

**Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 9 December 2013.**

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**PRESENT**

Cr Danielle Mulholland (Mayor in the Chair), Cr Ross Brown, Cr Chris Simpson, Cr John Burley, Cr Robert Dwyer, Cr Maggie Creedy, Cr Lindsay Passfield and Cr Michael Reardon.

**IN ATTENDANCE**

The General Manager, the Executive Manager Administration and Community, the Executive Manager Urban and Assets, the Executive Manager Infrastructure Works, the Executive Manager Planning and Environment, and the Personal Assistant to the General Manager and Administration and Community.

**MEETING COMMENCEMENT**

The Mayor declared the meeting open at 5.00pm.

**ITEM 1 APOLOGIES**

An apology was received from Janet Wilson.

**091213/01 RESOLVED**

Moved Councillor Ross Brown, seconded Councillor Lindsay Passfield:

That the apology be received.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

**ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

#### **ITEM 4        DECLARATION OF INTERESTS**

Cr Danielle Mulholland declared an interest in the following item/s:

- Item No 13B.1 Development Applications Received, Determined and Outstanding for the period 1 November, 2013 to 30 November, 2013 – 2011/181  
Reason for Declaration – neighbour of the property owner.

Cr Chris Simpson declared an interest in the following item/s:

- Item No 13B.1 Development Applications Received, Determined and Outstanding for the period 1 November, 2013 to 30 November, 2013 – 2012/39  
Reason for Declaration – neighbour of the property owner.

Executive Manager Administration and Community Carol O'Neill declared an interest in the following item/s:

- Item No 13B.1 Development Applications Received, Determined and Outstanding for the period 1 November, 2013 to 30 November, 2013 – 2013/11  
Reason for Declaration – neighbour of the property owner.
  
- Item No 13F.3 Acting General Manager  
Reason for Declaration – Named in report.

Executive Manager Planning and Environment Greg Meyers declared an interest in the following item/s:

- Item No 13F.3 Acting General Manager  
Reason for Declaration – Named in report.

#### **ITEM 5        QUESTION TIME**

Carol Fickling quoted from Dr Wayne Somerville's report on the health impacts of CSG and shale gas mining, 2013: "Children are more at risk from gas mining pollutants than are adults, and due to their higher rates of exposure, children are often the first members of a family to become ill. Children living in gas mining affected areas have been likened to "sentinels" 161, because their falling ill is likely to be the first indication of harm to human health. Relative to adults, children are closer to the ground and are more likely to be active outside. Children drink more water, breathe more air, and eat more food per kilo of body weight than do adults. Children have a longer "shelf life" and their living longer than adults puts them a greater risk from illnesses such as cancer that develop many years after exposure to a pollutant." She then asked Councillors if they were willing to allow Governments and companies to expose children to this risk and if they had considered their duty of care to their young constituents, some of whom have not been born yet?

The Mayor took the question on notice.

Harmony Walsh stated that under natural conditions fossil fuels contribute a relatively small volume of PAHs (Poly Aromatic Hydrocarbons) to the environment. She said because most coal and oil deposits were trapped deep beneath layers of rock, there was little chance to emit PAHs to the surface environment. Ms Walsh said Coal Seam Gas mining would, for the first time, allow large amounts of these chemicals to be solubilised from coal seams and leached into ground water and fracking chemicals to be released into the atmosphere. She then asked Councillors if they were aware that this posed a new major health risk for NSW, with a possible increase in cancer cases on par with or greater than asbestos?

The Mayor took the question on notice.

Tony Baron asked Councillors how many chemicals used in unconventional gas mining were known to be carcinogens?

The Mayor took the question on notice.

Anne Reardon on behalf of Elvie Jones drew Council's attention to a light opposite the Kyogle skate park which appeared to be on 24 hours of the day, seven days a week.

The General Manager advised that the matter would be investigated.

Anne Reardon asked the Mayor who chairs the Council meetings, the mayor or Councillor Brown and Councillor Passfield?

The Mayor advised that she chaired the meeting.

Sunny Grame stated that chemicals such as benzene and toluene are problematic VOCs as they tended to be activated into other substances and impact on certain tissues in unique ways. She said short term health effects of exposure included dizziness, headache, loss of coordination, respiratory distress, and skin, eye and nose and throat irritation, Ms Grame said long term health effects of exposure to BTEX chemicals included kidney, liver and blood, system damage. She said long term exposure to benzene could affect bone marrow, causing anaemia and increasing the risk of a health hazard even in minute quantities. She then asked Council if it could assure the community that cattle would not be affected by drinking water contaminated with these chemicals and then pass the effects on to people through consumption of milk and meat?

The Mayor took the question on notice.

Wendy – stated that most chemicals used in unconventional gas mining had not been assessed for their toxicity, persistence or long-term health impacts and there had been no assessment of new compounds that formed when mining chemicals interacted with other substances or with natural catalysts such as sunlight, water, air and radioactive elements. She then asked Councillors if they were prepared to gamble with the health of the community and ignore the precautionary principle?

The Mayor took the question on notice.

Linda Clarke said as a nurse of almost three decades she was very alarmed at the extent of exposure to toxic chemicals by emergency care workers. She said Cathy Behr, an emergency room nurse who had stripped a man and stored his clothes in a plastic bag after he had been splashed in fracking fluid, suffered multiple organ failure. She asked Councillors if the information alarmed and concerned them?

The Mayor took the question on notice.

Jan Buckman asked Council if it could research and report back to the next meeting on the potential effects on the health of constituents of the chemical ethylene glycol, which is used by unconventional mining companies.

The Mayor took the question on notice.

The Mayor advised that if there were any more questions on the potential effects of coal seam gas mining, they should be presented in writing. A further 20 written questions were presented to the meeting.

The Mayor advised that these questions would be taken on notice.

## **ITEM 6 PUBLIC ACCESS**

Nil

## **ITEM 7 CONFIRMATION OF MINUTES**

### **7.1 CONFIRMATION OF MINUTES OF 11 NOVEMBER 2013 ORDINARY MEETING**

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Moved by Councillor John Burley, seconded by Councillor Chris Simpson:

That the Minutes of the Ordinary Meeting held on 11 November 2013 be adopted.

An amendment was moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield:

That the minutes of the Ordinary Meeting held on 11 November 2013 be adopted as printed with the deletion of the comment in relation to 13E.1.

The amendment was put to the vote and was lost.

FOR VOTE - Ross Brown, Lindsay Passfield, Danielle Mulholland

AGAINST VOTE - John Burley, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

ABSENT. DID NOT VOTE - Janet Wilson

**091213/02 RESOLVED**

Moved by Councillor John Burley, seconded by Councillor Chris Simpson:

That the Minutes of the Ordinary Meeting held on 11 November 2013 be adopted.

**CARRIED**

FOR VOTE - John Burley, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE: - Ross Brown, Lindsay Passfield, Danielle Mulholland

ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 8 MAYORAL MINUTE**

Nil.

**ITEM 9 NOTICES OF MOTION**

Nil.

**ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

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**091213/03 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor Maggie Creedy:

That the report on Questions from the Last Council Meeting be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 11 DELEGATES REPORTS**

Nil.

**ITEM 12 INFORMATION PAPERS**

**12.1 COUNCIL RESOLUTIONS REQUIRING ACTION**

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**091213/04 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown:

That the Council resolutions requiring action report be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **12.2 FINANCIAL REPORT NOVEMBER 2013**

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### **091213/05 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor Maggie Creedy:

That the information contained in the Monthly Finance Report – November 2013 be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **12.3 SUMMERLAND WAY PROMOTIONAL COMMITTEE MEETING NOVEMBER 2013**

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### **091213/06 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Chris Simpson:

That the minutes of the Summerland Way Promotional Committee meeting held on November 22, 2013 be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

## **ITEM 13 GENERAL MANAGER'S REPORT**

### **ITEM 13A TECHNICAL SERVICES REPORT**

#### **13A.1 NAMING OF NEW ROAD - BUNDALEA COURT**

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### **091213/07 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Maggie Creedy:

1. That the report Naming of New Road – Bundalea Court be received and noted.
2. That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

**Current Road Name or Description of Route**

The new road off Afterlee Road created as part of Development Application 2012-34 Proposed Road Name Bundalea Court

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**13A.2 SUBMISSIONS RECEIVED ON PROPOSED BRIDGE NAME  
"WATKINS BRIDGE"**

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**091213/08 RESOLVED**

Moved by Councillor Maggie Creedy, seconded by Councillor Ross Brown:

That the new bridge on Collins Valley Road be formally named "Watkins Bridge".

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**13A.3 MALLANGANEE STORAGE SHED**

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**091213/09 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor Chris Simpson:

1. That the report on the Mallanganee Storage Shed be received and noted.
2. That Council proceed with the alterations and relocation of the shed to Council's Pine Street Mallanganee depot.
3. That the \$6,000 allocated in the futures funding budget be transferred to Plant and Depots Capital Works budget.
4. That any surplus funds be returned to the Futures Fund.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

## **ITEM 13B PLANNING SERVICES REPORT**

### **13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 NOVEMBER, 2013 TO 30 NOVEMBER, 2013**

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#### **091213/10 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor John Burley:

1. That, with the exception of the following items in which Councillors Danielle Mulholland, Chris Simpson, and the Executive Manager Administration and Community Carol O'Neill have declared an interest,
  - Cr Danielle Mulholland 10B.1 Development Applications Received, Determined and Outstanding DA 2011/181 - Reason for Declaration – Neighbour of the property owner.
  - Cr Chris Simpson 10B.1 Development Applications Received, Determined and Outstanding DA 2012/39 - Reason for Declaration – Neighbour of the property owner.
  - Executive Manager Administration and Community Carol O'Neill 10B.1 Development Applications Received, Determined and Outstanding DA 2013/11 - Reason for Declaration – Neighbour of the property owner.

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 November 2013 to 30 November 2013 be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

Councillors Mulholland and Simpson and the Executive Manager Administration and Community Carol O'Neill left the meeting at 5.37pm after Cr Mulholland handed the chair over to Cr Maggie Creedy.

#### **091213/11 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer:

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 November 2013 to 30 November 2013 only in relation to DA 2011/181, DA 2012/39 and DA 2013/11 in which Councillors Mulholland and Simpson and the Executive Manager Administration and Community Carol O'Neill have declared an interest be received and noted.

**CARRIED**



FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Danielle Mulholland and Chris Simpson

Councillors Mulholland and Simpson and the Executive Manager Administration and Community Carol O'Neill returned to the meeting at 5.38 pm.

Councillor Danielle Mulholland resumed the chair.

## **13B.2 KYOGLE DEVELOPMENT CONTROL PLAN 2014**

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### **091213/12 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Maggie Creedy:

1. That Council endorse the draft Kyogle Development Control Plan 2014.
2. That pursuant to Part 3 Division 2 Clause 18 of the *Environmental Planning and Assessment Regulation 2000* public exhibition of the draft DCP be carried out as detailed in this report.
3. That the draft DCP be reviewed in light of feedback and submissions made.
4. That a further report be presented to Council on this matter following the conclusion of public exhibition and subsequent review of the draft DCP.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Ross Brown called for a division in accordance with Section 735A of the Local Government Act 1993.

<b>FOR</b>	<b>AGAINST</b>
Cr Danielle Mulholland	
Cr John Burley	
Cr Michael Reardon	
Cr Maggie Creedy	
Cr Bob Dwyer	
Cr Chris Simpson	
Cr Ross Brown	
Cr Lindsay Passfield	

ABSENT. DID NOT VOTE - Janet Wilson

13B.3

**PROPOSAL TO AMEND KYOGLE LOCAL ENVIRONMENTAL PLAN  
TO PERMIT DETACHED DUAL OCCUPANCIES AND SECONDARY  
DWELLINGS**

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**091213/13 RESOLVED**

Moved by Councillor Maggie Creedy, seconded by Councillor Ross Brown:

1. That the report Proposal to Amend Kyogle Local Environmental Plan to Permit Detached Dual Occupancies and Secondary Dwellings be received and noted.
2. That Council resolve to amend the Kyogle LEP 2012 through the preparation of a planning proposal to:
  - a. permit *Dual Occupancies* (attached or detached) to be approved in the RU1, RU2 & RU4 Rural Zones and R5 Large Lot Residential Zone with the consent of Council;
  - b. permit *Secondary Dwellings* to be approved in the RU1, RU2 & RU4 Rural Zones and R1 & R5 Residential Zones with the consent of Council;
  - c. amend clause 5.4(9) of Kyogle Local Environmental Plan to ensure *Secondary Dwellings* are permissible up to 60% of the size of the Primary Dwelling on the land (currently 43%);
  - d. Make the necessary amendments to the relevant sections identified in this report or required by the Department of Planning and Infrastructure (DoPI) or Parliamentary Counsel (PC), to Kyogle LEP 2012.
3. Authorise the General Manager to finalise the Planning Proposal and submit the Planning Proposal to the Department of Planning and Infrastructure for review and Gateway Determination.
4. That upon an affirmative Gateway Determination being received from the Department of Planning and Infrastructure, Council staff carry out the procedural steps associated with the progress of the planning proposal, including community consultation.
5. That a further report be presented to Council on this matter following the conclusion of community consultation and review of submissions

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Chris Simpson called for a division in accordance with Section 735A of the Local Government Act 1993.

<b>FOR</b>	<b>AGAINST</b>
Cr Danielle Mulholland	
Cr John Burley	
Cr Michael Reardon	
Cr Maggie Creedy	
Cr Bob Dwyer	
Cr Chris Simpson	
Cr Ross Brown	
Cr Lindsay Passfield	

ABSENT. DID NOT VOTE - Janet Wilson

**13B.4 PRELIMINARY REPORT ON POSSIBLE AMENDMENTS TO KYOGLE LOCAL ENVIRONMENTAL PLAN TO PERMIT ECO-TOURIST FACILITIES, SPECIFIED TOURIST AND VISITOR ACCOMMODATION AND CAMPING GROUNDS IN CERTAIN RURAL ZONES**

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Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown:

1. That Council receive and note the preliminary report to amend Kyogle Local Environmental Plan to permit eco-tourist facilities specified tourist and visitor accommodation and camping grounds in certain rural zones.

Cr Robert Dwyer foreshadowed a motion that item 2 of the recommendation be voted on separate to item one at this meeting.

**091213/14 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown:

That Council receive and note the preliminary report to amend Kyogle Local Environmental Plan to permit eco-tourist facilities specified tourist and visitor accommodation and camping grounds in certain rural zones.

**CARRIED**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE – Janet Wilson

**091213/15 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor Maggie Creedy:

That Council investigate the application of (or need for both) Zones RU1 and RU2 as part of the planning proposal process that will be required following the completion of the E zone review.

**CARRIED**

FOR VOTE – Maggie Creedy, Robert Dwyer, John Burley, Chris Simpson, Michael Reardon  
AGAINST VOTE – Danielle Mulholland, Ross Brown, Lindsay Passfield  
ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 13D CORPORATE SERVICES REPORT**

Nil.

**ITEM 13E COMMUNITY SERVICES REPORT**

**13E.1 MINUTES OF THE KYOGLE COUNCIL CULTURAL PLANNING COMMITTEE**

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**091213/16 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

That the Minutes of the Cultural Planning Committee be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson

**13E.2 GATEWAY TO THE RAIN FOREST RESERVE TRUST**

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Moved by Councillor Maggie Creedy, seconded by Councillor Robert Dwyer:

That the Gateway to the Rainforest Reserve Trust – Draft Terms of Reference be adopted.

**091213/17 RESOLVED**

Moved by Councillor Ross Brown, second by Councillor Chris Simpson:

That Council discuss confidential legal advice in relation to this matter in Closed Council.

**CARRIED**

FOR VOTE – Unanimous  
ABSENT. DID NOT VOTE – Janet Wilson

The Mayor deferred consideration of the matter until after Closed Council.

**ITEM 13F GENERAL MANAGER'S REPORT**

**13F.1 HEALTH AND SAFETY POLICY**

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**091213/18 RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor Lindsay Passfield:

1. That the Occupational Health and Safety Policy be rescinded.
2. That the Health and Safety Policy be adopted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**13F.2 LOCAL GOVERNMENT ELECTION ADMINISTRATION**

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**091213/19 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Maggie Creedy:

Kyogle Council resolves that:

1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**13F.3****ACTING GENERAL MANAGER**

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The Executive Manager Administration and Community Carol O'Neill and the Executive Manager Planning and Environment left the meeting at 5.59pm.

**091213/20 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor Michael Reardon:

1. That Mrs. Carol O'Neill be appointed as Acting General Manager for the period from 6 January, 2014 to 17 January, 2014 inclusive.
2. That Mr. Greg Meyers be appointed as Acting General Manager in the case of an event resulting in the unplanned absence of the General Manager from his duties.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

The Executive Manager Administration and Community Carol O'Neill and the Executive Manager Planning and Environment returned to the meeting at 6.00 pm

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE****091213/21 RESOLVED**

Moved Cr Lindsay Passfield, seconded Cr Maggie Creedy that Council consider recommendations made by the Local Land Services Board of Chairs as an urgent item.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

The Mayor declared the item to be urgent.

**091213/22 RESOLVED**

Moved by Cr Lindsay Passfield, seconded by Cr Maggie Creedy:

That Council write to the Board of Chairs of the Local Land Service objecting to the proposal requiring Councils to collect rates on its behalf and objecting to Council paying rates to the LLS on public land.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 15****QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Maggie Creedy:

What effect will the disallowing of the \$105,000 variance in September's budget review have on the rural roads maintenance program and on the standard of the work that is able to be done?

**ITEM 16 CONFIDENTIAL BUSINESS PAPER**

16.01 MOVED INTO CLOSED COMMITTEE

Item 13E.2 Gateway to the Rainforest Reserve Trust

Item 16.1 Contractual Conditions of Senior Staff

These items are classified CONFIDENTIAL under Section 10A (2) (a) (g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- a) Personnel matters concerning particular individuals (other than councillors).
- g) Advice concerning, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is not in the public interest and would be contrary to privacy provisions to reveal these details.

Pursuant to Section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting was closed, as to whether that part of the meeting should be closed.

**091213/23 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Chris Simpson:

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by sections 11(2) of the Local Government Act 1993.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Council closed its meeting at 6.08 pm. The public and the media left the Chamber.

**091213/24 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield:.

That Council move out of closed Council and into open Council.

**CARRIED**

FOR VOTE – Unanimous  
ABSENT. DID NOT VOTE – Janet Wilson

Open Council resumed at 6.37 pm

The Mayor read the following resolution of Closed Council to the meeting:

**ITEM 16.1 CONTRACTUAL CONDITIONS OF SENIOR STAFF.**

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**RESOLVED**

That the Contractual Conditions of Senior Staff report be received and noted.

CARRIED  
FOR VOTE – Unanimous  
ABSENT. DID NOT VOTE - Janet Wilson

**13E.2 GATEWAY TO THE RAIN FOREST RESERVE TRUST**

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Moved by Councillor Maggie Creedy, seconded by Councillor Robert Dwyer:

That the Gateway to the Rainforest Reserve Trust – Draft Terms of Reference be adopted.

**LOST**

FOR VOTE - Maggie Creedy, Bob Dwyer  
AGAINST VOTE - Ross Brown, John Burley, Lindsay Passfield, Danielle Mulholland,  
Michael Reardon, Chris Simpson  
ABSENT. DID NOT VOTE - Janet Wilson

**091213/25 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Chris Simpson:

1. That Council seek advice to resolve the “apparent” conflict between the role of a trustee and a councillor dealing with trust business



2. That Council makes representations to the relevant minister to ensure that individual councillors enjoy the same legal protections as ordinary trustees (ie no potential for surcharging).

**CARRIED**

FOR VOTE - Ross Brown, John Burley, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Chris Simpson

AGAINST VOTE - Maggie Creedy, Bob Dwyer

ABSENT. DID NOT VOTE - Janet Wilson

## **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 6.49 p.m.