Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 17 December 2007.

PRESENT

Cr. E. Bennett, (Mayor in the Chair), Cr. J. Marriott, Cr. L. Passfield, Cr. J. O'Neill, Cr. I. Kirkpatrick and Cr. P. Lewis.

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 3.33 pm

ITEM 1 APOLOGIES

Apologies were received from Councillor David Liska and Councillor Bryan Hannigan.

171207/ 1 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jim O'Neill.

That the apologies be accepted and the leave of absences granted.

CARRIED

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer and acknowledged that this meeting was being held on the Traditional lands of the Bundjalung people.

ITEM 3 DECLARATION OF INTERESTS BY COUNCILLORS/STAFF

Cr. Jeff Marriott declared an interest in the following item/s:

- Item 10B.1 Development Applications Received, Determined and Outstanding - 2007/259

  Reason for Declaration - Has worked on the site.
- Item 10B.1 Development Applications Received, Determined and Outstanding - 2008/14

Reason for Declaration – employee of applicant

Cr. Ian Kirkpatrick declared an interest in the following item/s:

- Item 10D.5 - Financial Assistance - Extension of Time; Bonalbo & District Development Association.

  Reason for Declaration – Chair of organisation.

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

- Item 10B.2 Draft Amendment 19 to Kyogle LEP (Rural Residential Strategy-Stage 1)

  Reason for Declaration - Owner of property located in area affected by the rezoning.
- Item 10D.2 Employee Benefits Policy

  Reason for Declaration – Employee

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

- Item 10B.1 Development Applications Received, Determined and Outstanding – 2007/179 & 07/188.

  Reason for Declaration - Previous association as appointed Consultant Town Planner by land owners.
- Item 10D.2 Employee Benefits Policy

  Reason for Declaration – Employee

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

- Item 10B.1 Development Applications Received, Determined and Outstanding - 2008/54

  Reason for Declaration - relative of applicant
- Item 10D.2 Employee Benefits Policy

  Reason for Declaration – Employee

Director of Technical Services declared an interest in the following item/s:

- Item 10F.3 Acting General Manager; Mr Frank Winter

  Reason for Declaration – report refers to him personally.
- Item 10D.2 Employee Benefits Policy

  Reason for Declaration – Employee

Ms Julie Clark declared an interest in the following item/s:

- Item 10D.2 Employee Benefits Policy

  Reason for Declaration – Employee

ITEM 4 PUBLIC FORUM

Nil.

ITEM 5 CONFIRMATION OF MINUTES

5.1 CONFIRMATION OF ORDINARY MINUTES

171207/ 2 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Ian Kirkpatrick.

That the Minutes of the Ordinary Meeting held 19 November 2007 be adopted.

CARRIED

ITEM 6 PUBLIC ACCESS

- Ms Annie O'Shannessy representing Kyogle Climate Action Network (Kyogle CAN) addressed the meeting and referred to the "Cities for Climate Protection program" and outlined the positives associated with Council becoming a member of the Program. Also offered assistance and support to Council from Kyogle CAN in implementing various steps, which would result in the reduction of greenhouse gas emissions.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Councillor Peter Lewis addressed the meeting and referred to:

- Signage indicating that a new supermarket is to be built in Kyogle in 2008 and enquired if an application for the development has been lodged with Council?

The Director of Planning & Environmental Services advised informal discussions were held in August 2007 with supermarket representatives who suggested that a development application would be submitted to Council later in 2007, although no application has been lodged at this stage.

- Development Application 2007/259 and enquired if this is the largest development on the smallest block in Kyogle, and whether it would set a precedent for further development of this type?

The Director of Planning & Environmental Services advised the application lodged complies with Australian Standards (Australian Model Code for Residential

Development AMCORD) and that in the absence of any Development Control Plan for Medium Density Development. These standards are appropriate.

Councillor Lindsay Passfield addressed the meeting and referred to:

- The Senior's Centre building project and asked for an update on the construction progress?

The General Manager advised works are proceeding with the frames and trusses up and installation of roofing iron now occurring. All brickwork will be finalised by the end of January with the completion of the building by March, enabling occupation in April 2008.

- Regional roads and enquired if all potholes and roadside slashing will be attended to prior to the Christmas closure?

The Director of Technical Services advised as much work as possible would be attended to and that jetpatcher and slasher staff will be returning to work early in January to catch up on bitumen patching and grass cutting.

Councillor Jeff Marriott addressed the meeting and referred to:

- The mowing of Kyogle's urban area and enquired why the contractor was not keeping up with the mowing program?

The Director of Planning & Environmental Services advised discussions have been held with the contractor discussing the intense grass growing season that we are experiencing and asked him to ensure that the highly visual areas are kept neat and tidy.

- Signage on Summerland Way at Cedar Point intersection with Omagh Road and requested that Council investigate the placing of additional signage?

The Director of Technical Services advised the matter would be investigated and corrected if necessary.

ITEM 9 MAYORAL

9.1 MAYORAL ATTENDANCES

171207/ 3 RESOLVED

Moved Councillor Ernie Bennett.

That the information contained in the Mayoral Interviews, Attendances, Activities and Deputations for the month of October 2007 was received and noted.

CARRIED

9.2 MAYORAL MINUTE - CODE OF MEETING PRACTICE

171207/ 4 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Ian Kirkpatrick.

That Council amends its Code of Meeting Practice to include an item titled “Matters Determined Without Further Debate”.

CARRIED

ITEM 10 GENERAL MANAGER ‘S REPORT

ITEM 10A TECHNICAL SERVICES REPORT

10A.1 CONFIRMATION OF DECEMBER WORKS COMMITTEE MINUTES

171207/ 5 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jim O’Neill.

That the Minutes of the Works Committee Meeting were received and noted and the recommendations therein were endorsed.

CARRIED

10A.2 REGIONAL ROAD FUNDING

171207/ 6 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the information on Regional Roads Funding was received and noted.

CARRIED

10A.3 KYOGLE MAIN STREET UPDATE

171207/ 7 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the report Kyogle Main Street Redevelopment Update was received and noted.

CARRIED

10A.4 WATER SERVICES REPORT

171207/ 8 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jim O'Neill.

1. That the Water Services Report was received and noted.
2. That Kyogle Council call tenders for the replacement of the reservoir roof and access provisions at the Woodenbong, Urbenville and Bonalbo water supply reservoirs on behalf of Kyogle Council, Tenterfield Shire Council and the Department of Water and Energy.

CARRIED

10A.5 LIQUID TRADE WASTE POLICY

171207/ 9 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Jim O'Neill.

1. The report on the Liquid Trade Waste Policy was received and noted.
2. That Council adopt the Liquid Trade Waste Policy as it was placed on public display.

CARRIED

10A.6 WORKS PROGRAM REPORT

171207/ 10 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the Works Program report was received and noted.

CARRIED

10A.7 MINUTES OF LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD NOVEMBER 13, 2007

171207/ 11 RESOLVED

Moved Councillor Jim O'Neill, seconded Councillor Lindsay Passfield.

That the minutes of the Local Emergency Management Committee meeting held on November 13, 2007 were received and noted.

CARRIED

ITEM 10B PLANNING SERVICES REPORT

10B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD NOVEMBER 9, 2007 TO DECEMBER 6, 2007

171207/ 12 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

1. That, with the exception of the following items in which the Councillor Jeff Marriott, the General Manager & the Director of Planning & Environmental Services have declared an interest,

   - Councillor Jeff Marriott 10B.1 Development Applications Received:, Determined and Outstanding DA07/259 - Reason for Declaration - has worked on site DA08/14 Reason - employee of applicant

   - General Manager . 10B.1 Development Applications Received:, Determined and Outstanding DA08/54 - Reason for Declaration - Relative of Applicant

   - Director of Planning & Environmental Services.10B.1 Development Applications Received:, Determined and Outstanding DA07/179 & 07/188 - Reason for Declaration - Previous association as appointed Consultant Town Planner by landowners.

   the information contained in the report Development Applications Received:, Determined and Outstanding for the period November 9, 2007 to December 6, 2007 was received and noted.

CARRIED

Having declared an interest in Item 10B.1 Councillor Jeff Marriott, the General Manager and the Director of Planning & Environmental Services left the meeting at 4.42 p.m.

171207/ 13 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Peter Lewis

2. That the information contained in the report Development Applications Received:, Determined and Outstanding for the period November 9, 2007 to December 6, 2007 only in relation to DA07/259, 08/14, 08/54, DA07/179 & 07/188. In which the General Manager & Director of Planning & Environmental Services have declared an interest was received and noted.

CARRIED

Councillor Jeff Marriott, the General Manager and the Director of Planning & Environmental Services returned to the meeting at 4.44 p.m.

10B.2 DRAFT AMENDMENT 19 TO KYOGLE LEP (RURAL RESIDENTIAL STRATEGY - STAGE 1)

Having declared an interest in Item 10B.2 the Director of Corporate & Community Services left the meeting at 4.44 p.m.

171207/ 14 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

1. That Council adopts this Planning Report and the Structure Plan incorporating an amended Figure 4.2 with a partial Precinct change from B to A and an amended estimated yield (number of lots, 72 to 77) within Precinct A of the Table on Page 30 of the Structure Plan for the purpose of requesting Parliamentary Counsel for an Opinion as to whether the LEP Amendment No. 19 should be made.

2. That the following documentation be forwarded to Department of Planning – Legal Branch to obtain an Opinion from Parliamentary Counsel as to whether the LEP Amendment No. 19 should be made:-

   i) Planning Reports September, 2007 and December, 2007;
   ii) Kyogle Structure Plan, December, 2007;
   iii) Section 65 Certificate;
   i) Kyogle Strategy for Closer Rural Settlement and Urban Expansion, March 2005.

3. In accordance with the requirements of the Director-General, Department of Planning regarding the preparation of a Section 69 Report under delegated Authority:-
   i) Forward the final draft plan to the Heritage Council for consultation under Section 83 of the *Heritage Act* for a response prior to finalising the submission and Section 69 Report.

CARRIED

The Director of Corporate & Community Services returned to the meeting at 4.45 p.m.

10B.3 VILLAGE MAINTENANCE AGREEMENT RENEWAL - MALLANGANEE & DISTRICT PROGRESS ASSOCIATION INC

171207/ 15 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Ian Kirkpatrick.

1. That the report regarding the renewal of the village maintenance agreement with the Mallanganee and District Progress Association Council was received and noted.
2. That the Mayor and General Manager be authorised to sign and affix the Council seal to the Village Maintenance Agreement between Kyogle Council and the Mallanganee and District Progress Association.

CARRIED

10B.4 STATE GOVERNMENT PROPOSAL - DEVELOPMENT CONTRIBUTIONS

171207/ 16 RESOLVED

Moved Councillor Ian Kirkpatrick, seconded Councillor Jeff Marriott.

That the report *State Government Proposal - Development Conditions* was received and noted.

CARRIED

10B.5 CERTIFICATION OF DRAFT COMPREHENSIVE LOCAL ENVIRONMENTAL PLANS FOR PUBLIC EXHIBITION

171207/ 17 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the report *Certification of Draft Comprehensive Local Environmental Plans For Public Exhibition* was received and noted.

CARRIED

10B.6 DEPARTMENT OF PLANNING - IMPROVING THE NSW PLANNING SYSTEM

171207/ 18 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the report *Department of Planning - Improving the NSW Planning System* was received and noted.

CARRIED

10B.7 PROPOSED LEASE OF COMMUNITY LAND

171207/ 19 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

1. That in respect of Lot 87 DP 1071123 (the site of the Kyogle Seniors Community Centre), Council:

   (a) enters into the agreement to lease.
   (b) enters into the lease of community land exceeding 5 years.
   (c) enters into the Memorandum of Understanding with the Returned Services League (Kyogle Sub-Branch) and Casino/Kyogle H.A.C.C. Flexible Service Inc.

2. That the common seal be affixed and the Mayor and General Manager are authorised to sign the above documentation.

CARRIED

ITEM 10C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 10D CORPORATE SERVICES REPORT

10D.1 MONTHLY FINANCE REPORT - NOVEMBER

171207/ 20 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the information contained in the Monthly Finance Report – November 2007 was received and noted.

CARRIED

10D.2 EMPLOYEE BENFITS POLICY

Having declared an interest in Item 10D.2 the Director of Corporate & Community Services, the Director of Technical Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services left the meeting at 4.49 p.m.

Having declared an interest and after answering any questions the General Manager left the meeting at 4.52 p.m.

171207/ 21 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

1. That Council abolishes the following polices;
    a. Salary System Policy; Redundancy Policy; Educational Assistance Policy;
    b. Retirement Gift Policy; Travelling Allowance Policy; Interview and Relocation Policy; Payment of Expenses for Staff; Corporate Clothing policy and Grievance Policy.

2. That Council adopts the Employee Benefits Policy.
3. That Management review the gifts section of the policy and investigate reward for service and provide a further report to Council.

CARRIED

All staff returned to the meeting at 5.00 p.m.

10D.3 RATEPAYER PAYMENT INCENTIVE SCHEME

171207/ 22 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jim O'Neill.

1. That Council draw three winning entries and that subject to eligibility, prize winners be notified by mail and a notice will be published in the Express Examiner.
   The winners are:- Mr RH McLennan, Mr & Mrs Von Korff & Mr DJ & Mrs SF Beck.
2. That a presentation of prizes be organised at the Administrative Centre in Kyogle at a date suitable to the prizewinners.

CARRIED

10D.4 ANNEXURE TO ANNUAL REPORT

171207/ 23 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That Council adopt the Annexure to the Annual Report - "Enforcement and Compliance with Companion Animals Act." as part of the Kyogle Council 2006/2007 Annual Report.

CARRIED

10D.5 FINANCIAL ASSISTANCE - EXTENSION OF TIME: BONALBO & DISTRICT DEVELOPMENT ASSOCIATION

Having declared an interest in Item 10D.5 Councillor Ian Kirkpatrick left the meeting at 5.11 p.m.

171207/ 24 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jim O'Neill.

1. That Council permits the extension of time for claiming reimbursement funds.
2. A cheque of $500 be provided to the Bonalbo & District Development Association as reimbursement for purchasing a hot water system for the Bonalbo Caravan Park.

CARRIED

Councillor Ian Kirkpatrick returned to the meeting at 5.14 p.m.

10D.6 FINANCIAL ASSISTANCE - EXTENSION OF TIME; KYOGLE FOOTBALL CLUB

171207/ 25 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That Council permits the extension of time for the Kyogle Soccer Club to claim its Financial Assistance of $500 until 31 January 2008.

CARRIED

ITEM 10E COMMUNITY SERVICES REPORT

10E.1 REPORT ON ACTIVITIES OF COMMUNITY PROJECTS OFFICER (CPO)

171207/ 26 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

1. That the Community Projects Officer report was received and noted.
2. That role of the Access Committee be reviewed in 2008.

CARRIED

10E.2 CULTURAL ARTS STRATEGY

171207/ 27 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Ian Kirkpatrick.

1. That the report on the Cultural Arts Strategy was received and noted.
2. That Council endorses the development of a Cultural Policy incorporating the future use options for the KMI.

CARRIED

10E.3 APPOINTMENT TO NORTHERN RIVERS TOURISM BOARD

171207/ 28 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the report "Appointment to Northern Rivers Tourism Board", was received and noted.

CARRIED

10E.4 TECHNOLOGY AND ENTERPRISE TRAINING CENTRE

171207/ 29 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Jim O'Neill.

1. That the Technology and Enterprise Training Centre report was received and noted.
2. That Council authorises the General Manager and the Mayor to sign the Contract Documents for the purchase of 8 Geneva Street, Kyogle (Former Ambulance Station) after the Regional Partnerships Grant Documentation has been finalised.
3. That Council authorises the Common Seal to be affixed to the Contract Documents for the purchase of 8 Geneva Street, Kyogle (Former Ambulance Station) after the Regional Partnerships Grant Documentation has been finalised.

CARRIED

ITEM 10F GENERAL MANAGER'S REPORT

10F.1 MONTHLY MANAGEMENT REPORT

171207/ 30 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Ian Kirkpatrick.

That the media articles tabled at Council's Ordinary Meeting were received and noted.

CARRIED

10F.2 STAFF SURVEY RESULTS

171207/ 31 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the Staff Survey Results report was received and noted.

CARRIED

10F.3 ACTING GENERAL MANAGER; MR FRANK WINTER

Having declared an interest in item 10F.3 the Director of Technical Services left the meeting at 5.27 p.m.

171207/ 32 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That Mr Frank Winter be appointed Acting General Manager for the period from 7 January, 2008 to 18 January, 2008 inclusive.

CARRIED

The Director of Technical Services returned to the meeting at 5.28 p.m.

10F.4 SECTION 430 INVESTIGATION; REPORT ON IMPLEMENTATION OF RECOMMENDATIONS 30 NOVEMBER 2007

171207/ 33 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

1. That the Section 430 Investigation; Report on implementation of recommendations due 30 November 2007 was received and noted,

2. That Council makes copies of its response (with information relating to personnel matters concerning particular individuals deleted) available to the public.

CARRIED

10F.5 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

171207/ 34 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the Local Government Remuneration Tribunal report was received and noted.

CARRIED

10F.6 SISTER COUNCIL PROPOSAL

171207/ 35 RESOLVED

Moved Councillor Ian Kirkpatrick, seconded Councillor Jim O'Neill.

That Council proceed with the establishment of a Sister City/Country Council relationship with Coffs Harbour City Council.

CARRIED

ITEM 11 NOTICES OF MOTION

11.1 NOTICE OF MOTION; CR LINDSAY PASSFIELD - CITIES FOR CLIMATE PROTECTION

171207/ 36 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Ian Kirkpatrick.

1. That the report Cities for Climate Protection (CCP) Program was received and noted.
2. That Council becomes a member of the ICLEI (Local Governments for Sustainability) at a cost of $600.

3. That Council participates in the Cities for Climate Protection Program Australia and undertakes to work to complete its milestone.

CARRIED

Councillor Ian Kirkpatrick departed the meeting at 5.36 pm

11.2 NOTICE OF MOTION; CR PETER LEWIS - DEVELOP OLD QUARRY SITE

It was moved by Councillor Peter Lewis, seconded Councillor Jim O'Neill.

That Council develop a strategic plan for seeking private investor partners to develop the old quarry site as fully serviced industrial land for sale.

This motion was then withdrawn.

It was moved by Councillor Peter Lewis, seconded Councillor Jim O'Neill.

A report to be presented to Council outlining options of the potential sale or use of the old quarry site known as Goodings Pit.

171207/ 37 RESOLVED

Moved Councillor Peter Lewis, seconded Councillor Jim O'Neill.

A report to be presented to Council outlining options of the potential sale or use of the old quarry site known as Goodings Pit.

CARRIED

11.3 NOTICE OF MOTION; CR PETER LEWIS - REFERENDUM WITH SEPTEMBER 2008 ELECTIONS

This item was withdrawn by Councillor Peter Lewis.

ITEM 12 REPORTS FROM DELEGATES

Nil.

ITEM 13 CORRESPONDENCE

Nil.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 5.49 p.m.

Signature of Chairperson…….