



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**14 AUGUST 2014**

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## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

14 AUGUST 2014

Present: Councillors D Knight (Mayor), J Arkan, N Cowling, R Degens, G Innes, B Palmer, K Rhoades, M Sultana and S Townley

Staff: General Manager, Director City Infrastructure Services, Director City Planning, Director Community Development, Director Corporate Business and Executive Assistant

The meeting commenced at 5.00 pm with the Mayor, Cr D Knight in the chair.

We respectfully acknowledge the Gumbaynggirr Country and the Gumbaynggirr Aboriginal peoples who are traditional custodians of the land on which we meet and their Elders both past and present.

The Mayor reminded the Chamber that the meeting was to be recorded, and that no other recordings of the meeting would be permitted.

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#### DISCLOSURES OF INTEREST

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The General Manager read the following disclosure of interest to inform the meeting:

Councillor	Item	Type of Interest
Cr Knight	GM14/21 - Legal Appeal - Development Application No. 876/12 – Subdivision into One Residential Torrens Title Lot plus 13 Residential Community Title Lots and One Community Lot - Lot 19 DP 1126372, 45 Rutland Street, Bonville	Non Pecuniary - Less Than Significant Conflict as she has known the developer and his family for a number of years and now also knows the land owner
Cr Palmer	GM14/21 - Legal Appeal - Development Application No. 876/12 – Subdivision into One Residential Torrens Title Lot plus 13 Residential Community Title Lots and One Community Lot - Lot 19 DP 1126372, 45 Rutland Street, Bonville	Non Pecuniary - Less Than Significant Conflict as person named in email regarding development application and has had previous business dealings

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>
Cr Innes	RM14/3 - DA 960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Rescission Motion	Non Pecuniary - Less Than Significant Conflict as his wife owns a competitive business to two in CBD
Cr Palmer	RM14/3 - DA 960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves - Rescission Motion	Non Pecuniary - Less Than Significant Conflict as wife operates a retail business in the CBD
Steve McGrath	MM14/4 - General Manager's Performance Review Panel	Pecuniary as the report retains to his performance review process
Steve McGrath	CP14/22 - Development Application No. 1018/14 – Installation of Temporary Events Sign – Railway Overbridge, Pacific Highway North, Coffs Harbour	Non Pecuniary - Less Than Significant Conflict as he is on the Board of Rally Australia as a non-remunerated Director's role

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## **APOLOGY**

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No apologies.

**The General Manager declared a pecuniary interest in the following item, vacated the chamber and took no part in the discussion or voting, the time being 5.06pm.**

## **MAYORAL MINUTE**

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### **MM14/4 GENERAL MANAGER'S PERFORMANCE REVIEW PANEL**

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To seek a Council appointed Councillor to the Review Panel charged with reviewing the performance of the General Manager.

- 212 RESOLVED** (Knight) that Council nominate Councillor Cowling to participate on the review panel charged with reviewing the performance of the General Manager.

**The General Manager returned - 5.09pm**

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## **CONFIRMATION AND ADOPTION OF MINUTES**

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- 213 RESOLVED** (Sultana/Arkan) that the minutes of the Ordinary meeting held on 24 July 2014 be confirmed as a true and correct record of proceedings.

## RESCISSION MOTION

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### RM14/3 DA 960/13 - 35-63 HARBOUR DRIVE, 31 VERNON STREET, COFFS HARBOUR AND ROAD RESERVES - RESCISSION MOTION

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- 214** **RESOLVED** (Degens/Arkan) that Resolution 210 of Ordinary meeting held on 24 July 2014 regarding item CP14/20 - DA 960/13 - 35-63 Harbour Drive, 31 Vernon Street, Coffs Harbour and Road Reserves -- Demolition of Existing Buildings and Construction of Commercial Premise (4 Tenancies) and associated Public Infrastructure Works, and reading as follows, be rescinded:

**RESOLVED** (Townley/Cowling) that the item be deferred pending:

- a) Commencement of the partnership with Gowings on an engagement program regarding the proposed traffic management plan for the road construction works as a matter of priority to identify and minimise impacts on businesses and other users.
- b) That consultation be held with the retailers, landlords and Council prior to next meeting.

**VOTED FOR**

Cr Arkan  
Cr Knight  
Cr Degens  
Cr Sultana  
Cr Innes  
Cr Rhoades

**VOTED AGAINST**

Cr Palmer  
Cr Cowling  
Cr Townley

- 215** **RESOLVED** (Arkan/Sultana) that:

1. Council agree to enter into a planning agreement with the Developer (Gowings Bros Ltd) for the cost of and carrying out of agreed public infrastructure works associated with Development Application No. 960/13 generally in accordance with the terms of the draft planning agreement contained in the offer from Gowings Bros Ltd to the Council dated 14 July 2014 (Attachment 4).
2. Development Application No. 960/13 for demolition of existing building and construction of commercial premise (4 tenancies) and associated public infrastructure works at 63 Harbour Drive (Lot 1, DP796866), 31 Vernon Street (Lot 1, DP421199), 35-61 Harbour Drive (Lots 1-3, Part Lot 4, Section 8 & Lot 6, Section 7, DP 758258, Lot 6, DP 721353, & Lot 1, DP 43845), Coffs Harbour and associated road reserves be approved subject to the conditions in Attachment 3.

**VOTED FOR**

Cr Arkan  
Cr Palmer  
Cr Cowling  
Cr Knight  
Cr Degens  
Cr Townley  
Cr Sultana  
Cr Innes  
Cr Rhoades

**VOTED AGAINST**

Nil

## NOTICE OF MOTION

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### NOM14/11 REJECTION OF NOTICE OF MOTION

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A notice of motion was received from a Councillor for consideration at this meeting of Council. There were concerns regarding the legality of the proposal in the motion and legal advice confirmed that the proposal was unlawful. Accordingly, under section 5.2(2) of the Code of Meeting Practice, the notice of motion was rejected.

### GENERAL MANAGER'S REPORTS

- 216** **MOVED** (Knight/Innes) that item GM14/21 - Legal Appeal - Development Application No. 876/12 – Subdivision into One Residential Torrens Title Lot plus 13 Residential Community Title Lots and One Community Lot - Lot 19 DP 1126372, 45 Rutland Street, Bonville be referred to confidential session at the end of the meeting as a portion of this report is confidential for the reasons set out in Section 10A (2):

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

and in accordance with Section 10A (1) the meeting may be closed to the public

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### GM14/22 2014 LOCAL GOVERNMENT NSW CONFERENCE- VOTING DELEGATES FROM COFFS HARBOUR CITY COUNCIL

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To appoint four voting delegates to represent Coffs Harbour City Council at the 2014 Local Government NSW Annual Conference to be held in Coffs Harbour on 19-21 October 2014.

- 217** **RESOLVED** (Arkan/Degens) that Coffs Harbour City Council resolve the nomination of the Mayor, Councillor Cowling, Councillor Townley and Councillor Innes as voting delegates for the 2014 LGNSW Conference.

## CITY PLANNING DEPARTMENT REPORTS

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### CP14/22 DEVELOPMENT APPLICATION NO. 1018/14 INSTALLATION OF TEMPORARY EVENTS SIGN RAILWAY OVERBRIDGE, PACIFIC HIGHWAY NORTH, COFFS HARBOUR

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The purpose of this report is to present Development Application No. 1018/14 for Council's consideration, which is an application for installation of a temporary events sign on the railway overbridge at the northern entrance to Coffs Harbour, for the purpose of publicising the Rally Australia event in the Coffs Coast Region.

**218 RESOLVED** (Arkan/Innes) that:

1. Development Application No. 1018/14 for installation of temporary events sign on the Railway Overbridge, Pacific Highway North, Coffs Harbour be approved subject to the conditions in Attachment 3.
2. The Roads and Maritime Services and Australian Rail Track Corporation be advised of Council's determination.

**VOTED FOR**

Cr Arkan  
Cr Palmer  
Cr Knight  
Cr Degens  
Cr Townley  
Cr Sultana  
Cr Innes  
Cr Rhoades

**VOTED AGAINST**

Cr Cowling

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**CP14/23      JOINT REGIONAL PLANNING PANEL (NORTHERN REGION)  
COUNCIL MEMBERS NOMINATION**

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The purpose of the report is for Council to nominate two Council members, plus an alternate, to the Joint Regional Planning Panel (Northern Region).

**219      RESOLVED** (Rhoades/Degens) that:

Council nominate the following persons to be members of the Joint Regional Planning Panel (Northern Region):

- Mayor
- Deputy Mayor
- Councillor Arkan (alternate member)

Effective to 10 September 2016.

**AMENDMENT**

**MOVED** (Cowling/Townley) that:

Council nominate the following persons to be members of the Joint Regional Planning Panel (Northern Region):

- Mayor
- Councillor Townley
- Councillor Cowling (alternate member)

Effective to 10 September 2015.

The **AMENDMENT** on being put to the meeting was **LOST**. The **MOTION** on being put to the meeting was declared **CARRIED**.

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**CP14/24      JETTY4SHORES STAGE 1 - JETTY WALKWAY PROJECT  
UPDATE - ARTC LICENCE**

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To present Council with an update of progress on the Jetty4Shores Project, specifically in relation to a licence across the rail land to allow for construction of the Stage 1 – Jetty Walkway.

**220      RESOLVED** (Arkan/Innes) that Council note a licence, rather than a lease, will be issued by Australian Rail Track Corporation at a peppercorn rental across rail land to allow for the construction of the Jetty4Shores Stage 1 – Jetty Walkway.



## CORPORATE BUSINESS DEPARTMENT REPORT

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### CB14/46 COFFS HARBOUR REGIONAL AIRPORT 2014 MASTER PLAN UPDATE

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The purpose of this report is to present to Council for adoption the Coffs Harbour Regional Airport 2014 Master Plan update.

- 221 RESOLVED** (Arkan/Palmer) that Council adopt the Coffs Harbour Regional Airport 2014 Master Plan update.

#### AMENDMENT

**MOVED** (Townley/Palmer) that the draft Coffs Harbour Regional Airport Master Plan be placed on public exhibition for a period of six weeks.

The **AMENDMENT** on being put to the meeting was **LOST**. The **MOTION** on being put to the meeting was declared **CARRIED**.

## COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

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### CD14/13 COMMITTEE MEMBERSHIP - AYRSHIRE PARK AND MULTICULTURAL REFERENCE GROUP

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To recommend to Council appointment of community members to facility management committees.

- 222 RESOLVED** (Arkan/Palmer) that:

The following committee members nominations be appointed to the relevant committees:

- Ayrshire Park Management Committee – Mr Garry Murray
- Multicultural Reference Group – Mrs Merren Asquith

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### CD14/14 POTENTIAL FOR CRUISE SHIP VISITATION TO THE REGION

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To provide an update to Council on the status of investigations into the potential of cruise ship visitation to the region.

- 223 RESOLVED** (Degens/Arkan) that:

1. Council notes the progress to date in relation to investigations into cruise ship visitation to the region.
2. An update report be provided to Council when outcomes of the DNSW 10 Year Cruise Development Plan and the Restart NSW funding submission are finalised.

## CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

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### **CIS14/39 LEASE - KIOSK CONCESSION AT COFFS HARBOUR REGIONAL AIRPORT**

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Seeking authority for execution of a further lease period between Coffs Harbour City Council and Becuda Pty Limited ABN 79 003 811 569 under the Common Seal of Council for that part of the Coffs Harbour Regional Airport terminal known as the Concession (Kiosk).

**224 RESOLVED** (Innes/Palmer) that:

1. The Council, as registered proprietor of part Lot 22 in DP 812274 comprising an area of approx. 95.2 m<sup>2</sup> known as the Kiosk concession, authorise a new lease to Becuda Pty Ltd ABN 79 003 811 569 for an initial term of five years and option for a further three years and commencing from 1 September 2014.
2. The lease of part Lot 22 in DP 812274, known as the Kiosk Concession, between Coffs Harbour City Council as Lessor and Lessee be executed under Common Seal of Council.

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### **CIS14/40 ASSIGNMENT OF LEASE OF THE COFFS HARBOUR MEMORIAL SWIMMING POOL**

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Seeking consent to the assignment of the lease of the Coffs Harbour Memorial Swimming Pool.

**225 RESOLVED** (Arkan/Degens) that:

1. Council in its capacity as the Manager of the Coffs Coast State Park being the Trustee of Crown Reserve No. 1002970 consent to the assignment of the lease of the Coffs Harbour Memorial Pool from Excellence in Aquatics to Swimplex Pty Ltd (or a corporate entity underwritten by Swimplex Aquatics and having Mr Mark Anthony McLaughlin and Mr Daniel Jon Leaver as Directors).
2. Council in its capacity as the Manager of the Coffs Coast State Park being the Trustee of Crown Reserve No. 1002970 execute under the Council Seal any documents, deeds and agreements necessary to give effect to the assignment of lease of the Coffs Harbour Memorial Pool from Excellence in Aquatics to Swimplex Pty Ltd (or a corporate entity underwritten by Swimplex Aquatics and having Mr Mark Anthony McLaughlin and Mr Daniel Jon Leaver as Directors).
3. All legal fees incurred by Council as a consequence of the assignment of lease of the Coffs Harbour Memorial Pool from Excellence in Aquatics to Swimplex Pty Ltd (or a corporate entity underwritten by Swimplex Aquatics and having Mr Mark Anthony McLaughlin and Mr Daniel Jon Leaver as Directors) be paid by the assignee.

To consider speed zone determinations from Roads and Maritime Services for the local roads associated with the Sapphire to Woolgoolga Pacific Highway Upgrade (Solitary Islands Way), and consider further recommendations in relation to the Sapphire to Woolgoolga Cycleway proposal.

**226      RESOLVED** (Sultana/Rhoades):

That Council in relation to the Pacific Highway Sapphire to Woolgoolga project:

1. Note the RMS determinations on the proposed speed zones on Solitary Island Way.
2. Note the works proposed on the Pacific Highway Sapphire to Woolgoolga project in relation the Sapphire to Arrawarra Shared Path.
3. Prepare a submission to the Roads and Maritime Services to provide commitment to part funding the construction of the shared path between Sandy Beach and the Graham Drive north interchange as part of the Highway Upgrade project or other Cycleway programs.

**AMENDMENT**

**MOVED** (Cowling) that:

Council in relation to the Pacific Highway Sapphire to Woolgoolga project:

1. That Council make a submission to Roads and Maritime Services for the proposed Solitary Island Way speed zones be 80kms/hour with the exception of the on and off ramps to be 60kms/hour.
2. Note the works proposed on the Pacific Highway Sapphire to Woolgoolga project in relation the Sapphire to Arrawarra Shared Path.
3. Prepare a submission to the Roads and Maritime Services to provide commitment to part funding the construction of the shared path between Sandy Beach and the Graham Drive north interchange as part of the Highway Upgrade project or other Cycleway programs.

**The AMENDMENT lapsed in the absence of a seconder. The MOTION on being put to the meeting was declared CARRIED.**

To confirm the Minutes of the Traffic Committee Meeting held electronically for the approval of the following events and temporary road closures:

**227      RESOLVED** (Arkan/Degens) that:

T.23 Howard Street, Coffs Harbour - Traffic Management Plan - Coffs Cup  
([3778094]R.503110)

That approval has been given for the temporary road closure of Howard Street, Coffs Harbour, on Thursday, 7 August 2014, between 9.00am and 6.30pm for Carlton MID 2014 Coffs Harbour Gold Cup.

The road closure will be advertised and providing no substantive objections are received, the closure will be approved, subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that notification / have communications with all emergency services regarding the road closure.
- (h) Confirmation that they will communicate with surrounding residents.

T.24 Sawtell Chilli Festival Temporary Road Closure- Saturday 5 July 2014  
([3784068] R.501520)

That approval has been given for the temporary road closure of First Avenue, Sawtell, between 50m north of Second Avenue and Boronia Street, and Second Avenue from 30m west and 35m east of First Avenue between the hours of 6.00am and 6.00pm on Saturday, 5 July 2014.

**Cont'd**

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) The organisers of the Chilli Festival liaise with affected traders and obtain traders approval.
- (b) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (c) The organisers be responsible for all costs associated with the temporary closure, including advertising.
- (d) Copy of current Public Liability Insurance be submitted.
- (e) Traffic Management Plan to be submitted for approval.
- (f) That organisers and officials liaise with the local bus company to obtain approval on routes used.

T.25 Sawtell Summer Sessions 2014 Temporary Road Closure First Avenue Sawtell ([5250575] R.501520)

That approval for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell between 5.00pm and 8.00pm to conduct the Sawtell Summer Sessions for markets and entertainment on the following Thursdays:

THURSDAY, 28 AUGUST 2014

THURSDAY, 9 OCTOBER 2014

THURSDAY, 13 NOVEMBER 2014

THURSDAY, 11 DECEMBER 2014

THURSDAY, 8 JANUARY 2015

THURSDAY, 12 FEBRUARY 2015

THURSDAY, 12 MARCH 2015

And that the road closures be advertised and providing no substantive objections are received, the closure be approved subject to the following:

1. The organisers of the markets liaise with affected traders and obtain traders approval including the local bus company.
2. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure, including advertising.
4. Copy of current Public Liability Insurance be submitted.
5. Traffic Management Plan and RMS accredited Traffic Control Plan to be submitted for approval.
6. A temporary bus zone be installed in First Avenue north of Second Avenue as alternative to the Ex-Services Club bus zone.

**Cont'd**

T.26 Fiddaman Road, Emerald Beach - Temporary Road Closure for Emerald Beach Community Fair - 25 May 2014 ([3576345]R.507240)

That the temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 25 May 2014, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.

1. The organisers of the Community Fair liaise with affected traders and obtain traders approval.
2. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

T.27 - Woolgoolga Community Triathlon, 28 September 2014 [5207070]

That approval be given for the temporary road closure of Beach Street, Woolgoolga between Bultitude Street and Pollack Esplanade from 5.30 am and 12 noon on Sunday, 28 September 2014.

The road closure will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

**Cont'd**

T.28 - Coffs Harbour Triathlon Club – Triathlon Season 2014/2015 Events  
[5235058]

That approval be given for the use of Marina Drive, Harbour Drive, Hogbin Drive, Arthur Street, and Orlando Street on Sundays every two weeks from 6:45am – 9:30am from 21 September 2014 to 3 May 2015 for the purpose of conducting the Coffs Harbour Triathlon Club events for the 2014/15 triathlon season.

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders and residents approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

T.29 - First Avenue Sawtell - Temporary Road Closure -Dragons Hot Rod Display  
([5258226]R.501520)

That approval be given for the temporary road closure of First Avenue between Boronia Street and Second Avenue Sawtell on Wednesday 24 September 2014 between 4.00pm and 9.00pm for the Dragons Hot Rod Display.

The road closures will be advertised and providing no substantive objections are received, the closure be approved subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance/Certificate of Currency be submitted.
- (c) The organisers to liaise with affected traders and obtain traders and residents approval.

**Cont'd**

- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers ensuring they sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit a public transport plan to Council, prior to the event.
- (g) Confirmation that all emergency services are aware of the road closure.

T.30- Coffs Harbour Adventurethon 11-12 October 2014 [5257324]

That approval be given for the Coffs Harbour Adventurethon event on the 11 & 12 October 2014.

The approval to incorporate:

- (a) A Traffic Management Plan (TMP) incorporating a current Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) That the organisers and officials comply to any conditions imposed by the Road and Maritime Services and Police, and take all reasonable measures to reduce obstruction to traffic during the course of the event.
- (c) That all participants must comply with the Australian Road Rules and relevant legislation.
- (d) Confirmation that all emergency services are aware of the road closure.

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**REQUESTS FOR LEAVE OF ABSENCE**

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No requests for leave of absence.

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**MATTERS OF AN URGENT NATURE**

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No matters of an urgent nature.

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**QUESTIONS ON NOTICE**

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**QON14/2 PETER KAGEYAMA'S VISIT TO COFFS HARBOUR**

This report was noted

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## CLOSED MEETING – SECTION 10(A)

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The Mayor requested a motion to close the meeting to consider a confidential report as outlined in the meeting agenda, the time was 6.40pm.

- 228** **MOVED** (Rhoades/Innes) that the meeting be closed to the press and public during consideration of the following items for the reasons as stated:

GM14/21 - Legal Appeal - Development Application No. 876/12 – Subdivision into One Residential Torrens Title Lot plus 13 Residential Community Title Lots and One Community Lot - Lot 19 DP 1126372, 45 Rutland Street, Bonville

This report was confidential for the reason of Section 10A(2) of the Local Government Act, 1993:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The motion on being put to the meeting was carried.

The press and public vacated the chamber.

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## OPEN MEETING

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The Mayor requested an appropriate motion to enable the meeting to resolve into Open Meeting, the time being 7.56pm

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**GM14/21      LEGAL APPEAL - DEVELOPMENT APPLICATION NO. 876/12  
SUBDIVISION INTO ONE RESIDENTIAL TORRENS TITLE LOT  
PLUS 13 RESIDENTIAL COMMUNITY TITLE LOTS AND ONE  
COMMUNITY LOT - LOT 19 DP 1126372, 45 RUTLAND STREET,  
BONVILLE**

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To consider legal advice provided by Council's legal representative in relation to a Land and Environment Court appeal against Council's refusal of a development application for a subdivision into one (1) residential torrens title lot plus 13 residential community title lots and 1 community lot at 45 Rutland St Bonville.

The General Manager notified the public that the resolution considered in the Closed Section whilst adopted is to remain confidential until such time as it is practical to release and that would be at the conclusion of the court proceedings

- 231** **RESOLVED** (Innes/Degens) to adopt the report of the Closed Meeting.

This concluded the business and the meeting closed at 7.58 pm.

Confirmed: 28 August 2014

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Denise Knight  
Mayor