

16 March, 2016

# Minutes of the Ordinary Meeting of Murrumbidgee Shire Council held in the Council Meeting Rooms at Coleambally commencing at 4.00pm on 16 March, 2016

PRESENT: Councillors Austin Evans, Phillip Wells, Robert Black, Christine

Chirgwin, Gavin Gilbert and Robert Curphey

**IN ATTENDANCE:** Phil Pinyon (Interim General Manager)

**Sue Mitchell (Director Corporate Performance and Community)** 

Susan Appleyard (Acting Director, Health, Building and

Planning)

Alison Balind (Executive Officer – Minute Secretary)

Stephen Goodsall (Assets Manager)
Gary Randhawa (Project Engineer)

The meeting opened at 4.00pm with Mayor Austin Evans reading the Council Prayer.

1. APOLOGIES

Nil

2. DRAFT MINUTES OF THE ORDINARY MEETING OF MURRUMBIDGEE SHIRE COUNCIL FROM 17 FEBRUARY, 2016.

16035. Resolution

Cr Chirgwin Cr Gilbert

That the Minutes of the Ordinary Meeting of Murrumbidgee Shire Council from 17 February, 2016 be confirmed.

Carried (6-0)

# 3. BUSINESS ARISING FROM THE MINUTES

The Interim General Manager provided an update on the Darlington Point Caravan Park Lease.

4. DRAFT MINUTES OF THE EXTRAORDINARY MEETING OF MURRUMBIDGEE SHIRE COUNCIL FROM 7 MARCH. 2016.

16036. Resolution

Moved Cr Black Seconded Cr Chirgwin

That the Minutes of the Extraordinary Meeting of Murrumbidgee Shire Council from 7 March, 2016 be confirmed.

Carried (6-0)

5. BUSINESS ARISING FROM THE MINUTES

Nil

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on 16 March, 2016.

#### 6. DECLARATIONS OF INTEREST

Cr Chirgwin declared a conflict of interest in relation to Agenda Item 9.9 Coleambally – Food and Farm Festival. The conflict is a less than significant non-pecuniary conflict of interest and is so described as the Councillor is a volunteer on the organising committee. The Councillor on making the declaration will stay in the meeting, participate in the debate and vote on the item after describing why the conflict is less than significant.

### 7. INFORMATION REPORTS

16037. Resolution

Moved: Cr Chirgwin Seconded: Cr Gilbert

That Council notes the contents of the Incoming Correspondence, Companion Animals Report and Development Applications Approved Under Delegation for information.

Carried (6-0)

# 8. COMMITTEE MINUTES

16038. Resolution

Moved: Cr Wells Seconded: Cr Gilbert

That the Minutes of the Flood Plain Management Committee from 4<sup>th</sup> February, 2016 be received for information.

Carried (6-0)

#### 9. GENERAL MANAGER'S REPORT

### 9.1 MURRUMBIDGEE SHIRE MERGER ANALYSIS

16039. Resolution

Moved: Cr Chirgwin Seconded: Cr Evans

#### That Council:

- a) Note the information presented within the Murrumbidgee Shire Council Merger Proposal Analysis document.
- b) Defer making a decision in relation to the request by Jerilderie Shire Council for Murrumbidgee Shire Council to support a merger with the whole of the Jerilderie Shire Council local government area until there has been an opportunity for further community input into Council's decision in accordance with the decision taken at the Extraordinary Meeting of Murrumbidgee Shire Council held on 7 March, 2016.
- c) Hold an extraordinary meeting of Murrumbidgee Shire Council on Monday, April 4 to determine its position on this proposal following the approved community engagement and survey period.

Carried: 5-1

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#### 9.2 ADDITIONAL FUNDS FOR BARWIDGEE BOULEVARD RECONSTRUCTION

16040. Resolution

Moved: Cr Curphey Seconded: Cr Gilbert

That Council allocates an additional \$120,000 towards this project to be funded from Roads to Recovery allocations.

Carried 6-0

#### 9.3 CHANGE IN ACCESS TO COLEAMBALLY LANDFILL FACILITY

Cr Black left the Meeting Room at 4.28pm. Cr Black returned to the Meeting Room, the time being 4.31pm.

16041. Resolution

Moved: Cr Chirgwin Seconded: Cr Gilbert

That Council limits access to the Coleambally landfill facility to times during open hours when the facility is staffed by Council personnel.

Carried (4-2)

Cr Curphey requested that his vote against be recorded.

16042. Resolution

Moved: Cr Wells Seconded: Cr Gilbert

That a report be brought back to Council on the options for introducing commercial recycling.

Carried (6-0)

# 9.4 NSW WATER AND SEWER BEST PRACTICE MANAGEMENT FRAMEWORK

16043. Resolution

Moved: Cr Chirgwin Seconded: Cr Curphey

That Council continue to work collectively with RAMROC Engineers' Group in developing the Integrated Water Cycle Management Strategy.

Carried: 6-0

#### 9.5 COUNCIL POLICIES

16044. Resolution

Moved: Cr Gilbert Seconded: Cr Chirgwin

That Council adopts the following policy documents:

- 1. GRPP.02.01.08 Privacy Management Policy (Attachment A)
- 2. GRPP.02.01.10 Complaints Management Policy (Attachment B)
- 3. GRPP.02.01.11 Record Management Policy (Attachment C)

Carried (6-0)

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#### 9.6 LEVEE BANK EASEMENT – APPLICATION OF COUNCIL SEAL

16045. Resolution

Moved: Cr Curphey Seconded: Cr Wells

That council endorses the current signatures already placed on the existing Deed of Release and Transfer Granting Easement and authorises the affixing of Council's Common Seal to all relevant documents as required.

Carried (6-0)

#### 9.7 LOCAL GOVERNMENT NATIONAL GENERAL ASSEMBLY

16046. Resolution

Moved: Cr Curphey Seconded: Cr Wells

#### **FORMAT BELOW**

- (a) Council nominate the Mayor and General Manager (or nominees) to attend the 2016 National General Assembly of Local Government from 19-22 June 2016.
- (b) Councillors proposing to submit draft motion(s) for the National General Assembly of Local Government to forward those draft motion(s) to the General Manager by Wednesday 30 March 2016. The draft motion(s) will be reported to the Ordinary Meeting of Council on Wednesday 20 April 2016 for Council's consideration.

Carried (5-1)

#### 9.8 RIVERINA TOURISM PROMOTION CAMPAIGN

16047. Resolution

Moved: Cr Chirgwin Seconded: Cr Black

#### That Council:

- a) Support both the Riverina destination and product development campaigns of Riverina Regional Tourism to the amount of \$3,250 plus GST.
- b) Fund this contribution from Council's economic development budget allocation.

Carried (5-1)

# 9.9 COLEAMBALLY - FOOD AND FARM FESTIVAL

16048. Resolution

Moved: Cr Black Seconded: Cr Curphey

Cr Gilbert left the meeting room at 4.47pm. Cr Gilbert returned to the meeting room, the time being 4.48pm.

That Council provide in kind support, assistance with preparation of risk management plan, traffic management plan and loan of existing Council equipment eg. chairs, tables, marquees to the Taste Coleambally – Food and Farm Festival.

Carried 6-0

16049. Resolution

Moved: Cr Black Seconded: Cr Curphey

That a report be provided back to Council on the design and costs for the purchase and installation of two banner poles to be placed at the main entrance to the Coleambally township near Lion's Park.

Carried 6-0

#### 9.10 PLAN OF MANAGEMENT – TIDDALIK WETLANDS AND BIRD SANCTUARY

16050. Resolution

Moved: Cr Wells Seconded: Cr Chirgwin

That in accordance with section 38 of the Local Government Act 1993 the draft Plan of Management for the Tiddalik Wetlands and Bird Sanctuary be placed on public exhibition for a period of twenty-eight days.

Carried (6-0)

#### 9.11 FINANCE AND INVESTMENT REPORT FOR FEBRUARY, 2016

16051. Resolution

Moved: Cr Chirgwin Seconded: Cr Gilbert

That Council:

- a) Notes the investment income for February, 2016.
- b) Notes the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations and Council's investment policy.
- c) Adopts the Investment Report for the month of February, 2016.

Carried (6-0)

9.12 WITHDRAWAL OF DEVELOPMENT APPLICATIONS AND PARTIAL REFUND OF FEES – 191415, 201415, 211415, 221415 & 231415 – POULTRY SHEDS.

16052. Resolution

Moved: Cr Gilbert Seconded: Cr Curphey

That a total of \$8,146 be refunded to the applicant from the application fees for Development applications 191415, 201415, 211415, 221415 and 231415.

arried (6-0)

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#### 9.13 DA 131516 – WORMTECH PTY LTD

16053. Resolution

Moved: Cr Curphey Seconded: Cr Gilbert

That consent be granted to Development Application No. 131516 for a composting facility, on lot 1, DP 1198807, 50 Conargo Road, Carrathool, dated 7 December 2015 as shown on Plan Number DA131516 and described in details accompanying the application under section 80(1) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

# Murrumbidgee Shire Council.

1. The development shall take place in accordance with the plans and documentation submitted with the application. A copy of these are held by Council as plan No. DA131516.

Reason: To ensure compliance with the submitted plans.

2. Use of the site for the proposed development shall not take place until all conditions of this approval have been satisfied.

Reason: To ensure compliance with all requirements.

# Office of Environment and Heritage Conditions

- 3. Works must avoid impacts to the biodiversity offset area protected by a Conservation Property Vegetation Plan (PVP) as required by condition MS7 for DA 161314 Carrathool Cotton Gin.
- 4. Details of all proposed vegetation and soil disturbance associated with the development, including water transport channels, vehicle washing facilities, vehicle turning bays and access tracks are identified along with assessment of the impact to threatened species or populations, ecological communities or their habitats due to this vegetation disturbance, and identification of methods to minimize the impact of the proposal.
- 5. The potential for impacts to Aboriginal cultural heritage due to stormwater construction be assessed by a suitably qualified person and relevant mitigation measures implemented prior to commencement of construction.
- 6. Vehicle movements in relation to the construction and operation of the composting facility are restricted to existing disturbed areas. Vehicles and machinery are to avoid the prior stream area and known sites as described in the Aboriginal Cultural Heritage Assessment provided as Appendix I to the Environmental Impact Statement.
- 7. The proponent engages a suitably qualified person to contact Aboriginal Cultural Heritage Inductions for the work force undertaking clearing or soil disturbance operations of areas not already impacted by irrigation.
- 8. A copy of the Aboriginal Cultural Heritage Assessment (appendix I of EIS) is kept on site including any amendments relating to the composting facility.
- 9. If any Aboriginal object is discovered and/or harmed in, on or under the land, the proponent must:

Held In The Council

- a. Not further harm the Aboriginal object
- b. Immediately cease all work at the particular location
- c. Secure the area so as to avoid further harm to the Aboriginal object
- d. Notify the Office of Environment and Heritage (OEH) as soon as practicable on 131 555, providing any details of the Aboriginal object and its location.
- e. Not recommence any work at the particular location unless authorised in writing by OEH.
- 10. Suitable and adequate physical protection measures be developed to secure and protect any unanticipated aboriginal objects from further harm should they be encountered while carrying out development activities.

**NSW Environmental Protection Authority General Terms of Approval.** 

**Administrative Conditions** 

# A1. Information supplied to the EPA

- A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
  - The development application DA131516 submitted to Murrumbidgee Shire Council on 7 December 2015.
  - The Environmental Impact Statement titled 'Proposed Composting Facility" and its Appendices dated 24 November 2015 relating to the development.

# **A2. Fit and Proper Person**

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a license under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

**Limit conditions** 

#### L1. Pollution of waters

L.1.1 Except as may be expressly provided by a license under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

#### L2. Waste

L2.1 The license must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

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Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "other Limits" in the table below.

This approval condition does not limit any other conditions included in an environmental protection license.

Code	Waste	Description	Activity	Other Limits
NA	Organics (including the cotton trash)	As defined in schedule 1, Division 2, Section 50 of the Protection of the Environmental Operations Act 1997.	Composting	A maximum of 18,000 tonnes received at the premises each year.
NA	Manure	As defined in schedule 1, Division 2, Section 50 of the Protection of the Environmental Operations Act 1997.	Composting	A maximum of 3,000 tonnes received at the premises each year.
NA	Food waste	As defined in schedule 1, Division 2, Section 50 of the Protection of the Environmental Operations Act 1997.	Composting	A maximum of 3,000 tonnes received at the premises each year.

#### **L3.Processing limit**

L3.1 The premises must not receive or process more than 20,000 tonnes of the wastes permitted each year.

# **L4. Noise limits**

- L4.1 Noise from the premises must not exceed an Leq (15minute) noise emission criterion of 35dB(A) at any time, except as expressly provided by these general terms of approval.
- L4.2 Noise from the premises is to be measured at the nearest sensitive receptor not associated with the premises to determine compliance with this condition.

# Definition

Leq (15 minute) is the level of noise equivalent to the energy average of noise levels occurring over a 15 minute period.

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# **Operating conditions**

# O1. Odour

O1.1 No condition of this Approval identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997 (POEO Act).

Note: The POEO Act states that no offensive odour may be emitted from a particular premises unless potentially offensive odours are identified in the license and the odours are emitted in accordance with conditions specifically directed at minimizing the odours.

# O2. Dust

- O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

# O3. Waste storage and windrow areas

- O3.1 All waste storage and windrow processing must only occur in a bunded area on a compacted clay pad constructed consistent with section 5.1 of the EPA's Environmental Guideline: Composting and Related Organics Processing Facilities.
- O3.2 The waste storage and processing pad must have an appropriately designed leachate and stormwater collection system consistent with section 5.2, 5.3, and 5.4 of the EPA's Environmental Guideline: Composting and Related Organics Processing Facilities.
- O3.3. All leachate and contaminated stormwater must be retained on the premises.

#### O4. Incineration or open burning

O4.1 There must be no incineration or open burning of any material at the premises.

Monitoring and recording conditions

# **M1 Monitoring records**

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a license under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

# M1.2 All records required to be kept by the Licensee must be:

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- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and
- Produced in a legible form to any authorized officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- The date(s) on which the sample was taken;
- The time(s) at which the sample was collected;
- The point at which the sample was taken; and
- The name of the person who collected the sample.

# M2. Requirements to monitor waste

- M2.1 The applicant must monitor the following information for each load of waste(s) received at the premises:
  - (1) the registration number of the vehicle (only where the vehicle is not owned or operated by the applicant or their representative)
  - (2) The time and date of receipt of the waste.
  - (3) The generator of the waste (only where the waste being received is not cotton trash)
  - (4) The type and quantity of the waste.

# **Reporting conditions**

#### R1. Annual returns

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any license under the Protection of the Environmental Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaking (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with license conditions and provide a calculation of license fees (administrative fees and, where relevant, load based fees) that are payable.

**Mandatory Conditions for all EPA Licenses** 

**Operating conditions** 

# Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

• This includes

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# Maintenance of plant and equipment

• All plant and equipment installed at the premises or used in connection with the licensed activity:

Must be maintained in a proper and efficient condition; and

Must be operated in a proper and efficient manner.

# Monitoring and recording conditions

# **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this license applies.

• The record must include details of the following: The date and time of the complaint;

The method by which the complaint was made;

Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

The nature of the complaint

The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

If no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorized officer of the EPA who asks to see them.

# Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the license.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after an environment protection license takes effect.

**Reporting conditions** 

### **Annual Return documents**

What documents must an annual return contain?

The licensee must complete and supply to the EPA and annual Return in the approved form comprising:

A statement of Compliance; and

A Monitoring and Complaints summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this license. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

# **Period covered by Annual Return**

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of the license. Do not complete the Annual Return until after the end of the reporting period.

Where this license is transferred from the licensee to a new licensee,

The transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the license to the new licensee is granted; and

The new licensee must prepare an annual return of the period commencing on the date the application for the transfer of the license is granted and ending on the last day of the reporting period.

Note: an application to transfer a license must be made in the approved form for this purpose.

Where this license is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

In relation to the surrendered license – the date when the notice in writing of approval of the surrender is given; or

In relation to the revocation of the license – the date from which notice revoking the license operates.

# **Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by Registered post no later than 60 days after the end of each reporting period or in the case of a transferring license not later than 60 days after the date the transfer was granted (the "due date").

# Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

# <u>Certifying of Statement of Compliance and signing of Monitoring and Complaints</u> <u>Summary</u>

Within the Annual Return, the Statement of compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the license holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the license holder.

A person who has been given written approval to certify a Statement of Compliance under a license issued under the Pollution Control act 1970 is taken to be approved for the purpose of this condition until the date of first review this license.

# **Notification of environmental harm**

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Environment Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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### Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this license applies to premises, an event has occurred at the premises; or
- (b) where this license applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorized by this license.

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the license applies), the authorized officer may request a written report of the event.

The licensee must take all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

The cause, time, and duration of the event;

The type, volume, and concentration of every pollutant discharged as a result of the event;

The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

Action taken by the licenses in relation to the event, including any follow-up contact with any complainants;

Details of any measures taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

Any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

**General conditions** 

Copy of license kept at the premises or on the vehicle or mobile plant

A copy of the license must be kept at the premises or on the vehicle or mobile plant to which the license applies.

The license must be produced to any authorized officer of the EPA who asks to see it.

The license must be available for inspection by any employees or agent of the licensee working at the premises or operating the vehicle or mobile plant.

CARRIED (6-0)

In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Council Determination:

Councillors For	Councillors Against
Black	
Chirgwin	
Curphey	
Evans	
Gilbert	
Wells	

# 10 NOTICE OF INTENTION TO DEAL WITH MATTER IN CONFIDENTIAL SESSION

16054. Resolution

Moved: Cr Black Seconded: Cr Chirgwin

That the meeting is closed during the discussion of the matters Item 11.1 as on balance, the public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would prejudice Council and individuals from achieving a 'best' outcome for the community and individuals involved;

The decision to close the meeting to consider; is recorded as follows:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Carried (6-0)

Having so resolved, the meeting was closed to the public at 5.15pm.

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#### 16055. Resolution

Moved: Cr Curphey Seconded: Cr Chirgwin

That Open Council be resumed.

Carried (6-0)

Having so resolved, the meeting re-opened to the public, the time being 5.24pm. On resuming Open Council the Mayor read the resolutions that had been passed in Closed Council as follows:

#### 11. CONFIDENTIAL REPORT

#### 11.1 SALE OF PROPERTY FOR UNPAID RATES

16056. Resolution

Moved: Cr Chirgwin Seconded: Cr Wells

#### That:

- a) Council sell the property and improvements at Lot 482 DP 854920 Calrose Avenue Coleambally by way of private treaty as outlined in the body of the report;
- b) Should the property not be disposed of via private treaty within three months, that it be offered for sale by way of auction with a reserve price set as outlined in the body of the report;
- c) Noting the intention of Council to sell the property, the outstanding balance of unpaid rates, charges and lease fees be written off.

Carried (6-0)

There being no further business, the meeting closed at 5.25pm.

<sup>2</sup>age 16