL TO THE OFFICE OF LOCAL GOVERNMENT

101, PERS

Clr I M Scandrett asked if staff can provide an update on the referral to the Office of Local Government of matters relating to him in terms of alleged indiscretions.

The General Manager advised that the question would be taken on notice.

COUNCIL MATTERS

MN 160/18

MOTION moved by *Clr G McLaughlin* and seconded by *Clr G Markwart*

THAT Council move from Committee of the Whole back into Council, the time being 4.25 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

PASSED



QUESTIONS FROM THE PUBLIC

100/10

There were no Questions from the Public at this Meeting.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 4.26 pm, Council moved into Closed Council.

MN 161/18

MOTION moved by Cllr T D Gair and seconded by Cllr G McLaughlin

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 as addressed below to consider the following reports that are confidential for the reasons specified below:

- 22.1 **Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Operation and Management of Moss Vale War Memorial Aquatic Centre.

- 22.2 **Legal Report - Closed Council**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains 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 and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

Updating the report on the status of legal proceedings reported to Council at the meeting on 28 March 2018.

22.3 Staff Matter

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to advise Council of a Staff Matter.

This matter is to be dealt with in Closed Council in accordance with s10A(2) of the Local Government Act, 1993 under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than Councillors).

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

PASSED

22.1 Tender for the Operation and Management Moss Vale War Memorial Aquatic Centre

Reference: 6330/18.5
Report Author: Manager Open Space, Recreation and Building Maintenance
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Increase promotion of healthy lifestyle choices

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Operation and Management of Moss Vale War Memorial Aquatic Centre.

The Manager Open Space, Recreation and Building Maintenance, Deputy General Manager Operations, Finance and Risk, General Manager and Chief Financial Officer addressed Council on this matter.

MN 162/18

MOTION moved by Cllr T D Gair and seconded by Cllr G J Andrews

THAT Council accepts the Tender 6330/18.5 Moss Vale War Memorial Aquatic Centre – Management and Operation from Bluefit Pty Ltd at a lump sum amount of \$530,000 for the period 1 July 2018 to 30 June 2023, with the option to extend for another three periods being:

- **one (1) x three (3) year period,**
- **one (1) x two (2) year period,**
- **one (1) x one (1) year period.**

PASSED

22.2 Legal Report - Closed Council

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Acting Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains 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.

PURPOSE

Updating the report on the status of legal proceedings reported to Council at the meeting on 28 March 2018.

Interest: Cllr G M Turland declared a pecuniary interest in No 19 of Ongoing Legal Cases. He stated that he would leave the chamber if and when that matter was discussed and would take no part in the debate or voting on the matter.

The General Counsel, General Manager, Group Manager Planning, Development and Regulatory Services, Deputy General Manager Corporate, Strategy and Development Services and Deputy General Manager Operations, Finance and Risk addressed Council on this matter.

MN 163/18

MOTION moved by Cllr T D Gair and seconded by Cllr G J Andrews

THAT the information in the Legal Affairs Report be noted.

PASSED

22.3 Staff Matter

Reference:	102, 800, PERS
Report Author:	Mayor
Authoriser:	
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors).

PURPOSE

The purpose of this report is to advise Council of a Staff Matter.

This matter is to be dealt with in Closed Council in accordance with s10A(2) of the *Local Government Act, 1993* under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than Councillors).

Staff vacated the chamber at this juncture of the Meeting.

The Mayor Clr K J Halstead addressed Council verbally on this matter, and outlined the processes that were followed by the four members of the committee and advised that the performance review was considered to be most satisfactory.

MN 164/18

MOTION moved by Clr T D Gair and seconded by Clr P W Nelson

THAT the information relating to a Staff Member be noted.

PASSED

Staff returned to the chamber at this juncture.

23. RESUMPTION OF OPEN AGENDA

107/10

MN 165/18

MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

107/9

MN 166/18

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT the recommendations of the Closed Council held on Tuesday, 24 April 2018 being MN 162/18 to MN 164/18 be adopted.

PASSED

24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

MN 167/18

MOTION moved by Clr T D Gair and seconded by Clr G McLaughlin

THAT the recommendations of the Committee of the Whole held on Tuesday, 24 April 2018 being MN 151/18 to MN 160/18 be adopted.

PASSED

25. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Tuesday 24 April 2018 numbered M/N 147/18 to M/N 167/18 were signed by me hereunder at the Council Meeting held on Wednesday 9 May 2018.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 9 MAY 2018

CHAIRMAN

A/PUBLIC OFFICER