

## Kyogle Council

**Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 22 November 2010.**

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### **PRESENT**

Cr. Ernie Bennett, (Mayor in the Chair), Cr. Ross Brown (arrived 3.39 p.m.), Cr. Lindsay Passfield, Cr. Lynette Zito, Cr. Robert Dwyer, Cr. Robert Leadbeatter and Cr. Tom Cooper.

### **IN ATTENDANCE**

The General Manager, the Director of Technical Services, the Director of Corporate & Community Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 3.32 p.m.

### **ITEM 1 APOLOGIES**

An apology was received from Councillor John O'Reilly.

Councillor Janet Wilson's apology and leave of absence was also noted from the October Ordinary Meeting.

### **221110/ 1 RESOLVED**

Moved Councillor Robert Dwyer, seconded Councillor Robert Leadbeatter.

That the apologies were accepted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly, Ross Brown

### **ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

### **ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Mayor read the Traditional Lands acknowledgement.

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

General Manager declared an interest in the following item/s:

- Item 14B.1 Development Applications Received, Determined and Outstanding for the period 1 October 2010 - 31 October 2010 - 2011/07  
Reason for Declaration - sister involved in preparation of DA.

Director of Planning & Environmental Services declared an interest in the following item/s:

- Item 14B.1 Development Applications Received, Determined and Outstanding for the period 1 October 2010 - 31 October 2010 - 2007/188  
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

Director of Corporate & Community Services declared an interest in the following item/s:

- Item 14B.1 Development Applications Received, Determined and Outstanding for the period 1 October 2010 - 31 October 2010 - 2011/07  
Reason for Declaration - Property owner.

Cr. Tom Cooper declared a perceived conflict of interest in the following item/s:

- Item 14B.1 Development Applications Received, Determined and Outstanding for the period 1 October 2010 - 31 October 2010 - 2011/34  
Reason for Declaration – has placed an offer in on a parcel of land which may have a potential quarry.

Cr. Ross Brown declared an interest in the following item/s:

- Item 14B.1 Development Applications Received, Determined and Outstanding for the period 1 October 2010 - 31 October 2010 - 2009/18  
Reason for Declaration – adjoining land owner

### **ITEM 5 QUESTION TIME**

Ms Trisha Spinks addressed Council;

- Has the Draft Local Environmental Plan (LEP) been signed off and sent to the Department of Planning for consideration?

The Director of Planning & Environmental Services advised the Draft LEP has been provided to the Department of Planning and a response is expected within 4 weeks.

- Will the document be placed on the website?

It will be available however, whether it will all be available online will depend upon the data size of the LEP maps.

- Is there a “buy-back” scheme for flood zoned housing?

The Director of Technical Services advised that voluntary purchase of houses in the high risk flood hazard areas was identified as a strategy in the Kyogle Flood Plain Risk Management Plan. This was discussed at the public information sessions during the preparation of the Plan. No funding is currently available for voluntary purchase but specific cases will be considered for funding as they arise.

The General Manager further advised that following on from a recent meeting, an email will be provided, on the discussed matters.

- Does Council's Ranger have any training in relation to utilising the noise meter which he is using to take readings?

The Director of Planning & Environmental Services advised internal training on utilisation of the noise meter has been provided.

Mrs Wendy Sibley addressed Council;

- Mrs Sibley quoted Council's Core Values.
- Why, when so many properties are going to be affected by the Cedar Point Quarry, and that there are many unanswered questions from the affected residents, and I understand now that there is no legal requirement to consult with these residents on a development that is going to affect them personally in terms of loss of ambience with noise, dust and the potential for 80 plus trucks per day past their homes, and potentially affect them in regard to the valuations of their properties, is there no-one here and including the proponents who are prepared to care enough about these residents to include them in any form of community consultation apart from submissions.

Ms Patsy Bundjalung Nagas, Githabul Nation addressed Council;

- In relation to consultation with aboriginal people regarding the proposed Quarry, is there a document showing that Council has consulted with the Aboriginal Land Council? There are many story lines and Scar trees in the ridges of the Cedar Point area. There are also walking paths and the area is of cultural significance to Aboriginal people.

The Director of Planning & Environmental Services advised a letter has been provided to the Land Council inviting a site visit and consultation regarding the proposed quarry.

Mr Phil Gome addressed Council;

- Cedar Point resident advising of the many concerns for the proposed Cedar Point Quarry. There are clear contradictions within the Environmental Impact Statement

(EIS) including the timeline for submissions, the variance in operating times, fuel storage and monitoring is also unclear.

- Will residents receive a copy of the EIS concerns raised, which need to be addressed by the applicant?

The Director of Planning and Environmental Services advised public submissions are to close on 29 November, 2010, and a report will be provided to the February 2011, meeting, at the earliest.

Councillor Ross Brown added that any anomalies within the report need to be brought to Council's attention, prior to Council making a decision.

The General Manager advised when the development comes before Council for consideration, the assessors will investigate all requests for and against thoroughly prior to any decision being made.

## **ITEM 6 PUBLIC ACCESS**

- Mr Charles Dejoux and Ms Danielle Mulholland addressed Council regarding Development Application 2010-0039 Multiple Occupancy.

Advised that this is the only means to provide care for parents, as they are a close knit family unit. There is a significant financial burden to immediate family with aging parents.

Advised Council has the ability to reduce the Section 94 contribution plan fees, which comes under the Rural Land share community category. Also stated that Council waived contributions to the value of approx \$120,000 for the "Mayfield estate" and therefore asks for Council to be fair and equitable.

Suggest that the latest submission will not increase issues for public amenities and services for the Kyogle Council area, and therefore seek a discount, and request Council amend the consent to reflect the costs to be \$3,245 plus \$4,250 (RCC). (A copy of an email from the Department of Planning was then provided to Council).

- Ms Kylie Thomas addressed Council in relation to the Stop Order placed on family property at Grady's Creek, Kyogle.

Asked that Council remove the "Stop Order" imposed upon their family farm. Outlined that the family enjoy outdoor activities and prior to the stop order, they rode motorbikes 1 weekend per month, always using safety rules, with no modifications being made to the motor bikes.

Advised that the Stop order was made following on from neighbours' complaints. Neighbours who live on a busy sealed road, who also mow for extended periods of time causing continual noise.

Asking Council to provide an "Action plan" as a "Stop Order" is not the solution.

Would like a noise control order to be implemented and have the stop order removed.

The General Manager advised a meeting has already been scheduled for 16 December with various affected parties and Council officers to discuss the matter further.

## **ITEM 7 MATTERS DETERMINED WITHOUT FURTHER DEBATE**

### **7.1 MATTERS DETERMINED WITHOUT DEBATE**

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There were no items identified.

## **ITEM 8 CONFIRMATION OF MINUTES**

### **8.1 CONFIRMATION OF ORDINARY MINUTES - 25 OCTOBER, 2010**

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#### **221110/ 2 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the Minutes of the Ordinary Meeting held on 25 October, 2010, as amended were adopted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

## **ITEM 9 MAYORAL MINUTE**

### **9.1 ITEM TO BE BROUGHT FORWARD**

#### **221110/ 3 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor Lynette Zito.

That Item 14B.2 Development Application 2010-0039 - Multiple Occupancy be brought forward for consideration at this point of the meeting.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

## **9.2 ADJOURNMENT OF MEETING**

The Mayor adjourned the meeting at 4.10 pm

To allow Council to read the documentation provided to the meeting by Ms Danielle Mulholland regarding Development Application 2010-0039.

The meeting resumed at 4.20 pm.

### **14B.2 DEVELOPMENT APPLICATION 2010-0039 - MULTIPLE OCCUPANCY**

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#### **221110/ 4 RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the report Development Application 2010-0039 – Multiple Occupancy was received and noted.

**CARRIED**

FOR VOTE - Ernie Bennett, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Ross Brown, Tom Cooper  
AGAINST VOTE - Robert Dwyer  
ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

Councillor Ross Brown and Councillor Lindsay Passfield called for a division

<b>For</b>	<b>Against</b>
Cr Lindsay Passfield	Cr Robert Dwyer
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Lynette Zito	
Cr Ross Brown	
Cr Tom Cooper	

**CARRIED**

A motion was moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That the Section 94 contributions payable for Development consent 2010-0039 be based on the following:

- Farm properties >40 ha, very isolated with poor quality access to Kyogle or the nearest regional arterial road, with trips per day to be 2.5 and equivalent tenements of 0.36 x 2. i.e. total payable \$16,816.64.

The motion was put to the vote and was CARRIED.

FOR VOTE - Ernie Bennett, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Ross Brown, Tom Cooper

AGAINST VOTE - Robert Dwyer

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

Councillor Ross Brown and Councillor Lindsay Passfield called for a division

<b>For</b>	<b>Against</b>
Cr Lindsay Passfield	Cr Robert Dwyer
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Lynette Zito	
Cr Ross Brown	
Cr Tom Cooper	

**CARRIED**

**ITEM 10 NOTICES OF MOTION**

**10.1 NOTICE OF MOTION; CLR LYNETTE ZITO - AGED COMMUNITY AND LANDUSE PLANNING**

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**221110/ 5 RESOLVED**

Councillor Lynette Zito, seconded Councillor Ross Brown.

1. That Council seek a report regarding the impact of the aged community on land use planning and how to build these needs into the local environmental plan, and
2. The impact on Council's rates base.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

**ITEM 11 QUESTIONS WITH NOTICE FROM COUNCILLORS**

**11.1 QUESTIONS FROM PREVIOUS COUNCIL MEETING**

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**221110/ 6 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the responses to Questions from the previous Council meeting were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

**ITEM 12 DELEGATES REPORTS**

Nil.

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## **ITEM 13          INFORMATION PAPERS**

### **13.1 QUARRIES REPORT**

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#### **221110/ 7          RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the Quarries Report, as amended, was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

### **13.2 PLANT BUDGET REPORT - OCTOBER 2010**

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#### **221110/ 8          RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the Plant Budget Report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

### **13.3 WORKS PROGRAM REPORT**

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A motion was moved by Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That the Works Program report be received and noted.

A motion was foreshadowed by Councillor Lindsay Passfield

1. That Kyogle Council write to Lismore City Council congratulating it on the completion of the Leycester Hill Black spot project.

2. This achievement resolves a long standing safety issue on this vital link connecting Kyogle to our Regional Centre.

The motion was put to the vote and was CARRIED.

**221110/ 9      RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That the Works Program report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

A motion was moved by Councillor Lindsay Passfield, seconded by Councillor Robert Leadbeatter.

1. That Kyogle Council write to Lismore City Council congratulating it on the completion of the Leycester Hill Black spot project.
2. This achievement resolves a long standing safety issue on this vital link connecting Kyogle to our Regional Centre.

The motion was put to the vote and was CARRIED.

**221110/ 10      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

1. That Kyogle Council write to Lismore City Council congratulating it on the completion of the Leycester Hill Black spot project.
2. This achievement resolves a long standing safety issue on this vital link connecting Kyogle to our Regional Centre.

**CARRIED**

FOR VOTE - Ernie Bennett, Lindsay Passfield, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Tom Cooper

AGAINST VOTE - Ross Brown

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

## **13.4 MONTHLY FINANCIAL REPORT**

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### **221110/ 11      RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That the Monthly Finance Report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

## **13.5 WASTE & WATER COMMITTEE MEETING**

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### **221110/ 12      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That the minutes of the Waste & Water Committee meeting held on 9 November, 2010 were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

### **ITEM 14            GENERAL MANAGER 'S REPORT**

#### **ITEM 14A        TECHNICAL SERVICES REPORT**

##### **14A.1            NAMING OF BRIDGE OVER TOOLOOM CREEK - CLARENCE WAY**

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### **221110/ 13      RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the name "Charlotte Page Bridge" was adopted for the bridge over Tooloom Creek on the Clarence Way north of Urbenville.

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**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

A motion was moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

That Council invite Muli Muli Local Aboriginal Land Council, Urbenville Multi Purpose Service, Woodenbong Central School and friends/family of the late Charlotte Page to a naming ceremony.

The motion was put to the vote and was CARRIED.

**221110/ 14      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That Council invite Muli Muli Local Aboriginal Land Council, Urbenville Multi Purpose Service, Woodenbong Central School and friends/family of the late Charlotte Page to a naming ceremony.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

**ITEM 14B      PLANNING SERVICES REPORT**

**14B.1            DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND  
OUTSTANDING FOR THE PERIOD OCTOBER 1, 2010 TO OCTOBER  
31, 2010**

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**221110/ 15      RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

1. That, with the exception of the following items in which Councillor Ross Brown, the General Manager, the Director of Corporate & Community Services and the Director of Planning & Environmental Services have declared an interest,

- Cr Ross Brown 14B.1 Development Applications Received, Determined and Outstanding DA 2009/18

- Cr Tom Cooper 14B.1 Development Applications Received, Determined and Outstanding DA 2011/34
- General Manager 14B.1 Development Applications Received, Determined and Outstanding DA 2011/12 & 2011/07
- Director of Planning & Environmental Services 14B.1 Development Applications Received, Determined and Outstanding DA 2007/188
- Director of Corporate & Community Services 14B.1 Development Applications Received, Determined and Outstanding DA 2011/07

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 September 2010 to 30 September 2010 was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

Having declared an interest in Item 14B.1 Councillor Tom Cooper left the meeting at 5.03 p.m.

A motion was moved by Councillor Lynette Zito, seconded Councillor Robert Leadbeater.

That Development Application 2011/34 be referred to the Planning & Environment Committee at the appropriate time.

The motion was put to the vote and was CARRIED.

**221110/ 16      RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That Development Application 2011/34 be referred to the Planning & Environment Committee at the appropriate time.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly, Tom Cooper

Having declared an interest in Item 14B.1 Councillor Ross Brown, the General Manager, the Director of Corporate & Community Services and the Director Planning & Environmental Services left the meeting at 5.06 p.m.

**221110/ 17      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

2. That the information contained in the report Development 1 October 2010 to 31 October 2010 only in relation to DA 11/07, 11/34 07/188, 09/18 in which Councillor Ross Brown, Councillor Tom Cooper, the General Manager, the Director of Corporate & Community Services and the Director Planning & Environmental Services have declared an interest was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly, Tom Cooper, Ross Brown

Councillor Ross Brown, Councillor Tom Cooper, the General Manager, the Director of Corporate & Community Services and the Director Planning & Environmental Services returned to the meeting at 5.08 p.m.

**ITEM 14C      ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 14D      CORPORATE SERVICES REPORT**

**14D.1          GOVERNANCE COMMITTEE MEETING, 9 NOVEMBER 2010**

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**221110/ 18      RESOLVED**

Councillor Lynette Zito, seconded Councillor Ross Brown.

1. That the minutes of the Governance Committee meeting held 9 November 2010, were received and noted.
2. That the General Manager report to Council on the formation of an audit Committee in accordance with the Division of Local Government guidelines.
3. That the General Manager include in the report information about establishing a budget for the internal audit activity as part of the December Budget Review.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

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## **14D.2 DRAFT GOVERNANCE POLICY**

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A motion was moved by Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the Governance Policy as amended be adopted.

A motion was foreshadowed by Councillor Ross Brown.

1. That Council adopt the amended Draft Governance Policy for the purposes of display.
2. The Draft Governance Policy be placed on public exhibition for a period of 28 days.

The motion was put to the vote and was CARRIED.

## **221110/ 19 RESOLVED**

Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the Governance Policy as amended be adopted.

**CARRIED**

FOR VOTE - Ernie Bennett, Lindsay Passfield, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Tom Cooper

AGAINST VOTE - Ross Brown

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

The foreshadowed motion lapsed.

## **14D.3 REVIEW OF VEHICLE POLICY**

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A motion was moved by Councillor Ross Brown, seconded Councillor Robert Dwyer.

That the reviewed Vehicle Policy report be received and noted.

The motion was put to the vote and was CARRIED.

**221110/ 20      RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Dwyer.

That the reviewed Vehicle Policy report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

A motion was moved by Councillor Ross Brown, seconded Councillor Lynette Zito.

That the reviewed Vehicle Policy be adopted.

The motion was put to the vote and was CARRIED.

**221110/ 21      RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the reviewed Vehicle Policy was adopted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

A motion was moved by Councillor Ross Brown, seconded Councillor Robert Leadbeater.

That the Vehicle Policy review Committee be required to meet in six months to review the functionality of the new Vehicle Policy and a further report be provided to Council.

**221110/ 22      RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Leadbeater.

That the Vehicle Policy review Committee be required to meet in six months to review the functionality of the new Vehicle Policy and a further report be provided to Council.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly



**14D.4 POLICY ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS**

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**221110/ 23 RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That no changes are made to the existing Payment of Expenses and Provision of Facilities Policy for Councillors.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

**ITEM 14E COMMUNITY SERVICES REPORT**

Nil.

**ITEM 14F GENERAL MANAGER'S REPORT**

**14F.1 OUTSTANDING COUNCIL RESOLUTIONS**

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**221110/ 24 RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the Outstanding Council Resolutions report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

**ITEM 15            URGENT BUSINESS WITHOUT NOTICE**

**15.1 URGENT BUSINESS WITHOUT NOTICE**

**221110/ 25        RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the following report/item be considered and determined by Council at this Ordinary Meeting;

- Easement Agreement

The Mayor then ruled the matter of great urgency.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

**ITEM 16                            QUESTIONS FOR NEXT ORDINARY MEETING**

Nil

**ITEM 17            CONFIDENTIAL BUSINESS PAPER**

**17.1 MOVE INTO CLOSED COUNCIL**

**Item 17.1 - Easement Agreement**

This item is classified CONFIDENTIAL under section 10A(2) (i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following;

- (d) commercial information of a confidential nature that would if disclosed:
- (g) advice concerning litigation, or advice that would otherwise be privileged

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 is closed, as to whether that part of the meeting should be closed.

**221110/ 26      RESOLVED**

Councillor Lynette Zito, seconded Councillor Tom Cooper.

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. That 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 section 11(2) of the Local Government Act 1993.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, John O'Reilly

Council Closed its meeting at 5.39 p.m. The public and media left the Chamber.

Mr Andrew McInnes from McInnes Legal joined the meeting at 5.40 p.m. to address any questions arising from Item 17.1 – Easement Agreement.

**17.2 RESOLUTIONS FROM THE CLOSED MEETING**

**221110/ 27      RESOLVED**

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

That the following resolutions of council while the meeting was closed to the public were read to the meeting by the Chair.

**CARRIED**

**17.3 EASMENT AGREEMENT**

1. That the Easement Agreement report was received and noted.
2. That this report be brought back to Council's Extraordinary meeting to be held 30 November, 2010, for further consideration.

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 6.25 p.m.

Signature of Chairperson.....

