

MINUTES

of the Ordinary Meeting of Council

held remotely using audio visual link and open to members of the
community via webcast

on

Wednesday 28 October 2020

The meeting commenced at 3.40pm

File No. 100/2020

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 14 October 2020	
6. DECLARATIONS OF INTEREST	3
7. MAYORAL MINUTES	3
8. PUBLIC FORUM	3
9. VISITOR MATTERS.....	3
OPERATIONS	
Nil	
CORPORATE AND STRATEGY	
Nil	
10. EN BLOC MOTION	3
11. OPERATIONS FINANCE AND RISK	4
11.1 Draft Public Memorials Policy and Public Memorials Policy Guidelines	4
11.2 Proposed Licence Agreement to Country Women's Association of New South Wales - Rooms, Part Winifred West Park, Mittagong	5
11.3 Proposed Licence Agreement to Boral Limited - Part Water Reservoir Australia Avenue, New Berrima	6
11.4 Investment Report - September 2020	7
11.5 Expression of Interest - Bowral Memorial Hall Refurbishment.....	8
12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES.....	9
12.1 Planning Proposal for Darraby Lodge, Broughton Street, Moss Vale	9
12.2 Exhibition of Draft Development Control Plan Amendments for Signage	11
12.3 Compliance Update (July - September 2020)	12
13. GENERAL MANAGER	13
13.1 Legal Report.....	13
14. DELEGATE REPORTS	14
Nil	
15. PETITIONS	14

MINUTES OF THE ORDINARY MEETING OF COUNCIL

Wednesday 28 October 2020



Nil

16. COMMITTEE REPORTS	15
16.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 18 September 2020	15
16.2 Minutes of the Environment and Sustainability Committee meeting of 16 September 2020.....	16
17. QUESTIONS WITH NOTICE.....	17
17.1 Question with Notice 43/2020 Environment Levy Rate	17
18. NOTICES OF MOTION	18
18.1 Notice of Motion 35/2020 Invitation to Speak at Councillor Briefing Session Regarding Latest Innovations in Nuclear Power	18
18.2 Notice of Motion 36/2020 Mittagong Playhouse Repairs	19
18.3 Notice of Motion 37/2020 Removal of Station Street Pin Oaks Timeframe	21
19. CLOSED COUNCIL	22
Moving into Closed Session	22
19.1 Compliance Actions - Notices and Orders Update (July - September 2020)	24
19.2 Legal Report - Closed Council	25
20. RESUMPTION OF OPEN AGENDA.....	26
Adoption of Closed Council	26
21. MEETING CLOSURE	27

MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 28 OCTOBER 2020 COMMENCING AT 3.30PM

Present:

Mayor Cllr T D Gair
Deputy Mayor Cllr G J Andrews*
Cllr K J Halstead OAM*
Cllr G McLaughlin*
Cllr P W Nelson*
Cllr I M Scandrett*
Cllr G M Turland*
Cllr L A C Whipper*

In Attendance:

Acting General Manager	Mr Barry W Paull
Acting Deputy General Manager	
Operations, Finance and Risk	Mr Richard Mooney
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* (in part)
Group Manager Capital Projects	Mr Ned Tripkovic
Chief Information Officer	Mr John Crawford
Coordinator Strategic Land Use	
Planning	Mr Michael Park (in part)
Manager Assets	Mr Stace Lewer (in part)
Coordinator Media and Communications	Mr David Sommers
Administration Officer	Ms Michelle Richardson

Also In Attendance:

Temporary Adviser Appointed by
the Minister for Local Government Mr Ian Reynolds

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some Councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and remaining staff were present in the Council Chambers for this meeting.

1. OPENING OF THE MEETING

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

2. ACKNOWLEDGEMENT OF COUNTRY

Cllr G McLaughlin 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 civic prayer by the Mayor Cllr T D Gair.

The Mayor Cllr T D Gair noted that due to technical issues the meeting was unable to be live streamed; however, it would be recorded and uploaded to Council's Facebook Page and YouTube Channel.

4. APOLOGY

There were no apologies at this Meeting.

PERS

5. CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 14 OCTOBER 2020

MN 423/20

MOTION moved by Cllr G McLaughlin and seconded by Cllr I M Scandrett

THAT the minutes of the Ordinary Meeting of Council held on Wednesday 14 October 2020 MN 400/20 to MN 422/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

Cllr G M Turland referred to page 28 of the Minutes of the Ordinary Meeting dated 14 October 2020: Item 18.2 Notice of Motion 34/2020 Second Bridge Over Railway Line at Wingecarribee Street, Bowral, and noted that the preamble was not included.

The Acting General Manager addressed Council on this item.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item.

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.

There were no declarations of interest made at this Meeting.

7. MAYORAL MINUTES

There was no Mayoral Minute as this Meeting.

8. PUBLIC FORUM

There was no Public Forum at this meeting.

9. VISITOR MATTERS

OPERATIONS

Nil

CORPORATE AND STRATEGY

Nil

10. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

11. OPERATIONS FINANCE AND RISK

11.1 Draft Public Memorials Policy and Public Memorials Policy Guidelines

Reference:	7150/1
Report Author:	Senior Asset Officer Parks and Building
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to seek Council approval to adopt the Draft Public Memorials Policy and Draft Public Memorials Policy Guidelines.

The Manager Assets addressed Council on this item.

The Acting General Manager addressed Council on this item.

MN 424/20

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

1. **THAT** the Draft Public Memorials Policy included as Attachment 1 be adopted by Council.
2. **THAT** the Draft Public Memorials Policy Guidelines included as Attachment 2 be noted by Council.

PASSED

11.2 Proposed Licence Agreement to Country Women's Association of New South Wales - Rooms, Part Winifred West Park, Mittagong

Reference:	PN 1266800
Report Author:	Coordinator Property Services
Authoriser:	Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain Council approval for the renewal of a Licence Agreement to the Country Women's Association of New South Wales over part of Council property being rooms located at Winifred West Park, Mittagong.

MN 425/20

MOTION moved by Cllr G McLaughlin and seconded by Deputy Mayor Cllr G J Andrews

1. **THAT** Council place on public exhibition for a minimum twenty eight (28) days the proposed five (5) year Licence Agreement to Country Women's Association of New South Wales with respect to the CWA Rooms at Winifred West Park AND **THAT** rental be \$1.00 per annum, if demanded.
2. **THAT** following exhibition, authority be delegated to the Acting General Manager to negotiate the terms and conditions of a Licence Agreement for the Rooms at Winifred West Park to the Country Women's Association of New South Wales.
3. **THAT** if there are no objections received during the period of public notice, the Mayor and Acting General Manager be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of Council **AND THAT** if any objections are received, a further report be forwarded to a future meeting of Council, if required.

PASSED

11.3 Proposed Licence Agreement to Boral Limited - Part Water Reservoir Australia Avenue, New Berrima

Reference: PN 1705021
Report Author: Coordinator Property Services
Authoriser: Acting Deputy General Manager Operations Finance and Risk
Link to Community Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain Council approval for the renewal of a Licence Agreement to Boral Limited over part of Council Property, being Water Reservoir, Lot 1 in Deposited Plan 518579, Australia Avenue, New Berrima.

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

MN 426/20

MOTION moved by Cllr P W Nelson and seconded by Deputy Mayor Cllr G J Andrews

1. **THAT** an offer of a further Licence Agreement for the occupation of part Water Reservoir, Australia Avenue, New Berrima be made to Boral Limited AND THAT the term of the agreement is to be for five (5) years with a commencing licence fee of \$590.00 (including GST) plus annual CPI increase.
2. **THAT** the Mayor and Acting General Manager be delegated authority to execute the Licence Agreement referred to in resolution 1 above under the Common Seal of Council.

PASSED

11.4 Investment Report - September 2020

Reference:	2104
Report Author:	Accounting Officer (Banking and Investments)
Authoriser:	Acting 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 30 September 2020.

MN 427/20

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

THAT the information on Council's Investments as at 30 September 2020 be received and noted.

PASSED

11.5 Expression of Interest - Bowral Memorial Hall Refurbishment

Reference:	6350/20.2
Report Author:	Project Manager
Authoriser:	Group Manager Capital Projects
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to present the evaluation of the Expression of Interest to select a panel of contractors to participate in a Selective Request for Tender process for the Bowral Memorial Hall Upgrade Project.

The Acting General Manager addressed Council on this item.

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

The Group Manager Capital Projects addressed Council on this item.

MN 428/20

MOTION moved by Deputy Mayor Cllr G J Andrews and seconded by Cllr G McLaughlin

1. **THAT** Council undertakes a selective tender process in accordance with clause 168 of the Local Government (General) Regulation 2005 for Bowral Memorial Hall Refurbishment.
2. **THAT** the following companies who responded to the Expression of Interest (EOI) for the Bowral Memorial Hall Refurbishment be invited to submit a tender:
 - Belmadar Pty Ltd
 - Intrec Management Pty Ltd
 - Matrix Group Co Pty Ltd
 - Novati Constructions Pty Ltd
 - Odyssey Interiors Pty Ltd

PASSED

12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Planning Proposal for Darraby Lodge, Broughton Street, Moss Vale

Reference:	5901/67, PN267200
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to present to Council a Planning Proposal to amend WLEP 2010 to rezone and reduce the minimum lot size of land at Darraby Lodge, Broughton Street Moss Vale.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

The Coordinator Strategic Land Use Planning addressed Council on this item.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item.

MN 429/20

MOTION moved by Deputy Mayor Clr G J Andrews and seconded by Clr G McLaughlin

THAT Council provide 'in principle' support for the Planning Proposal and will reconsider it when current infrastructure shortfalls are resolved.

VOTING ON THE MOTION

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

Against the motion: Clr K J Halstead OAM, Clr I M Scandrett and Clr L A C Whipper

PASSED

FORESHADOWED MOTION moved by Clr L A C Whipper

1. **THAT** Council not provide 'in principle' support for the planning proposal Darraby Lodge Broughton St Moss Vale.
2. **THAT** Council acknowledge the significant infrastructure and ecological concerns raised by the JRPP including the fact that the proposal is inconsistent with the

Wingecarribee Local Planning Strategy as listed on page 50 of this report, as reason for refusing 'in principle' support.

THE FORESHADOWED MOTION LAPSED AS THE ORIGINAL MOTION WAS PASSED

12.2 Exhibition of Draft Development Control Plan Amendments for Signage

Reference:	5700
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Work collaboratively to improve and revitalise town and village centres throughout the Shire

PURPOSE

The purpose of this report is to inform Council of the exhibition of draft Development Control Plan (DCP) amendments with regard to signage.

MN 430/20

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

THAT the draft Development Control Plan amendments for Signage, as exhibited, be adopted.

PASSED

12.3 Compliance Update (July - September 2020)

Reference:	5210
Report Author:	Senior Accredited Certifier
Authoriser:	Group Manager Planning, Development and Regulatory 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 provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and *Swimming Pools Act 1992*.

MN 431/20

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

THAT the report concerning *Compliance Update - Notices and Orders (July – September 2020)* be considered in Closed Council – Item 19.1.

This report is confidential in accordance with section 10A(2) of the Local Government Act 1993, under section 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law.

PASSED

13. GENERAL MANAGER

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

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 23 September 2020.

MN 432/20

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

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the information provided in this report relating to Information On Bankruptcy Proceedings of Outstanding Costs Order be noted.
3. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 19.2.

This report is confidential in accordance with section 10A(2) of the Local Government Act 1993, under section 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.

PASSED

14. DELEGATE REPORTS

Nil

15. PETITIONS

Nil

16. COMMITTEE REPORTS

16.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on 18 September 2020

Reference:	2102/3
Report Author:	A/Corporate Strategy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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 Friday 18 September 2020.

MN 433/20

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

THAT recommendations AR 24/20 to AR 32/20 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 18 September 2020 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

16.2 Minutes of the Environment and Sustainability Committee Meeting of 16 September 2020

Reference:	107/25
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

This report provides the Minutes of the Environment and Sustainability Committee Meeting held on 19 February 2020.

The Acting General Manager addressed Council on this item.

MN 434/20

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

1. **THAT** recommendations Nos 29/20 to 34/20 – as detailed in the Minutes of the Environment and Sustainability Committee Meeting held on 19 February 2020 be adopted with the exception of Item 5.2(2) ES 32/20, 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.
2. **THAT** the Chair of the Environment and Sustainability Committee meet with the Acting General Manager to discuss concerns regarding communication between Council's Planning Department and Environment and Sustainability Branch before a report comes back to the Environment and Sustainability Committee.
3. **THAT** an information session be held in relation to Item 5.1 Environment and Climate Change Strategy (2021-2031) Update (ES 31/20).

PASSED

17. QUESTIONS WITH NOTICE

17.1 Question with Notice 43/2020 Environment Levy Rate

Reference: 101/2 2210/8
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

To: Acting General Manager

From: Cllr L A C Whipper

Received: 18 October 2020

Subject: Environment Levy Rate

There has been considerable public concern raised in the percentage rate for this year's environmental levy which is 2.9%.

Those who have raised the concerns also claim that the rate income has diminished by approximately 1% of rate revenue due to this fact.

My question is how we re-establish the environment levy rate to the 3.5% as approved by IPART.

The Acting General Manager addressed Council on this item

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

MN 435/20

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

THAT the information in relation to Question with Notice 43/2020 Environment Levy Rate - be noted.

PASSED

18. NOTICES OF MOTION

18.1 Notice of Motion 35/2020 Invitation to Speak at Councillor Briefing Session Regarding Latest Innovations in Nuclear Power

Reference:	100/4 1614
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

Councillor Andrews has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 October 2020:

MN 436/20

MOTION moved by Deputy Mayor Cllr G J Andrews and seconded by Cllr G McLaughlin

THAT Mr Rob Parker (M Eng Sci, M Nu Sci) Vice President of the Australian Nuclear Association be invited to a Councillor Briefing Session with the intention of presenting the latest innovations in nuclear power as an option for Australia's future energy needs.

PASSED

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

THAT Mr Rob Parker (M Eng Sci, M Nu Sci) Vice President of the Australian Nuclear Association be invited to a Councillor Briefing Session open to the public with the intention of presenting the latest innovations in nuclear power as an option for Australia's future energy needs.

LOST

18.2 Notice of Motion 36/2020 Mittagong Playhouse Repairs

Reference:	100/4 7226/2
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

Councillor Halstead OAM has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 October 2020:

The Acting General Manager addressed Council on this item.

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr G M Turland

1. *THAT a detailed report be brought forward on the proposed maintenance of the Mittagong Playhouse; this report is to include expenditure to date;*
2. *THAT a site inspection be held to ensure that the elected council is informed regarding the existing building structure and the proposed maintenance works to be undertaken;*
3. *THAT the contracted builder and the builder's appointed consulting structural engineer be present at the subject site visit, to discuss the structural adequacy of the Mittagong Playhouse and the building work proposed to render the playhouse safe?*

AMENDMENT moved by Cllr P W Nelson and seconded by Cllr G McLaughlin

THAT Council reaffirm its briefing session for the Mittagong Playhouse scheduled for mid-November **AND THAT** such briefing session include an on-site inspection **AND FURTHER THAT** the consulting structural engineer be present at the subject site visit.

ON BEING PUT TO THE MEETING VOTING ON THE AMENDMENT WAS TIED AT FOUR VOTES ALL, MAYOR GAIR USED HIS CASTING VOTE IN THE AFFIRMATIVE. THE AMENDMENT BECAME THE MOTION.

MN 437/20

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

THAT Council reaffirm its briefing session for the Mittagong Playhouse scheduled for mid-November **AND THAT** such briefing session include an on-site inspection **AND FURTHER THAT** the consulting structural engineer be present at the subject site visit.

ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL, MAYOR GAIR USED HIS CASTING VOTE IN THE AFFIRMATIVE TO PASS THE MOTION.

PASSED

18.3 Notice of Motion 37/2020 Removal of Station Street Pin Oaks Timeframe

Reference:	100/4 7457/1
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

PURPOSE

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 October 2020:

The Acting General Manager addressed Council on this item.

MOTION moved by Cllr I M Scandrett and seconded by Cllr G M Turland

1. THAT Council give two weeks' notice of the planned removal of the pin oaks from Station Street Bowral so that local businesses and residents can prepare for traffic and car park changes.
2. THAT Council be advised of the current status of the Review of Environmental Factors for Station Street and the Memorandum of Understanding with government and agencies.

ON BEING PUT TO THE MEETING VOTING ON THE MOTION WAS TIED AT FOUR VOTES ALL, MAYOR GAIR USED HIS CASTING VOTE IN THE NEGATIVE AND THE MOTION WAS LOST.

19. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 6.05 pm, Council moved into Closed Council.

MN 438/20

MOTION moved by Deputy Mayor Cllr G J Andrews and seconded by Cllr P W Nelson

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 Compliance Actions - Notices and Orders Update (July - September 2020)

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)(e) as it contains information that would, if disclosed, prejudice the maintenance of law 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 provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and *Swimming Pools Act 1992*.

19.2 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)(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 23 September 2020.

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

PASSED

19.1 Compliance Actions - Notices and Orders Update (July - September 2020)

Reference:	5210
Report Author:	Manager of Certification and Compliance
Authoriser:	Group Manager Planning, Development and Regulatory 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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law.

PURPOSE

The purpose of this report is to provide Councillors with an update on the current notices and orders issued under the relevant statutes of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and *Swimming Pools Act 1992*.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item.

The General Counsel addressed Council on this item

MN 439/20

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

THAT Council receive and note the Compliance Actions (Notices and Orders) report for July – September 2020.

PASSED

19.2 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

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, 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

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 23 September 2020.

The General Counsel addressed Council on this item.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item.

The Acting General Manager addressed Council on this item

MN 440/20

MOTION moved by Cllr P W Nelson and seconded by Deputy Mayor Cllr G J Andrews

THAT the information in the Legal Report be noted.

PASSED

20. RESUMPTION OF OPEN AGENDA

107/10

MN 441/20

MOTION moved by Cllr K J Halstead OAM and seconded by Cllr L A C Whipper

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

The recording of the meeting recommenced.

ADOPTION OF CLOSED COUNCIL

107/9

The Acting General Manager read out the adopted Motions from Closed Council.

21. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 28 October 2020 numbered MN 423/20 to MN 441/20 were signed by me hereunder at the Council Meeting held on Wednesday 11 November 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 11 NOVEMBER 2020

CHAIRMAN

PUBLIC OFFICER