

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck, M R Boyd, R D Brinsmead, B J Carroll, G Davidson (Deputy Mayor), H James, G J Lawrie, B M Luff, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr Ian Munro (Manager Design), Mr Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Maree Morgan (Minutes Secretary)

PRAYER

The meeting opened with a Prayer by the Mayor Councillor W J Polglase.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 21 January 2004

45 RESOLUTION:

Councillor Cr Davidson
Councillor Cr Youngblutt

RESOLVED that the Minutes of the Council Meeting held on 21 January 2004 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Councillor W M Marshall

Councillor W M Marshall has informed the General Manager that her absence is caused by family commitments.

Mr Russell Logan

Mr Logan has informed the General Manager that he would not be attending the meeting.

46 RESOLUTION:

Councillor R D Brinsmead
Councillor G Davidson

RESOLVED that the apology of Councillor W M Marshall be accepted.

Voting - Unanimous

DELEGATES REPORT - MR RUSSELL LOGAN (ABORIGINAL MENTOR PROGRAM)

Nil.

DISCLOSURE OF INTEREST

Nil.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

47 RESOLUTION:

Councillor G Davidson
Councillor G J Lawrie

RESOLVED that this item be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. TAFE Kingscliff

22 January - TAFE Kingscliff Information Communication Technology Summer School Graduation.

2. Southern Cross University Tweed Campus

22 January – Joint Meeting at Tweed with Tweed Bowls Club, Northern Rivers Health Service and Southern Cross University Tweed Campus.

3. Boat Charter Association

22 January – Meeting at Tweed with Boat Charter Association representatives, David Oxenham and Tom Alletson.

4. Cabarita/Bogangar Advisory Committee Meeting

22 January – Cabarita/Bogangar Advisory Committee Meeting.

5. Queensland Netball

23 January – discussions at Tweed with office bearers Queensland Netball regarding Origin Shield.

6. Jetsprints

25 January – Jetsprints Australia Day Meeting at Round Mountain. Flag raising for Australia Day celebrations

7. Tweed Shire Council - Australia Day Celebrations

26 January – attended Australia Day celebrations at Chillingham, Uki and Burringbar.

8. Pre-Election Information Seminar

29 January – Pre-election information seminar in Council Chambers.

9. TEDC

30 January – TEDC Board Meeting at Tweed.

10. Casuarina

30 January – Opening Casuarina Way.

11. Science-Art Festival

31 January – opening Science-Art Festival – Seminar One ‘Symbols of our Age’, Murwillumbah.

12. St. Brigid’s Church Burringbar

31 January – Centenary of the Blessing & Opening of St Brigid’s Church Burringbar.

13. Opening New Art Gallery

1 February – Opening of New Tweed Regional Art Gallery by the Governor, Her Excellency, Professor Marie Bashir.

14. TEDC - Condong Boat Launch Pad

2 February – Condong Boat Launch Pad by Larry Anthony.

15. Tweed Hospital

2 February – Opening of the Tweed Hospital Renal Unit by the Governor, Her Excellency Professor Marie Bashir.

16. Tweed Futures

3 February – Tweed Futures Meeting THCC.

17. Murwillumbah Theatre Company

3 February – Murwillumbah Theatre Company 2004 Launch Murwillumbah.

18. Tweed Futures

4 February – Tweed Futures Workshop at Tumbulgum.

INVITATIONS ACCEPTED:

- 5 February – Tweed Futures Workshop Murwillumbah
- 7 February – Murwillumbah Quota 10th Birthday at Greenhills
- 9 February – Private Citizenship Ceremony Murwillumbah
- 10 February – Shires Association of NSW “A” Division Meeting at Casino with GM
- 10 February – Tweed Taskforce Masterplan Workshop at Tweed Heads
- 13 February – Opening & Policy Launch City of the Arts “Placemaking & Policy Program (Tumbulgum Road Murwillumbah
- 14 February – City of Arts Forum
- 16 February – address to students at Tweed Valley College

INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- National Coastal Urbanisation Symposium **29 March 2004**, Gold Coast
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ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

Executive

Name	Period	Location	Details
EM	23 January 2004	Sydney	Finance Professionals Meeting
EM	9 February 2004	Kyogle Shire Council	GM's Sub-Regional Group Meeting
EM	12 February 2004	Brisbane	Improving Finance, Accounting & Management Processes in Local Government Symposium
GM	29 January 2004	Sydney	Rate Pegging Task Force Meeting
GM	3 February 2004	Toogoolawah, Qld	Open Day - Vetiver Grass Wetlands
GM	4 February 2004	Ballina	Population Growth Management & Infrastructure Management

			Meeting
GM	9 February 2004	Kyogle	General Manager's Sub-regional Group Meeting
GM	10 February 2004	Casino	Shires Association of NSW "A" Division Meeting
GM	17 February 2004	Sydney	Focus Group meeting on Proposed Revised Records Management Standards

48 RESOLUTION:

Councillor W J Polglase

RESOLVED that the Mayoral Minute be adopted.

Voting - Unanimous

ITEMS DEFERRED

[ID][NOM] Sealing of Smarts Road (THIS REPORT IS THE SUBJECT OF A REPORT AT ITEM 9 OF THIS AGENDA).

49 RESOLUTION:

Councillor Cr James
Councillor Cr Youngblutt

RESOLVED that this item be dealt with at Item 9 of the Agenda (Minute No xxx refers).

Voting - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1 [DS] Draft Tweed Local Environmental Plan 2000 - Multi-Dwelling Houses in Zones 3(a) and 3(b)

50 RESOLUTION:

Councillor H James
Councillor G Davidson

RESOLVED that Council:

- (a) Amends the draft Tweed LEP 2000 Amendment No 52 by omitting the exhibited clause 4 (see Appendix 1) and inserting in its place the following:

Tweed Local Environmental Plan 2000 is amended by omitting the current reference to multi-dwelling housing in Item 4 of the Land Use table for Zones 3(a) and 3(b) and inserting in its place the following:

“Multi-dwelling housing (unless attached to shops, commercial premises or other non-residential development and provided that no residential dwelling constructed at ground level fronts a primary and/or secondary street having a streetscape consistent with that of a commercial district).”

- (b) Forwards the draft Tweed Local Environmental Plan 2000, Amendment No 52, to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Voting - Unanimous

ATTENDANCE AT MEETING

Councillor B M Luff attended the meeting at 3.05 pm.

Councillor M R Boyd attended the meeting at 3.05 pm.

2 [DS] Development Application DA03/0435 for an extension to the existing animal boarding kennels at Lot 5 DP 703258 & Lot 9 DP 726503, No. 999 Clothiers Creek Road Clothiers Creek.

51 RESOLUTION:

Councillor L F Beck
Councillor P C P Youngblutt

RESOLVED that this item be approved in principle and a report be brought forward with conditions for the consideration of Council.

Voting - Unanimous

3 [DS] Farmland Protection - S117 Direction

52 RESOLUTION:

Councillor Beck
Councillor Youngblutt

RESOLVED that Council receives the interim development rules announced by the NSW Assistant Planning Minister, Diane Beamer but inform the Minister, Craig Knowles, that a blanket cover is not acceptable for the future of the Tweed Shire and that this measure taken for two (2) years will halt progress in this Shire.

AMENDMENT

Councillor James
Councillor Luff

PROPOSED that this report be received and noted.

PROCEDURAL MOTION

Councillor Davidson

RESOLVED that the Motion be Put.

Voting - Unanimous

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

The Motion was **Carried**

Voting For

Cr Polglase
 Cr Beck
 Cr Brinsmead
 Cr Davidson
 Cr Lawrie
 Cr Youngblutt

Voting Against

Cr Boyd
 Cr Carroll
 Cr James
 Cr Luff

Councillor W J Polglase temporarily left the meeting between 3.35pm. In his absence the Meeting was chaired by the Deputy Mayor Councillor G Davidson.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

4 [OGM] Quarterly Budget Review 31 December 2003

53 RESOLUTION:

Councillor B M Luff
 Councillor M R Boyd

RESOLVED that :-

1. The Quarterly Budget Review Statement as at 31 December 2003 be adopted.
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year.

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
1. Public Liability Insurance		75,000
2. Pensioner Rate Subsidy	12,000	
3. Section 603 Rate Certificate	20,000	
4. Payroll Tax		7,000
5. Interest on Investments	110,000	
6. Rate Income	54,000	

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
7. Walking Trail		6,500
8. Public Art		5,000
9. Income		
- Plumbing inspection fee	\$20,000	
- Drainage Diagrams	\$30,000	
- Sewerage Plan	\$15,000	
Technical Officer - Essential Services	65,000	15,000
10. Museum Program – Coordination		6,000
11. Cabarita Surf Life Saving Club		12,000
12. Restoration - Sacred Heart Parish Hall		7,500
13. Beach Income - Vehicle Licence	20,000	
Reserve for beach access / asset management		20,000
14. Beach Accesses / Works Program		77,000
Beach Vehicle Income - Cash Reserve	77,000	
15. M'bah Airfield - Asset Management		5,000
Land Development Fund	5,000	
16. Speed on Tweed		15,000
17. Fencing Tweed Valley Way – Mooball		17,000
18. Art Gallery Income		35,000
19. Public Toilets – Maintenance		14,000
20. Parks & Gardens – Maintenance		40,000
21. Lighthouse Asset Management		6,000
TOTAL	\$363,000	\$363,000
Water Fund		
1. Revised Works Program		187,798
Available funds reserve	187,798	
	\$0	\$0
Sewerage Fund		

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
1. Revised Works Program	106,508	
Available funds reserve for future works		106,508
	\$0	\$0

Voting - Unanimous

5 [OGM] 2003/04 Fees & Charges - New Fee to Operate a Surf School

54 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that as there were no objections received after 28 days of public exhibition period, Council adopts the weekly fee of \$40 for the operation of a surf school on Tweed Shire beaches.

Voting - Unanimous

Councillor B J Carroll left the meeting.

6 [OGM] Corporate Quarterly Report - October to December 2003

55 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that

1. This report be received and noted.
2. This report be placed in the libraries for public information.

Voting - Unanimous

RETURN TO MEETING

Councillor W J Polglase returned to the meeting.

Councillor B J Carroll returned to the meeting.

7 [OGM] Section 64 and Section 94 Developer Contribution Comparison

56 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

8 [ES] Roads and Transport Directorate

57 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that Council becomes a member of the Roads and Transport Directorate and that it supports this from the last quarter of 2003/2004.

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Youngblutt

Voting Against

Cr Beck

9 [ES] Smarts Road Sealing

58 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that Council defers construction of the first section of Smarts Road until the latter part of the 2003/04 Works Program and completes the second section in the 2004/05 Works Program with the project being completed concurrently.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

10 [EC] Tweed Heads Maritime & Heritage Museum Site Options

59 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that forward planning for the new museum building proceeds on the premise that such will be located on the existing museum site in Kennedy Drive.

Voting - Unanimous

11 [EC] Draft Footpath Trading Policy

60 RESOLUTION:

Councillor B M Luff
Councillor H James

RESOLVED that :

1. Council adopts the draft Footpath Trading Policy (attached).
2. The Director Environment & Community Services be delegated to approve minor modifications to the policy that do not conflict with the policy objectives.

3. Council's approvals for footpath trading commence from 1 July 2004 and in the interim Council seeks compliance with the other provisions of the policy regarding the physical use of the footpath.

Voting - Unanimous

12 [EC] Enclosure of Buildings Contrary to the Provisions of Development Control Plan No 5 - Development of Flood Liable Land

Councillor B M Luff
Councillor H James

PROPOSED that:

1. Council investigates availability of funding of up to \$50,000 for an initial one (1) year period to employ a person to investigate and pursue areas of non-compliance relating to dwellings erected on flood liable lands not in accordance with the provisions of Development Control Plan No 5 - Development of Flood Liable Land, which Development Control Plan has a development requirement for not enclosing, at a level below Council's design flood level, a floor area, which would exceed 50m²; and which Development Control Plan aims to not allow structures which would significantly restrict flood flows.
2. Subject to the availability of the \$50,000 for this purpose, Council pursues Option 1 of this Report to employ a person to investigate buildings on all flood liable land and where non-compliance issues are identified, issue and pursue orders to require the removal of unauthorised non-compliant structures and enclosures so as to conform with the requirements of Development Control Plan No 5 - Development of Flood Liable Land.

AMENDMENT 1

Councillor W J Polglase
Councillor G Davidson

PROPOSED that this report be deferred until a Workshop on Development Control Plan No 5 – Development on Flood Liable Land has been undertaken.

61 RESOLUTION:

Councillor H James
Councillor B M Luff

RESOLVED that an extension of 2 minutes be granted to Councillor M R Boyd.

Voting For	Voting Against
Cr Polglase	Cr Beck
Cr Boyd	
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	
Cr Youngblutt	

Amendment 1 was **carried**

Voting For	Voting Against
Cr Polglase	Cr James
Cr Beck	Cr Luff
Cr Boyd	
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr Lawrie	
Cr Marshall	
Cr Youngblutt	

62 AMENDMENT 2

Councillor M R Boyd
Councillor B M Luff

RESOLVED that Council:

1. Looks into engaging a person to investigate potential buildings within the Shire that do not comply with the approval issued incorporating the provisions Development Control Plan No 5.
2. Erects flood markers in affected areas of the Shire which will display the height of the 1954 flood.
3. Brings forward a report that indicates an appropriate program of education.

4. Conducts a workshop dealing with Development Control Plan 5.

Amendment 2 was **Carried**

Voting For	Voting Against
Cr Polglase	Cr Beck
Cr Boyd	Cr Brinsmead
Cr Carroll	Cr Youngblutt
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	
Cr Marshall	

The Amendment 2 on becoming Motion was **Carried**

Voting For	Voting Against
Cr Polglase	Cr Beck
Cr Boyd	Cr Brinsmead
Cr Carroll	Cr Youngblutt
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Minutes Circulated with this Agenda not requiring Council Resolution

This item was received and noted.

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOM] Referendum for Wards and Ridings

Councillor L F Beck
Councillor G J Lawrie

PROPOSED that Council considers the conducting of a constitutional referendum at the forthcoming Council elections to be held on Saturday, 27 March 2004, to consider:

1. Dividing the Council area into wards.
2. Changing the method of election of the Mayor.

63 **RESOLUTION:**

Councillor L F Beck
Councillor M R Boyd

RESOLVED that an extension of 3 minutes be granted to Councillor H James.

Voting - Unanimous

64 **AMENDMENT 1**

Councillor P C P Youngblutt
Councillor G Davidson

RESOLVED that Council considers the conducting of a constitutional referendum at the forthcoming Council elections to be held on Saturday, 27 March 2004, to consider dividing the Council area into wards.

The Amendment was **Carried** and became the Motion

Voting For	Voting Against
Cr Polglase	Cr Boyd
Cr Beck	Cr Carroll
Cr Brinsmead	Cr James
Cr Davidson	Cr Luff
Cr Lawrie	
Cr Youngblutt	

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.25 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7,30pm

AMENDMENT 2

Councillor B M Luff
Councillor B J Carroll

PROPOSED that Council recommends to the incoming Council that it conduct an awareness campaign on the issues concerning possible introduction of a ward system in the Shire. The activities should include wide distribution of the information previously provided to Council, as well as forums and facilitation of debate.

The Amendment was **Lost**.

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

AMENDMENT 3

Councillor B J Carroll
Councillor B M Luff

PROPOSED that Council conducts a poll at the forthcoming Local Government elections on 27 March 2004 to ascertain if ratepayers wish a constitutional referendum to be conducted within the next four years to consider a ward system or the continuation of an "at large" representational system.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

The Motion was **Carried**

Voting For	Voting Against
Cr Polglase	Cr Boyd
Cr Beck	Cr Carroll
Cr Brinsmead	Cr James
Cr Davidson	Cr Luff
Cr Lawrie	
Cr Youngblutt	

A RECISSION MOTION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS JAMES, LUFF AND BOYD.

2 [NOM] Coolman Street, Tyalgum

65 RESOLUTION:

Councillor L F Beck
Councillor R D Brinsmead

RESOLVED the \$115,000 allocated to Coolman Street, Tyalgum for road reconstruction, be used in the Tyalgum area on one of the most dangerous gravel school bus routes.

Voting For	Voting Against
Cr Beck	Cr Polglase
Cr Boyd	Cr James
Cr Brinsmead	Cr Luff
Cr Carroll	
Cr Davidson	
Cr Lawrie	
Cr Youngblutt	

3 [NOM] Pacific Highway Handover

66 RESOLUTION:

Councillor L F Beck
Councillor G Davidson

RESOLVED that Council opens up negotiations with the Roads & Traffic Authority to obtain additional funds as part of the Pacific Highway handover to enable retention of the passing lanes on the northern side of the Burringbar Range.

Voting - Unanimous

WORKSHOPS

Nil.

QUESTION TIME

Chinderah Marina

Councillor M R Boyd

Asked:

1. What is the current stage reached with the Chinderah Marina?
2. What is the current state of play with regard to the purchase of land from Council required for this development?
3. Where does this leave the Council in relation to the contract for sale?

The Acting Director Development Services responded that:

1. Today the Department of Infrastructure, Planning & Nature Resources has received an amended application for the marina development and that he would review the size of the development with the Department. The plan goes on public exhibition from 6 February to 8 March 2004 for public comment.
2. There is a resolution of Council to organise a public meeting during this exhibition period. The road closure is underway and the land involved in the sale is being revalued.
3. The General Manager to provide advice to Councillors on this issue.

COMMITTEE OF THE WHOLE

67 RESOLUTION:

Councillor M R Boyd
Councillor G Davidson

RESOLVED that Council resolves itself into a Confidential Committee of the Whole.

Voting - Unanimous

CONFIDENTIAL MATTERS

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1 [DS] Tweed Shire Community Based Heritage Study

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

C 10 RESOLUTION:

That an additional \$1,000 be allocated towards the cost of engaging consultants to complete the Tweed Shire Community Based Heritage Study.

Voting - Unanimous

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

Nil.

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

2 [ES] Construction of Concrete Footpaths Various Locations within Tweed Shire

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 11 RESOLUTION:

That:-

1. Council awards the Contract EC2003-201 - Construction of Concrete Footpaths Various Locations with Tweed Shire to the lowest conforming tender submitted by Hopedale Services Pty Ltd for the lump sum price of \$107,902.
2. All documentation is to be completed under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

3 [ES] EQ2003-204 Eel Trapping Licence

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 12 RESOLUTION:

That subject to verification of the nominated public liability coverage and payment of the tendered licence fee (Quarterly payments in advance) that Mr Wayne Forster be awarded the sole licence to trap eels on the Clarrie Hall Dam and Lake Kimberley waterways.

Voting - Unanimous

4 [ES] Acquisition of Land for the Purposes of Relocation of Sewer Rising Main at Goonal Place, Banora Point

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

C 13 RESOLUTION:

That Council:-

1. Approves the acquisition of part of Lot 25 in DP 879517 from Mr Thomas Lane & Ms Heather Scott by private treaty for the sum of **\$50,000.00** (GST inclusive) subject to the following:
 - (a) Completion of the LEP Amendment No 45;
 - (b) Development consent for:
 - (i) Relocation of the 150mm sewer rising main;
 - (ii) Relocation of steps/footpath for 6 months from the date of the Contract;
 - (c) Council erecting a fence between the common boundaries between the proposed subdivided parcels; and
 - (d) Subdivision of the land within 6 months of the date of the Contract;
2. Approves the creation of an Easement for Drainage of Water within the land to be retained by Mr Lane & Ms Scott;
3. Votes the expenditure of \$75,000.00 from the Sewer Fund;

4. Approves the classification of the land as operational pursuant to the Local Government Act, 1993 following completion of the acquisition; and
5. All necessary documentation be executed under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5 [EC] Tenders - Management of Council's Dog & Cat Impounding Facility

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

C 14 RESOLUTION:

That Council:-

1. Retains management of the impounding facility.
2. Considers the allocation of \$8,000 at the next budget review for this financial year for additional staffing.
3. Considers allocation of \$90,000 in the 2004/2005 Budget to upgrade the facilities.
4. Formalises procedures with Friends of the Pound for their activities at the Pound.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS IN COMMITTEE

Nil.

ORDERS OF THE DAY IN COMMITTEE

Nil.

QUESTION TIME IN COMMITTEE

Nil.

68. RESOLUTION:

Councillor B M Luff
Councillor P C P Youngblutt

RESOLVED that the report and recommendations of the Confidential Committee of the Whole be adopted.

Voting - Unanimous

69 RESOLUTION:

Councillor B M Luff
Councillor P C P Youngblutt

RESOLVED that the Committee resumes in Open Council.

Voting - Unanimous

There being no further business the Meeting terminated at 8.27pm



Minutes of Meeting Confirmed by Council

at Meeting held 18 February 2004

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 24 of these Minutes**

Chairman

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