



# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 25 September 2019**

The meeting commenced at 3.30pm

*File No. 100/2019*

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# MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 25 September 2019



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**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 25 SEPTEMBER 2019 COMMENCING AT 3.30PM**

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

**In Attendance:**

Acting General Manager	Mr Barry W Paull
Deputy General Manager Corporate Strategy and Development Services	Mr Mark Pepping
Group Manager Corporate and Community	Ms Danielle Lidgard
Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
Chief Financial Officer	Mr Richard Mooney
Chief Information Officer	Mr John Crawford
Coordinator Media and Communications	Mr David Sommers
Coordinator Community Engagement	Ms Charmaine Cooper (in part)
Senior Strategic Planner	Ms Susan Stannard (in part)
Administration Officer	Ms Michelle Richardson

## 1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

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## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr Nelson 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."*

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## 3. PRAYER

The meeting was led in prayer by Reverend Gavin Perkins, Bowral Anglican Church.

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#### 4. APOLOGY

PERS

**MN 451/19**

**MOTION** moved by Clr G McLaughlin and seconded by Clr I M Scandrett

**THAT** Councillor Markwart's leave of absence for the period 25 September 2019 to 25 December 2019 be granted.

**PASSED**

#### 5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 11 SEPTEMBER 2019

100/1

**MN 452/19**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 11 September 2019 MN 425/19 to MN 450/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting subject to the following corrections:

1. The removal of the reference to Clr KJ Halstead declaring a less than significant non pecuniary interest in Item 9.2 – DA19/1571, 12 Solomon Street, Renwick on page 5 of the Minutes as Clr Halstead did not make a non pecuniary interest in this matter.
2. The removal of the wording on page 8 "Clr K J Halstead declared a pecuniary interest in Item 9.2 DA19/1571, 12 Solomon Street, Renwick Two Storey Detached Dual Occupancy as his family owns property in Renwick".

**PASSED**

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## 6. 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.

101/3.1 107/22

*Deputy Mayor G M Turland declared a less than significant non-pecuniary interest in Item 13.1- Legal Report (open Council) and 19.1 Legal Report (closed Council) as he has a court matter with Council. He will be absent from the Chambers if any discussions take place in consideration of that item.*

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101/3.1 1680

*Clr P W Nelson declared a less than significant non-pecuniary interest in Item 16.1 as he owns property in Kirkham Street Moss Vale, however the property is not affected by flooding from Whites Creek Floodplain. He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.*

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101/3.1 PN 1706883

*Clr L A C Whipper declared a less than significant non-pecuniary interest in Item 12.2 Planning Proposal to Reclassify a Portion of Council Owned Land to Provide an Access Road to the Southern Highlands Regional Art Gallery as he is a member of the Working Committee for Southern Highlands Regional Gallery "Gnunungulla". He would remain in the chamber when this matter was discussed and take part in the debate and voting thereon.*

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## 7. MAYORAL MINUTES

Nil.

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## 8. PUBLIC FORUM

100/13 20/0043

**Item 12.1 Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822**

*Mr Kevin Ryan addressed council in relation to this item.*

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## 9. VISITOR MATTERS

### OPERATIONS

Nil

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## CORPORATE AND STRATEGY

### 9.1 DA 18/0576 - General Industry (Masonry Manufacturing), Lot 1 DP785111 and Lot 1 DP414246, 416 Berrima Road, Moss Vale and 524 Berrima Road, Berrima

Reference:	18/0576
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Austral Masonry (NSW) Pty Ltd
Owner:	The Austral Brick Company Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

#### PURPOSE

The purpose of this report is to present development application 18/0576 for the Council's consideration, and recommends APPROVAL subject to the conditions specified in **Attachment 1**.

Mr Clive West addressed Council in relation to this item

Mr Andrew Cowan addressed Council in relation to this item

The Group Manager Planning, Development and Regulatory Services addressed Council on this item.

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

**MN 453/19**

**MOTION** moved by Deputy Mayor G M Turland and seconded by Clr K J Halstead

1. **THAT** development application 18/0576 for erection of buildings and carrying out of works for the purpose of general industry (masonry manufacturing) at Lot 1 DP785111 and Lot 1 DP414246, 416 Berrima Road, Moss Vale and 524 Berrima Road, Berrima, be APPROVED subject to conditions as described in Attachment 1 to the report and the following additional condition:
  - Council's consent does not permit any works that would impact on the Berrima Cement Works water pipeline without appropriate approvals obtained and any damage caused, will require immediate repair, at the proponent's expense.
  
2. **THAT** the applicant be requested to consider a 30 metre-wide perimeter of native vegetation plantings along the property boundaries.

**PASSED**

**VOTING ON THE MOTION**

**For the motion:** Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor G M Turland

**Against the motion:** Clr L A C Whipper

**AMENDMENT** moved by Clr L A C Whipper and seconded by Clr I M Scandrett

**THAT** development application 18/0576 for erection of buildings and carrying out of works for the purpose of general industry (masonry manufacturing) at Lot 1 DP785111 and Lot 1 DP414246, 416 Berrima Road, Moss Vale and 524 Berrima Road, Berrima, be APPROVED subject to conditions as described in Attachment 1 to the report and the following additional conditions:

- Council's consent does not permit any works that would impact on the Berrima Cement Works water pipeline without appropriate approvals obtained and any damage caused, will require immediate repair, at the proponent's expense
- The applicant include a 30 metre-wide perimeter of native vegetation plantings along the property boundaries and a 60 metre-wide habitat corridor of native plantings along Stony Creek.

**AMENDMENT LOST**

**VOTING ON THE AMENDMENT**

**For the amendment:** Clr I M Scandrett and Clr L A C Whipper

**Against the amendment:** Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G McLaughlin, Clr P W Nelson and Deputy Mayor G M Turland



## **10. EN BLOC MOTION**

There was no En Bloc Motion at this Meeting.

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## 11. OPERATIONS FINANCE AND RISK

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### 11.1 Investment Report - August 2019

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

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#### **PURPOSE**

The purpose of this report is to present Council's Investment Portfolio held at 31 August 2019.

#### **MN 454/19**

**MOTION** moved by Cllr G McLaughlin and seconded by Cllr P W Nelson

**THAT** the information on Council's Investments as at 31 August 2019 be received and noted.

**PASSED**

## 12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822

Reference: 20/0043  
Report Author: Development Assessment Planner  
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Manage development to ensure it does not impact on viable primary production and food security

#### PURPOSE

The purpose of this report is to consider Development Application 20/0043 which seeks approval for an Exhibition Home within the Seniors Housing Development Stage 1 approval under DA 17/1822 at Lots 1 & 2 DP 1101892 and Lots 4 – 11 DP 978826 being 2-18 Centennial Road Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

Mr Kevin Ryan addressed Council in public forum in relation to this item

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this item

The Deputy General Manager Corporate Strategy and Development Services addressed Council in relation to this item

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

**MN 455/19**

**MOTION** moved by Deputy Mayor G M Turland and seconded by Clr I M Scandrett

**THAT** Development Application 20/0043 which seeks approval for an exhibition home in accordance with approved DA 17/1822 for Seniors Housing at Lots 1 & 2 DP 1101892 and Lots 4 – 11 DP 978826 being 2-18 Centennial Road, Bowral, be **APPROVED**, subject to attached conditions of consent as described in Attachment 1 to the report.

**PASSED**

**VOTING ON THE MOTION**

**For the motion:** Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

**Against the motion:** Clr G McLaughlin

Clr McLaughlin requested his dissenting vote be recorded

**FORESHADOWED MOTION** moved by Clr G McLaughlin

**THAT** Development Application 20/0043 which seeks approval for an exhibition home in accordance with approved DA 17/1822 for Seniors Housing at Lots 1 & 2 DP 1101892 and Lots 4 – 11 DP 978826 being 2-18 Centennial Road, Bowral, be **REFUSED** for the following reasons

**AS THE MOTION WAS PUT TO THE MEETING AND PASSED THE FORESHADOWED MOTION WAS NOT PUT TO THE MEETING**

## 12.2 Planning Proposal to Reclassify a Portion of Council Owned Land to Provide an Access Road to the Southern Highlands Regional Art Gallery

Reference: PN1706883  
Report Author: Senior Strategic Land Use Planner  
Authoriser: Coordinator Strategic Land Use Planning  
Link to Community Strategic Plan: Support and promote the creative and cultural sector

### PURPOSE

The purpose of this report is to seek a resolution of Council to proceed with a Planning Proposal to reclassify a portion of Council owned land adjacent to the David Wood Playing Fields in East Bowral for the purpose of providing an access road to the Southern Highlands Regional Art Gallery.

The Senior Strategic Land Use Planner addressed Council on this item

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### **MN 456/19**

**MOTION** moved by Clr P W Nelson and seconded by Clr I M Scandrett

***THAT a Planning Proposal be prepared to reclassify proposed Lot 3 being a portion of Lot 38 DP 882935, Rowland Road Bowral, from Community to Operational, for the purposes of constructing an access road to the Southern Highlands Regional Art Gallery as shown in Attachment 1.***

### **PASSED**

### VOTING ON THE MOTION

**For the motion:** Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

**Against the motion:** Nil

## 12.3 Planning Proposal to Reclassify Lot 13 DP 601369, Kirkham Street Moss Vale, to Enable Future Sale

Reference:	PN819550
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
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 a resolution of Council to proceed with a Planning Proposal to reclassify Lot 13 DP 601369, being a Council owned landlocked property on Kirkham Street, Moss Vale, from 'community' to 'operational'.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### **MN 457/19**

**MOTION** moved by Clr G McLaughlin and seconded by Clr G J Andrews

**THAT** a Planning Proposal be prepared to reclassify Lot 13 DP 601369, Kirkham Street Moss Vale, from Community to Operational to enable consideration of future options for sale of the land.

**PASSED**

### VOTING ON THE MOTION

**For the motion:** Clr G J Andrews, Mayor Clr T D Gair, Clr K J Halstead, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

**Against the motion:** Nil

## 12.4 Short Term Rental Accommodation Draft Policy Framework

Reference:	1930/6
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

### PURPOSE

The purpose of this report is to inform Council of the proposed new regulatory framework for Short Term Rental Accommodation in NSW and seek Council endorsement of a draft submission to the NSW Government on the proposed framework.

**MN 458/19**

**MOTION** moved by Deputy Mayor G M Turland and seconded by Clr P W Nelson

1. **THAT** Council endorse a submission (Attachment 1) to be sent to the Department of Planning, Industry and Environment in relation to the proposed Short Term Rental Accommodation regulatory framework; and
2. **THAT** Council not seek to limit the amount of days an un-hosted Short Term Rental Accommodation activity can occur in the Wingecarribee Shire.
3. **THAT** signage indicating the relevant authority for compliance issues or complaints be placed on the front of the property viewable by the general public.

### PASSED

### VOTING ON THE MOTION

**For the motion:** Clr G J Andrews, Mayor Clr T D Gair, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor G M Turland

**Against the motion:** Clr K J Halstead, Clr G McLaughlin and Clr L A C Whipper

**AMENDMENT** moved by Clr G McLaughlin and seconded by Clr L A C Whipper

1. **THAT** Council endorse a submission (Attachment 1) to be sent to the Department of Planning, Industry and Environment in relation to the proposed Short Term Rental Accommodation regulatory framework; and
2. **THAT** Council seek to limit the amount of days an un-hosted Short Term Rental Accommodation activity can occur in the Wingecarribee Shire to a maximum of 180 days per annum.

### AMENDMENT LOST

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 25 September 2019



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### VOTING ON THE AMENDMENT

**For the amendment:** Clr G McLaughlin, Clr L A C Whipper, Clr K J Halstead

**Against the amendment:** Clr G J Andrews, Mayor Clr T D Gair, Clr P W Nelson, Clr I M Scandrett and Deputy Mayor G M Turland



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## 12.5 Public Exhibition of Draft Community Engagement Strategy

Reference:	5704/9
Report Author:	Coordinator Community Engagement
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Improve opportunities for people to ‘have their say’ and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

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### **PURPOSE**

The purpose of this report is to seek Council endorsement to place the revised Community Engagement Strategy on public exhibition.

The Coordinator Community Engagement addressed Council on this item

The Acting General Manager addressed Council on this item

### **MN 459/19**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr K J Halstead

**THAT** Council endorse the draft Community Engagement Strategy included at Attachment 1, including community participation plan requirements for public exhibition for a period of 28 days.

**PASSED**

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## 12.6 Request for Financial Assistance from Bikes for Life

Reference:	2155/1
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Actively foster a spirit of participation and volunteering by addressing key barriers

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### **PURPOSE**

The purpose to this report is to seek Council's position on a request from the Bikes 4 Life for financial assistance to assist with transport of recycled bikes overseas.

### **MN 460/19**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G McLaughlin

1. **THAT Council approves the allocation of \$1000 for financial assistance from Bikes 4 Life from the contingency fund.**
2. **THAT until this program ends this financial assistance be part of the annual budget.**

**PASSED**

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## 12.7 Local Government Election 2020

Reference:	105
Report Author:	A/Coordinator Corporate Strategy and Governance
Authoriser:	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

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### **PURPOSE**

This report recommends that Council resolves to enter into an arrangement with the NSW Electoral Commission (NSWEC) for the administration of the 2020 Local Government Election.

### **MN 461/19**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr K J Halstead

**THAT** pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) Wingecarribee Shire Council (“the Council”) resolves:

1. **THAT** an election arrangement be entered into by contract for the Electoral Commissioner to administer the election of the Council for the 2020 Local Government Elections;
2. **THAT** a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council (if required); and
3. **THAT** a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council (if required).

**PASSED**

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## 13. GENERAL MANAGER

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### 13.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	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

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#### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday 28 August 2019.

#### **MN 462/19**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G McLaughlin

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 19.1.

**PASSED**

## **14. DELEGATE REPORTS**

Nil

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## **15. PETITIONS**

Nil

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## 16. COMMITTEE REPORTS

### 16.1 Minutes of the Wingecarribee Floodplain Risk Management Advisory Committee Meeting held on 13 September 2019

Reference: 8100/11  
Report Author: Administration Officer (Meetings)  
Authoriser: Group Manager Corporate and Community  
Link to Delivery Program: Conserve the key natural resources of the Shire water catchments, arable land, key wildlife corridors, vegetation and scenic landscapes

#### **PURPOSE**

This report provides the Minutes of the Wingecarribee Floodplain Risk Management Advisory Committee Meeting held on 13 September 2019.

#### **MN 463/19**

**MOTION** moved by Cllr K J Halstead and seconded by Cllr P W Nelson

**THAT** recommendation Nos WFRM3/19 to WFRM4/19 as detailed in the Minutes of the Wingecarribee Floodplain Risk Management Advisory Committee Meeting held on 13 September 2019 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

**PASSED**

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## 16.2 Minutes of the Arts and Culture Advisory Committee Meeting held on 3 September 2019

Reference: 1680  
Report Author: Administration Officer (Meetings)  
Authoriser: Group Manager Corporate and Community  
Link to Community  
Strategic Plan: Support and promote the creative and cultural sector

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### **PURPOSE**

This report provides the Minutes of the Arts and Culture Advisory Committee Meeting held on 3 September 2019.

### **MN 464/19**

**MOTION** moved by Cllr L A C Whipper and seconded by Cllr G J Andrews

**THAT** recommendations Nos ACC 20/19 to ACC 23/19, as detailed in the minutes of the Arts and Culture Advisory Committee Meeting held on Thursday 3 September 2019 be adopted, save of any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

**PASSED**

## 17. QUESTIONS WITH NOTICE

### 17.1 Question with Notice 19/2019 - Farm Aid

**Reference:** 101/2 2155/1  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** 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

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**To:** General Manager  
**From:** Clr Whipper  
**Received:** 13 September 2019

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**Subject:** Farm Aid

#### Question:

I forwarded an email through to yourself on 9 July 2019. This email requested an information session in relation to the hardship being faced by local farmers. I stated that in my line of work, I had observed not only financial and social stress but also psychological stress. I flagged the opportunity to invite the Rural Adversity Coordinator from the Local Health District to provide support for local farmers. I also stated that I had met with a representative of the local dairy farmers.

It has now been two months since I made that request and also requested local farmer representatives also attend the session for Council to consider what (if any) supports, we could provide, including advocacy.

Can I and my fellow Councillors now please have a scheduled meeting date.

#### Response:

That an information session be scheduled.

The Acting General Manager addressed Council in relation to this item.

#### **MN 465/19**

**MOTION** moved by Clr L A C Whipper and seconded by Clr I M Scandrett

**THAT Councillors be advised as soon as possible of the information session date for a briefing session on Farm Aid.**

**PASSED**



## 18. NOTICES OF MOTION

### 18.1 Notice of Rescission of Motion 6/2019 - Climate Change

Reference:	100/5 5450/22
Report Author:	Administration Officer (Meetings)
Authoriser:	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

Councillors Turland, Whipper and Halstead have given notice that it is their intention to move at the Ordinary Meeting of Council on 25 September 2019 the following resolution from the Ordinary Meeting of Council held on 11 September 2019 be rescinded:

*THAT an information session be held with all councillors and delivered by staff addressing the actions currently being undertaken which addresses the issues as identified in the Notice of Motion 35/2019 regarding climate change.*

**MOTION** moved by Cllr L A C Whipper and seconded by Deputy Mayor G M Turland

*THAT the motion passed by Council on 11/9/19, being Item Number 18.1 Notice of Motion Climate Change MN446/19, be rescinded.*

**RESCISSION MOTION LOST**

## 19. CLOSED COUNCIL

### MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 5:57 pm, Council moved into Closed Council.

#### **MN 466/19**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr G J Andrews

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:

#### 19.1 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

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 28 August 2019.

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

**PASSED**

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## 19.1 Legal Report - Closed Council

Reference:	107/22
Report Author:	General Counsel
Authoriser:	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

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### 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.*

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### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 28 August 2019.

The Group Manager Planning, Development and Regulatory Services addressed Council in relation to this item

### **MN 467/19**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr P W Nelson

**THAT** the information in the Legal Report be noted.

**PASSED**

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## 20. RESUMPTION OF OPEN AGENDA

107/10

**MN 468/19**

**MOTION** moved by Clr G McLaughlin and seconded by Clr G J Andrews

**THAT Council moves from Closed Council into Open Council.**

**PASSED**

No members of the public were present in the Chamber.

The recording and live streaming of the meeting recommenced and all present were reminded that the meeting was being recorded and live streamed via the internet for public viewing.

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### ADOPTION OF CLOSED COUNCIL

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107/9

**MN 469/19**

**MOTION** moved by Clr G J Andrews and seconded by Clr P W Nelson

**THAT the recommendation of the Closed Council held on Wednesday, 25 September 2019 being MN 467/19 be adopted.**

**PASSED**

The Acting General Manager read out the Resolutions adopted by Council in Closed Council.

## **21. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6:12 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 25 September 2019 numbered M/N 451/19 to M/N 469/19 were signed by me hereunder at the Council Meeting held on Wednesday 9 October 2019.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 9 OCTOBER 2019**

SIGNED BY THE MAYOR

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER