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MINUTES

Ordinary Council Meeting

4 June 2019

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**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 4 JUNE 2019 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Sam Rowland, Cr Leah Ferrara, Cr Alfie Walker, Cr Carol James, Cr Denzil Sturgiss

IN ATTENDANCE: Warwick Bennett (General Manager), Marina Hollands (Director Utilities), Scott Martin (Director Planning and Environment), Matt O'Rourke (Director Operations), Brendan Hollands (Director Business Services) and Amy Croker (Executive Officer)

1 OPENING MEETING

Mayor Bob Kirk opened the meeting 6.00pm. The Mayor advised that the meeting would be webcast live.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Bob Kirk made the following acknowledgement.

"I would like to Acknowledge and pay our respects to the Aboriginal elders both past and present as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today."

3 COUNCILLORS DECLARATION AND/OR PRAYER

The opening declaration was read by Cr Carol James.

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2019/170

**Moved: Cr Alfie Walker
Seconded: Cr Carol James**

That the apology received from Cr Margaret O'Neill be accepted.

CARRIED

RESOLUTION 2019/171

**Moved: Cr Peter Walker
Seconded: Cr Denzil Sturgiss**

That the leave of absence be granted to Cr Margaret O'Neill for this meeting.

CARRIED

5 LATE ITEMS / URGENT BUSINESS

Nil

6 DISCLOSURE OF INTERESTS

Cr Andrew Banfield made a statement in relation to the Business Paper. He has assessed the Business Paper and does not perceive any declaration of interest is required to be declared in relation to his employment with Denrith Group of Companies.

7 PRESENTATIONS

Nil

8 PUBLIC FORUM

Nil

9 CONFIRMATION OF MINUTES**9.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 21 MAY 2019****RESOLUTION 2019/172**

Moved: Cr Alfie Walker
Seconded: Cr Carol James

That the Council minutes from Tuesday 21 May 2019 and contained in Minutes Pages No 1 to 20 inclusive and in Minute Nos 2019/142 to 2019/169 inclusive be confirmed.

CARRIED

10 MATTERS ARISING**10.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 21 MAY 2019**

Nil

10.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS**RESOLUTION 2019/173**

Moved: Cr Sam Rowland
Seconded: Cr Leah Ferrara

That Council notes the Matters Arising and authorises the deletion of completed tasks.

CARRIED

11 MAYORAL MINUTE(S)

Nil

12 NOTICE OF MOTION(S)

Nil

13 NOTICE OF RESCISSION(S)

Nil

14 REPORTS TO COUNCIL FOR DETERMINATION

14.1 DA/0175/1617 - 253-255 AUBURN STREET - REUSE OF STATE BANK BUILDING TO A 25 ROOM MOTEL AND CAFE

RESOLUTION 2019/174

Moved: Cr Sam Rowland

Seconded: Cr Alfie Walker

That:

- 1. The staff assessment report for development application DA/0175/1617 for the proposed reuse of the State Bank building to a 25 room motel and cafe be received.**
- 2. DA/0175/1617 for the reuse of the State Bank building to a 25 room motel and cafe located at 253-255 Auburn Street, Goulburn be refused for the reasons as follows:**
 - (a) Insufficient information has been provided to enable an assessment against clause 5.10 of the *Goulburn Mulwaree Local Environmental Plan 2009*, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.**
 - (b) The development does not comply with the *Goulburn Mulwaree Development Control Plan 2009*, particularly in terms of section 3.5 Vehicular Access and Parking (3.5.1 & 3.5.2), pursuant to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.**
 - (c) Insufficient information has been provided to enable an assessment of the likely impacts of the development, pursuant to section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.**
 - (d) Insufficient information has been provided to adequately assess the application and therefore it is not in the public interest to determine the application favourably, pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.**
- 3. A letter be sent to the applicant advising that Council does not wish to enter into the Letter of Offer submitted for consideration with DA/0175/1617.**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Alfie Walker, Carol James and Denzil Sturgiss

Against: Nil

14.2 ROAD NAMING - DA/0183/1718, 131 MARYS MOUNT ROAD GOULBURN (TENERIFFE)

RESOLUTION 2019/175

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

That:

1. The report on Road Naming for the consent DA/0183/1718 for staged subdivision of land comprising a 2 lot subdivision and Right of Way for Stage 1, and 388 residential lots subdivision for Stage 2 at 131 Marys Mount Road Goulburn (formally 133 Marys Mount Road, Goulburn) be received.
2. Council endorse the following proposed road name which will then be publicly exhibited for 15 days and consultation undertaken with prescribed authorities in accordance with clause 7 of the *Roads Regulation 2008*:
 - *Road 7 Nell Way – Dick Nell, known in the Goulburn motorcycle community engineer and aviator from Goulburn.*
3. Should no objections to the proposed names be received, Council proceed with the name listed above and undertake the necessary notices to the public and prescribed authorities in accordance with clause 9 of the *Roads Regulation 2008*.

CARRIED

14.3 PLANNING PROPOSAL TO REMOVE CEMETERIES IN E2 AND E3 ZONES - POST EXHIBITION REPORT

RESOLUTION 2019/176

Moved: Cr Sam Rowland

Seconded: Cr Carol James

That:

1. The post exhibition report from the Business Manager Strategic Planning concerning the removal of cemeteries as a permissible use within the E2 and E3 zones be received.
2. Council endorse the current Planning Proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to:
 - a) *remove Cemeteries as being ‘Permissible with Consent’ in Zones E2 Environmental Conservation and E3 Environmental Management and;*
 - b) *include Cemeteries as an additional permitted use for the Bungonia (Lot 1 DP 89405 and Lot 2 DP 1130082) and Tallong (Lot 7312 DP 1145878) Cemeteries in Schedule 1 of the Goulburn Mulwaree LEP 2009.*
3. A Draft Instrument be prepared that is consistent with the above amendment.
4. The Planning Proposal and relevant documentation be forwarded to the Department of Planning and Environment for making as soon as possible.

CARRIED

14.4 2019-2020 OPERATIONAL PLAN ADOPTION - INTERNAL SUBMISSIONS**RESOLUTION 2019/177**

Moved: Cr Peter Walker
Seconded: Cr Sam Rowland

That

- 1. The following changes be made to the draft Operational Plan as a result of the internal submissions**
 - (a) An allocation of \$25,000 (a total of \$50,000) be made in each of the 2019/20 and 2020/21 budget years for the celebration of 200 years of settlement in Goulburn in October 2020**
 - (b) The budget allocation for the 2020 Australia Day event be increased by \$2,500 to \$10,000**
 - (c) The following fees be introduced for the display of promotional flags for tourism related events and packages with the Mobile Visitor Information Centre:**
 - (i) Commercial Businesses \$21.00 per week**
 - (ii) Not for Profit Organisations \$10.00 per week**
 - (d) The contracts budgets for the Water Fund and Sewer Fund be increased by \$50,000 each to enable the Integrated Water Cycle Management Strategy to be reviewed and updated.**
 - (e) The contracts budget for the Water Fund be increased by \$50,000 to enable the Drinking Water Management Plan to be reviewed and updated.**
 - (f) The following changes be made to the 2019/20 budget as a result of the bringing forward of funds as part of the March Quarterly Budget Review:**
 - (i) Riverside Park Capital Project Reduce by \$40,000**
 - (ii) Transfer from Unexpended Grant Reduce by \$40,000**
 - (g) The following changes be made to the 2019/20 budget to reflect the carry-over of funds approved as part of the March Quarterly Budget Review:**
 - (i) Rewiring – Utilities Wing (Water) Increase by \$15,000**
 - (ii) Rewiring – Utilities Wing (Sewer) Increase by \$15,000**
 - (iii) Kenmore Hospital SPS Power Supply Increase by \$200,000**
 - (iv) Kenmore Bridge Pump Station Upgrade Increase by \$500,000**
 - (v) Transfer from Water Infrastructure Reserve Increase by \$15,000**
 - (vi) Transfer from Sewer Infrastructure Reserve Increase by \$715,000**
 - (vii) St Clair Restoration Works Increase by \$985,672**
 - (viii) St Clair – Capital Grants Increase by \$107,000**
 - (ix) Transfer from OEH Unexpended Grant Increase by \$190,446**
 - (x) Transfer from St Clair Restoration Reserve Increase by \$688,226**
 - (h) In the Youth Services budget \$40,000 be transferred from Materials into Employee Costs to enable the employment of a Part Time Youth Services Officer**
 - (i) A budget be created in 2019/20 for the Paperback Café with \$30,000 in income, \$15,000 in expenditure and \$7,500 transferred to a Youth Services reserve and the remaining \$7,500 remains in unrestricted cash reserves.**

- (j) The income and expenditure for the Paperback Café be increase by CPI in the forward 3 years of the budget with 50% of the resultant profit being transferred into the Youth Services reserve.
- (k) The fee for Library Overdue Items on page D37 of the appendix document be changed to read “\$0.20 per book per day to a maximum of \$5.00”
- (l) The following fees be added under the Library section of the Fees & Charges:
- | | |
|--------------------------------------|-------------------|
| (i) USB Devices | \$6.00 per device |
| (ii) Headphones | \$2.00 each |
| (iii) Replacement Library Cards | \$3.50 per card |
| (iv) Grand Goulburn, Tazewell (Book) | \$30.00 each |
- (m) The following changes be made to the 2018/19 GPAC budget:
- | | |
|---|-----------------------|
| (i) Capital Expenditure | Reduce by \$300,000 |
| (ii) Transfer to Performing Arts Centre Reserve | Increase by \$200,000 |
| (iii) Transfer from Unexpended Grants | Reduce by \$100,000 |
- (n) The following changes be made to the draft 2019/20 GPAC budget to reflect the Council resolution of 21st May 2019:
- | | |
|---------------------------------------|-------------------------|
| (i) Capital Expenditure | Increase by \$2,500,000 |
| (ii) Transfer from PAC Reserve | Increase by \$200,000 |
| (iii) Transfer from Unexpended Grants | Increase by \$100,000 |
| (iv) Transfer from Land Sales Reserve | Increase by \$1,500,000 |
| (v) Land Sales Revenue | Increase by \$645,000 |
| (vi) Transfer to Reserves | Increase by \$645,000 |
- (o) An allocation of \$70,000 per annum be included in the budget toward the internal audit function to be shared with Yass Valley Council and Upper Lachlan Council.
- (p) An amount of \$600,000 be included in the 2019/20 Capital Works program for the Crookwell Rd/Marys Mount Rd Intersection funded by \$300,000 in capital grants and \$300,000 in Transfers from the Marys Mount Traffic s94 Reserve
- (q) An amount of \$50,000 be added to the Regional Roads Block Grant capital income in 2020/21, 2021/22 and 2022/23.
- (r) An amount of \$20,000 be added to the Regional Roads Block Grant operating income in 2020/21, 2021/22 and 2022/23.
- (s) The following additions/amendments be made to the Planning related fees & charges:
- | | |
|--|--|
| (i) A new GST Free fixed regulatory fee for “s88G Certificate” be added a page D15. The fee will be set at “Price on Application” with a notation that it will be calculated in accordance with the regulation | |
| (ii) The fee for ‘Minor error, mis-description or miscalculation (s4.55 (1) EP&A Act) [Nil where typographical error or Council mistake]’ on page D21 be reduced to \$71 to maintain compliance with the fee fixed by the legislation. | |
- (t) The CCTV project in Victoria Park be added to the 2019/20 budget as follows:
- | | |
|---------------------------------------|-----------------------|
| (i) Capital Expenditure | Increase by \$201,500 |
| (ii) Capital Grant Income | Increase by \$ 95,973 |
| (iii) Transfer from Unexpended Grants | Increase by \$ 84,027 |

- (iv) The balance funded from unrestricted cash **\$ 21,500**
- (u) An amount of \$480,000 be included in the 2019/20 Capital Works program for the upgrade of Middle Arm Road to be funded in capital grants as part of the Black Spot State Government Program.
- (v) Pursuant to Section 603 of the Local Government Act Council approve the fee for 603 Certificates as determined by State Government regulation be set at \$85.
- (w) Council notes that the maximum interest rate determined by State Government that can be charged on overpaid rates and charges for the 2019/20 rating year be 7.5%.

CARRIED

14.5 2019-2020 OPERATIONAL PLAN ADOPTION - EXTERNAL SUBMISSIONS

RESOLUTION 2019/178

Moved: Cr Andrew Banfield

Seconded: Cr Denzil Sturgiss

That

1. The report by the Director Business Services on the 2019/20 Operational Plan Adoption – External Submissions be received.
2. In relation to the submission by Southern Tablelands Football Association no changes be made to the draft Budget and a Water Refill Station be installed at Cookbundoon Sports Fields within the existing budget allocations for the 2019/20 financial year.
3. In relation to the submission by Taralga Earth Vacuum Excavations Pty Ltd:
 - (a) The minimum charge for supply of less than 5,000 ltrs from a standpipe (page D60) be removed.
 - (b) The reference to Bourke Street in the Access Key fees be replaced by “Potable Water”
4. In relation to the submission by Bruce Harvey no change be made to the draft Budget due to a provision of footpath works along Crookwell Road from Mary Martin Drive to Marsden Bridge already being included in the draft Operational Plan.
5. In relation to the submission by Maan Beydoun no changes be made to the draft Budget.
6. The above submitters be thanked for their submissions and be notified of the outcomes of their submissions
7. In response to the Circular from NSW Office of Local Government
 - (a) No change be made to the draft Budget
 - (b) Council lodge an objection to any increase in the Emergency Services Levy above rate pegging and requesting a deferral of any increase until the 2020/21 budget to enable Council to identify budget savings to cover the additional cost and/or having IPART include the additional levy in its rate pegging determination for 2020/21.
8. In response to the letter from Department of Infrastructure, Transport & Regional Development:
 - (a) The additional amount of \$1,074,884 to be received from the Roads to Recovery Program be allocated to the following projects:
 - (i) Pockley Shannon Drive Extension **\$500,000**

(ii) Rural Road Construction (2020/21) \$392,000

(iii) Urban Road Rehabilitation (2021/22) \$182,884

(b) The revenue funding originally allocated to these projects be redirected to the Goulburn Performing Arts Centre.

9. The 2019/20 Operational Plan be adopted with the amendments approved as a result of both the internal and external submissions received.

CARRIED

14.6 INTERNAL BORROWING ROCKY HILL MUSEUM

RESOLUTION 2019/179

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

That

1. Council apply to the Minister for Local Government for approval to borrow \$1 Million internally from the unrestricted Sewer Fund Reserve
2. The loan is to be repaid from the General Fund to the Sewer Fund by way of quarterly instalments over a term of 15 years at an interest rate of 2%
3. The loan principal is to be transferred to the General Fund on 30 June 2019 with the quarterly repayments to be made to the Sewer Fund on 30 September, 31 December, 31 March and 30 June of each financial year until the loan matures on 30 June 2034
4. All transactions in relation to the borrowings be accounted for in specific accounts in Council's ledgers to maintain transparency with the internal borrowing.

CARRIED

14.7 LEISURE LINK DEBT

RESOLUTION 2019/180

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That:

1. The report from the Business Manager Property & Community Services on a Leisure Link debt be received.
2. An amount of \$4,220.18 for debtor number 3004483 be written-off.

CARRIED

14.8 PUBLIC HEARING - COUNCIL LAND CLASSIFICATION**RESOLUTION 2019/181****Moved: Cr Peter Walker****Seconded: Cr Leah Ferrara****That:**

1. The report from the Business Manager Property & Community Services on the Public Hearing – Council Land Classification be received.
2. 59-61 Hovell Street, Goulburn be re-classified as ‘Operational’ land under the *Local Government Act 1993* and arrangements commence for this land to be re-zoned from RE1 – Public Recreation to R1 – Residential.
3. 20 Hercules Street, Goulburn be re-classified as ‘Operational’ Land under the *Local Government Act 1993* and remain zoned as RU2 - Rural Landscape.
4. 30 Albert Street Goulburn be retained by Council under its current classification of community land.
5. A public notice be advertised informing of Council’s decision to re-classify 59-61 Hovell Street, Goulburn and 20 Hercules Street, Goulburn as ‘Operational’ land.
6. All submitters be advised of Council’s decision and thanked for their input.
7. Private treaty negotiations commence with the owner of 18 Hercules Street to sell them 20 Hercules Street, Goulburn, subject to agreeing to pay the current market value and costs associated with registering a stormwater easement along the northern boundary with both parties to meet own legal fees.
8. Council seal be affixed to all documentation necessary to complete the sale of 20 Hercules Street, Goulburn.

CARRIED**14.9 1819T0016 - WOLLONDILLY WALKING TRACK SOLAR LIGHTING****RESOLUTION 2019/182****Moved: Cr Carol James****Seconded: Cr Sam Rowland****That:**

1. The report from the Business Manager Projects on 1819T0016 Wollondilly Walking Track Solar Lighting Tender Report be received.
2. The tender from Leadsun Pty Ltd is accepted for the supply and delivery in accordance with the specification and documents for Tender No 1819T0016. This acceptance is based on their lump sum price of \$253,290 (GST excl.)
3. The General Manager is authorised to approve a variation of up to ten (10) percent (\$25,329) for this project.

CARRIED

14.10 VP137752 EXCAVATOR REPLACEMENT PURCHASE**RESOLUTION 2019/183**

Moved: Cr Peter Walker
Seconded: Cr Denzil Sturgiss

That

- 1. The report of the Business Manager of Works on the replacement of Plant 301 Excavator be received**
- 2. Council approve the purchase of Komatsu Excavator model PC138US-8 Crawler Excavator from Komatsu Australia Pty Ltd at a cost of \$202,750.00 excluding GST to replace plant 301 Excavator**

CARRIED

14.11 ROAD AND MARITIME ISSUES UPDATE**RESOLUTION 2019/184**

Moved: Cr Denzil Sturgiss
Seconded: Cr Leah Ferrara

That:

- 1. The report from the General Manager on Roads and Maritime Services Issues Update be received.**
- 2. Council accepts the interim offer from RMS and accepts the road safety responsibility for the operations of Auburn Street between Clinton and Goldsmith Street**
- 3. Council works with RMS (and its successor) to finalise the reclassification the full length of Auburn Street as a local road and the reclassification of Sloane Street as a State Road.**

CARRIED

14.12 WOODLAWN - HERON**RESOLUTION 2019/185****Moved: Cr Andrew Banfield****Seconded: Cr Denzil Sturgiss****That**

- 1. The report from the Director of Operations on the status of the Heron-Woodlawn traffic impact assessment be received.**
- 2. The feedback from the stakeholder meeting on 5 June 2019 be incorporated into the final report.**
- 3. A separate report also considers the following issues:**
 - The preferred route of the bypass be on the north west side of Tarago following the railway line exiting the Braidwood Road close to the 60kph sign entering Tarago from the Lake Bathurst side.**
 - A slow vehicle lane be installed up the hill on a southerly direction from Crisps Creek toward Woodlawn**
 - A roundabout be installed at the intersection of Lumley and Braidwood Roads**
 - An alternate access from Braidwood Road to the Hume Highway be considered with a new part interchange at the intersection of Windellama Road (via Brisbane Grove Road) and the Hume Highway.**
- 4. A follow up report be presented to Council based on the key findings from the final report, including identification of tasks for further investigation.**

CARRIED**14.13 COMMUNITY CENTRE WORKING PARTY NOTES - 14 MAY 2019****RESOLUTION 2019/186****Moved: Cr Carol James****Seconded: Cr Leah Ferrara****That the report from the General Manager in relation to the Community Centre Working Party Meeting Notes held on the 14 May 2019 be received.****CARRIED****14.14 TOWRANG VILLAGE DISCRETIONARY FUND ALLOCATION WORKING PARTY NOTES****RESOLUTION 2019/187****Moved: Cr Andrew Banfield****Seconded: Cr Peter Walker****That the report of the Director Corporate & Community Services on the discussion items from the Towrang Village Discretionary Fund Allocation Plan Working Party be received.****CARRIED**

14.15 EXTERNAL MEETING MINUTES**RESOLUTION 2019/188****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That the report from the General Manger on the minutes from the Peppertree Community Consultative Committee meeting held on the 7 February 2019 be received.****CARRIED****15 CLOSED SESSION**

Council must resolve to move into Closed Session to deal with any items under s10 *Local Government Act 1993*.

RESOLUTION 2019/189**Moved: Cr Alfie Walker****Seconded: Cr Leah Ferrara****That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:****15.1 Request to Defer Sale of Land**

This matter is considered to be confidential under Section 10A(2) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

CARRIED

Council resolved into Closed Session at 6.46pm.

Council resolved into Open Council at 6.55pm.

RESOLUTION 2019/190**Moved: Cr Sam Rowland****Seconded: Cr Alfie Walker**

- 1. That Council moves out of Closed Council into Open Council.**
- 2. That the resolutions of the Closed Session meeting which were submitted to Closed Session in accordance with s10A Local Government Act 1993 be adopted.**

CARRIED

15.1 REQUEST TO DEFER SALE OF LAND

RESOLUTION 2019/191

Moved: Cr Andrew Banfield

Seconded: Cr Denzil Sturgiss

That:

- 1. The report of the Director of Corporate Community Services and the Revenue Co-Ordinator be noted.**
- 2. The request to postpone the scheduled auction for the sale of 44 Goulburn Street Marulan for unpaid rates under Sec 713 of the Local Government Act 1993 be declined.**

CARRIED

16 CONCLUSION OF THE MEETING

The Meeting closed at 6.56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 June 2019.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager