

Richmond  
Valley  
Council



# **MINUTES**

## **Ordinary Council Meeting 20 November 2018**

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**MINUTES OF RICHMOND VALLEY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO  
ON TUESDAY, 20 NOVEMBER 2018 AT 5.00 PM**

*Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.*

**PRESENT:** Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Jill Lyons and Cr Daniel Simpson.

**IN ATTENDANCE:** Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Charlene Reeves (Projects Support Officer) and Julie Clark (Personal Assistant to the General Manager and Mayor).

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."*

## **2 PRAYER**

The meeting opened with a prayer by the General Manager.

## **3 PUBLIC ACCESS AND QUESTION TIME**

Nil requests were received.

## **4 APOLOGIES**

### **APOLOGY**

### **RESOLUTION 201118/1**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That the apology received from Cr Humphrys be accepted and leave of absence granted.

**CARRIED**

## 5 MAYORAL MINUTES

### 5.1 MAYORAL MINUTE - SAVE OUR RECYCLING CAMPAIGN

#### RESOLUTION 201118/2

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

1. That Council endorse Local Government NSW's campaign, Save Our Recycling, to realise the reinvestment of 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. That Council make representation to our local State Member, Chris Gulaptis MP in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. That Council take a lead role in activating the Local Government NSW Save Our Recycling campaign locally.
4. That Council endorse the distribution and display of the Local Government NSW Save Our Recycling information on Council premises, as well as involvement in any actions arising from the initiative.
5. That Council formally advise Local Government NSW that Council has endorsed the Save Our Recycling advocacy initiative.

**CARRIED**

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES ORDINARY MEETING HELD ON 16 OCTOBER 2018

#### RESOLUTION 201118/3

Moved: Cr Daniel Simpson

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the meeting held on 16 October 2018.

**CARRIED**

## 7 MATTERS ARISING OUT OF THE MINUTES

### Item 17.1 Rock Fishing Safety Act

Councillor Mustow referred to Rock Fishing in and around Evans Head and whether comments made at Council's previous meeting have been included in Council's submission to the Department of Primary Industries (DPI);

1. Are lifejackets required to be worn whilst persons are fishing on Chinamons Beach and New Zealand Beach?
2. Why doesn't the identified high risk area commence at Shark Bay rather than from the Half-tide beach area?

The General Manager advised both comments were passed onto DPI and when community consultation and the education process is commenced, questions and concerns such as these will be considered by them.

**8 DECLARATION OF INTERESTS**

Nil

**9 PETITIONS**

Nil

**10 NOTICE OF MOTION**

Nil

**11 MAYOR'S REPORT**

Nil

**12 DELEGATE'S REPORTS****12.1 MAYOR'S ATTENDANCES 9 OCTOBER - 12 NOVEMBER 2018****RESOLUTION 201118/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 9 October – 12 November 2018.

**CARRIED****12.2 DELEGATES REPORT SUBMITTED TO THE NOVEMBER 2018 ORDINARY MEETING****RESOLUTION 201118/5**

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That the Delegates' report for the month of October 2018 be received and noted.

**CARRIED****13 MATTERS DETERMINED WITHOUT DEBATE**

Each Councillor is given the opportunity to indicate which items they wish to debate or question. Item numbers identified for debate or questioning will be read to the Meeting.

Items identified for debate include; 14.1, 15.1, 15.2, 15.4 and 16.1.

Following identification of the above items a motion will be moved in regard to the balance of items being determined without debate.

**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 201118/6**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That items 14.2, 14.3, 15.3, 15.5, 17.1, 17.2 be determined without debate.

**CARRIED**

## **14 GENERAL MANAGER'S REPORTS**

### **14.1 DRAFT ANNUAL REPORT 2017/2018 AND DRAFT MID-TERM REPORT 2016/2018**

#### **EXECUTIVE SUMMARY**

The Annual Report is one of the key points of accountability between Council and its community reporting on the progress being made on implementation of the Delivery Program, progress towards achievement of Community Strategic Plan outcomes, and financial performance against the annual and long term financial plan.

In addition to the prescribed Annual Report, a Mid-term Report has been prepared to provide a snapshot of Council's achievements in delivering on the key priorities and objectives identified in the Richmond Valley Made 2030 Community Strategic Plan during the current term of the elected Council.

#### **RESOLUTION 201118/7**

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That Council receive and note the following reports:

- (a) Richmond Valley Council 2017/2018 Draft Annual Report
- (b) Richmond Valley Council 2016/2018 Draft Mid-Term Report

**CARRIED**

### **14.2 APPOINTMENT OF NATIVE TITLE MANAGER**

#### **EXECUTIVE SUMMARY**

Council is required to give notice to the Minister for Lands and Forestry of the name and contact details of any person the council has engaged as a native title manager. The Manager Asset Planning and Manager Governance and Risk attended the one-day training required for qualifying as a native title manager. These staff are considered the most suitable to be engaged as Council's native title manager/s at this time.

#### **RESOLUTION 201118/8**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That

1. Council engage the following qualified staff as native title manager:  
Andrew Leach – Manager Asset Planning  
Deborah McLean – Manager Governance and Risk
2. Council provide the Minister for Lands and Forestry and the Department of Industry with a copy of this resolution to confirm written notice of Council's intention to appoint its nominated native title managers.

**CARRIED**

### **14.3 EVANS HEAD COMMUNITY FACILITIES UPGRADE**

#### **EXECUTIVE SUMMARY**

Council has \$570,000 of funding within its current capital program for 2018/19. \$258,000 of this came from Council's 2014/15-2018/19 Special Rate Variation (SRV) determination which identified it for Evans Head CBD Carparking. The balance of the funding was identified for Evans Head and included as car parking and road infrastructure in Evans Head CBD. In the last two years Council has implemented improvements to car parking in the Evans Head CBD area including line marking and signage.

Car parking demand continues to be monitored and while there are times when car parking demand outstrips supply, this is mostly during peak holiday seasons and it is considered that the available funds will not solve these parking issues. During holiday seasons it is accepted that Evans Head is busy and many visitors are prepared to either walk or cycle during their stay in Evans Head.

Based on the consultation that Council conducted as part of preparing the Richmond Valley Made 2030 Community Strategic Plan and ongoing consultation with the Evans Head Business & Community Chamber and other local stakeholder groups, it is considered that a better investment of these funds is on the items listed in this report to improve community facilities.

#### **RESOLUTION 201118/9**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council

1. Receive and note the Evans Head Public Facilities Upgrade report, and
2. Adopt the adjustments to the budgets contained within.

**CARRIED**

## **15 FINANCIAL REPORTS**

### **15.1 SPECIAL RATE VARIATION**

#### **EXECUTIVE SUMMARY**

Council is in the last year of our current special rate variation to increase rates above the NSW Government's legislated rate peg. It is both timely and prudent that we go back to the community to discuss what has been delivered from the current special rate variation, including increased levels of service. The discussion also needs to include the increased ongoing costs of the new infrastructure, increased depreciation funding required and what funding sources we have for these costs to ensure that Council remains financially sustainable.

Three scenarios have been prepared for discussion with the community; scenario one is no special rate variation (the rate peg of 2.7% would apply in 2019/20), scenario two is a continuation of 5.5% each year over the next four years, and scenario three is an increase of 7% each year for the next four years. (Scenario two and three are inclusive of the rate peg)

Council is required to lodge a letter of intention to apply for the variation with the Independent Regulatory and Pricing Tribunal (IPART) no later than 30 November this year. Following notification to IPART a comprehensive community engagement program will be required to test the community's appetite for a new special rate variation.

#### **RESOLUTION 201118/10**

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

Recommended that:

1. Council notify the Independent Pricing and Regulatory Tribunal of the intention to apply for a Special Rate Variation for four years from 2019/20 to 2022/23.
2. Council start the consultation process with our community with the three scenarios outlined in the report to test the community's acceptance of a Special Rate Variation.

**CARRIED**

### **15.2 SECTION 64 AND SECTION 94 CONTRIBUTIONS**

#### **EXECUTIVE SUMMARY**

Council recovers contributions, raises levies and enters into planning agreements on development works that are subject to a development consent issued by Council.

Council collected \$1,534,973.67 in contributions in the last financial year; \$158,316.81 of this was expended. Current reserves total \$6,797,901.92

#### **RESOLUTION 201118/11**

Moved: Cr Robert Hayes

Seconded: Cr Daniel Simpson

1. That Council receive and note the Section 64 and Section 7.11 and 7.12 contributions for the 2017/2018 financial year.
2. That a report detailing Council's Section 94 charges be provided to a future Information Session for discussion and review.

**CARRIED****15.3 2018/19 REVENUE POLICY AMENDMENT - NRLX AND GOVERNANCE AND FINANCE****EXECUTIVE SUMMARY**

Council adopted the 2018/2019 Revenue Policy at its Ordinary Meeting on 26 June 2018. Since this time new fees have been identified for the Northern Rivers Livestock Exchange (NRLX) in response to changes in operations due largely to the capital upgrade of the facility. These fees are required in order to manage the facility as a competitive commercial operation.

In addition to this, legislative changes in the Government Information (Public Access) Act via the Office of Local Government Circular No 18-26 effective from 31 August 2018 have introduced two new fees for Council's records section.

**RESOLUTION 201118/12**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

Recommended that Council adopt the amendments to the 2018/2019 Revenue Policy as outlined in this report and these amendments now be advertised for a period of 40 days inviting submissions.

**CARRIED****15.4 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 30 SEPTEMBER 2018****EXECUTIVE SUMMARY****RESOLUTION 201118/13**

Moved: Cr Robert Mustow

Seconded: Cr Daniel Simpson

That Council adopt the Quarterly Budget Review Statement as at 30 September 2018 and approve the recommended variations.

**CARRIED**

**15.5 FINANCIAL ANALYSIS REPORT - OCTOBER 2018****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 139) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 31 October 2018 including General Bank Accounts and Trust Funds are shown below.

<b>Investment Portfolio</b>	<b>General Bank Accounts</b>	<b>Trust Funds</b>	<b>Total</b>
\$43,467,940	\$2,229,415	\$120,995	\$45,818,350

The average rate of return on Council's investments for October 2018 was 2.13% which is above the 90 Day Bank Bill Index for October of 1.91%.

**RESOLUTION 201118/14**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

Recommended that Council adopt the Financial Analysis Report detailing investment performance for the month of October 2018.

**CARRIED**

## 16 TENDER REPORTS

### 16.1 TENDER RVC 827860 - CASINO SHOWGROUNDS CANTEEN AND TOILETS

#### EXECUTIVE SUMMARY

Richmond Valley Council released a Request for Tender for the Casino Showgrounds Canteen and Toilets on 13 October 2018 with a closing date of 7 November 2018.

The summary of the request for tender was to provide a price and methodology for the construction of a block work building on a concrete slab with a Colorbond roof to house male and female toilets and canteen facilities.

By the tender closing date of 7 November 2018, Council received four (4) tender submissions from HBI Australia, JVJ Constructions, TnW Constructions Pty Ltd and AGS Commercial. The tender evaluation process commenced on 8 November and AGS Commercial is recommended to Council as the successful tenderer.

As set out in detail in this report, AGS Commercial provides Council with the best value for money tender submission. Their tender satisfied the Assessment Panel that they have the necessary construction and site management experience to deliver the project.

#### RESOLUTION 201118/15

Moved: Cr Daniel Simpson

Seconded: Cr Sam Cornish

Recommended that:

1. AGS Commercial is awarded the tender for the Casino Showgrounds Canteen and Toilets project.
2. The General Manager be authorised to sign necessary documentation and the Common Seal of Council be affixed to any documentation where required.

**CARRIED**

## 17 GENERAL BUSINESS

### 17.1 NAMING OF ROADS ASSOCIATED WITH PACIFIC HIGHWAY PROJECT

#### EXECUTIVE SUMMARY

At the April 2018 Ordinary Meeting, Council resolved:

1. As the Road Naming Authority, determine a preferred name for the road sections being created as part of the Pacific Highway Project. The proposed names being;
  - (a) Marozin Road
  - (b) Martinuzi Road
  - (c) Nardi Road
  - (d) Roder Road
  - (e) Antoniulli Road
  - (f) Gollan Road
  - (g) Old Well Road
  - (h) Paddon Road
2. Notify the residents with a property frontage to proposed road sections of the proposed road name.
3. Advertise the proposed road name in a local newspaper.
4. Formalise the final road name selection via a future report to Council.
5. Following formal adoption of the name by Council, process the renaming through the NSW Online Road Naming System (NORNS) portal.

As a result of the responses received from the resident notification and clarification from Pacific Complete in relation to the future status of the proposed roads being constructed, changes to the proposed names are suggested. Two roads which were originally identified as requiring a name will no longer be named – these were originally proposed as Nardi Road and Paddon Road. In addition to this, an objection to the proposal to use Martinuzzi as a name was received.

It is proposed to substitute Nardi for Martinuzzi, and reuse Paddon as a road name at another location as outlined in a separate report to Council.

#### RESOLUTION 201118/16

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

1. That Council formally adopt the following road names listed below and proceed with the formal renaming processes through the NSW Online Naming System (NORNS) portal when the roads are transferred to Council at the end of the Pacific Highway construction. The proposed names being;
  - (a) Marozin Road
  - (b) Nardi Road
  - (c) Roder Road
  - (d) Antoniulli Road
  - (e) Gollan Road
  - (f) Old Well Road

**CARRIED****17.2 NAMING OF OLD PACIFIC HIGHWAY ASSOCIATED WITH PACIFIC HIGHWAY PROJECT****EXECUTIVE SUMMARY**

With the construction of the Pacific Highway, the section of existing Pacific Highway between the proposed Woodburn Interchange and the Local Government Area boundary with Ballina Shire Council will be transferred to Council's control. The existing name, Pacific Highway, needs to be renamed to avoid duplication with the new Pacific Motorway currently under construction.

Council officers have researched historical associations with the localities and have provided Council with recommended titles. These suggested names meet the criteria set by the Geographical Names Board for new road names.

**RESOLUTION 201118/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. As the Road Naming Authority, Council determine a preferred name for the section of old Pacific Highway which is being transferred to Council's control as part of the Pacific Highway Project. The proposed names being;
  - (a) Tuckombil Road
  - (b) Paddon Way
  - (c) Mill Street
2. Notify the residents with a property frontage to proposed road sections of the proposed road name.
3. Advertise the proposed road name in a local newspaper or Council website.
4. Formalise the final road name selection via a future report to Council.
5. Following formal adoption of the name by Council, process the renaming through the NSW Online Road Naming System (NORNS) portal.

**CARRIED****18 MATTERS FOR INFORMATION****RESOLUTION 201118/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

Recommended that the following reports submitted for information be received and noted.

**CARRIED**

**18.1 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 OCTOBER 2018 TO 31 OCTOBER 2018****RESOLUTION 201118/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the development application report for the period 1 October 2018 to 31 October 2018.

**CARRIED**

**18.2 GRANT APPLICATION INFORMATION REPORT - OCTOBER 2018****RESOLUTION 201118/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That the Grant Application report for the month of October be received and noted.

**CARRIED**

**18.3 COMMUNITY FINANCIAL ASSISTANCE PROGRAM ROUND ONE 2018/2019****RESOLUTION 201118/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the allocation under the Community Financial Assistance Program Round 1 2018/2019

**CARRIED**

**18.4 DISCLOSURE OF INTEREST - APPOINTMENT OF DESIGNATED PERSONS****RESOLUTION 201118/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the newly appointed designated person positions tabled for the information of Council.

**CARRIED**

**18.5 CODE OF CONDUCT COMPLAINTS STATISTICS****RESOLUTION 201118/23**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the Code of Conduct Complaints Statistics for the period 1 September 2017 to 31 August 2018.

**CARRIED**

**19 QUESTIONS ON NOTICE**

Nil

**20 QUESTIONS FOR NEXT MEETING (IN WRITING)**

Nil

**21 MATTERS REFERRED TO CLOSED COUNCIL**

**RESOLUTION 201118/24**

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

**21.1 Proposed Sale of Land – Lot 55 DP 1227996 and Lot 56 DP 1227996 Bulmers Road, Hogarth Range**

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**21.2 Deceased Estate - Confidential**

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

The General Manager reported that no written representations had been received in respect to the items listed for consideration in Closed Council.

The Mayor called for verbal representation from the gallery.

There were no representations from the gallery.

**.CARRIED**

**RESOLUTION 201118/25**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council moves out of Closed Council into Open Council.

**CARRIED**

## **22 RESOLUTIONS OF CLOSED COUNCIL**

The following resolution of Council, passed while the meeting was closed to the public, were read to the Open Council meeting by the General Manager.

### **21.1 Proposed Sale of Land – Lot 55 DP 1227996 and Lot 56 DP 1227996 Bulmers Road, Hogarth Range**

Council authorise the General Manager to negotiate the sale of the land described as Lot 55 DP 1227996 and Lot 56 DP 1227996 Bulmers Road, Hogarth Range and to enter into and endorse relevant documents, contracts and transfer, including affixing the seal of Council where appropriate, for the sale of the land generally in accordance with the details considered by Council

### **21.2 Deceased Estate - Confidential**

That due to no legal avenue to pursue the outstanding rates and charges on this deceased estate;

1. Council write back all charges on this property
2. The parcel of land be classified as unrateable to ensure no further charges will be levied on this property
3. Subject to the outcome of a proposed adverse possession claim, Council seeks legal advice on how to transfer the land to the applicant.
4. Subject to the outcome of recommendation 3, Council authorise the General Manager to negotiate and authorise any legal documentation to transfer the land to the applicants

The Meeting closed at 6pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 December 2018.

.....  
**CHAIRPERSON**