Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 19 July 2010.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, Cr. J. Wilson, Cr. J. O'Reilly, Cr. L. Passfield , Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.33 p.m.

ITEM 1 APOLOGIES

Councillor John O'Reilly sought in writing leave of absence from the August Ordinary Meeting of Council.

170710/ 1 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

Councillor John O'Reilly's request for leave of absence for the August Ordinary Meeting was accepted and granted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people and we acknowledge elders, both past and present.

ITEM 4 DECLARATION OF INTERESTS

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 June 2010 - 30 June 2010 - 2010/149
  Reason for Declaration - Relative of property owner.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 June 2010 - 30 June 2010 - 2010/149
  Reason for Declaration – adjoining land owner

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 June 2010 - 30 June 2010 - 2007/188
  Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

Cr. Ernie Bennett declared an interest in the following item/s:

- Item 15B.2 Principal Local Environmental Plan
  Reason for Declaration – ability to subdivide will be affected by proposed changes.

Cr. John O'Reilly declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 June 2010 - 30 June 2010 - 2010/136
  Reason for Declaration – relative of applicant
- Item 15B.2 Principal Local Environmental Plan
  Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

Cr. Lindsay Passfield declared an interest in the following item/s:

- Item 15B.2 Principal Local Environmental Plan
  Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

Cr. Tom Cooper declared an interest in the following item/s:

- Item 15B.2 Principal Local Environmental Plan
  Reason for Declaration - ability to subdivide will be affected by proposed changes.

Cr. Robert Dwyer declared an interest in the following item/s:

- Item 15B.2 Principal Local Environmental Plan
  Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

Cr. Robert Leadbeatter declared an interest in the following item/s:

- Item 15B.2 Principal Local Environmental Plan
  Reason for Declaration - ability to subdivide will be affected by proposed changes.

Cr. Janet Wilson declared an interest in the following item/s:
o Item 15B.2 Principal Local Environmental Plan
Reason for Declaration – Member of showground trust.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

Nil

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE

9.1 MATTERS DETERMINED WITHOUT DEBATE

There were no items identified.

ITEM 10 CONFIRMATION OF MINUTES

10.1 CONFIRMATION OF ORDINARY MINUTES

170710/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Minutes of the Ordinary Meeting held 21 June 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote

10.2 CONFIRMATION OF EXTRAORDINARY MINUTES

170710/ 3 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the Minutes of the Extraordinary Meeting held 28 June 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 MAYORAL MINUTE

Nil.

ITEM 12 NOTICES OF MOTION

12.1 NOTICE OF MOTION; CLR JOHN O'REILLY - RESCHEDULING SEPTEMBER ORDINARY MEETING TO 4TH MONDAY

170710/ 4 RESOLVED

Councillor John O'Reilly, seconded Councillor Lynette Zito.

That, in order to ensure that all Councillors are able to be present for the consideration of Mayoral elections(s), the meeting timetable and the appointment of delegates and committee members, the September Ordinary Meeting be rescheduled to 27 September 2010.

CARRIED

FOR VOTE - Janet Wilson, John O'Reilly, Lynette Zito, Robert Dwyer, Tom Cooper

AGAINST VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Ross Brown

ITEM 13 DELEGATES REPORTS

13.1 DEPUTY MAYOR ATTENDANCES

170710/ 5 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly

That the information contained in the Deputy Mayor Attendances for the period 3 June to 30 June 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 INFORMATION PAPERS

Nil.

ITEM 15 GENERAL MANAGER 'S REPORT

ITEM 15A TECHNICAL SERVICES REPORT

15A.1 RLCIP ROUND 3 - 2010 /11

170710/ 6 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the report RLCIP Round 3 – 2010/11 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

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

2. That an Extraordinary Meeting be held on Tuesday 27 July, 2010, to finalise RLCIP Round 3 – 2010/11 applications.

The motion was put to the vote and was CARRIED.

170710/ 7 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

2. That an Extraordinary Meeting be held on Tuesday 27 July, 2010, to finalise RLCIP Round 3 – 2010/11 applications.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15B PLANNING SERVICES REPORT

15B.1 DEVELOPMENT APPLICATIONS RECEIVED, OUTSTANDING AND DETERMINED FOR THE PERIOD JUNE 1, 2010 TO JUNE 30, 2010

170710/ 8 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

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

   - Cr Ross Brown 15B.1 Development Applications Received, Determined and Outstanding DA 2009/18

   - Cr John O'Reilly 15B.1 Development Applications Received, Determined and Outstanding DA 2010/136

   - Director of Planning & Environmental Services 15B.1 Development Applications Received, Determined and Outstanding DA 2007/188

   - Director of Corporate & Community Services 15B.1 Development Applications Received, Determined and Outstanding DA 2010/149

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

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 15B.1 Councillor Ross Brown, Councillor John O'Reilly, the Director of Planning & Environmental Services and the Director of Corporate & Community Services left the meeting at 4.13 p.m.

Deputy Mayor Councillor Lynette Zito assumed the position of the Chair.

170710/ 9 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

2. That the information contained in the report Development June 1, 2010 to June 30, 2010 only in relation to DA09/18, DA10/136, DA07/188 and DA10/149 in which Councillor Ross Brown, Councillor John O'Reilly , the Director of Planning & Environmental Services and the Director of Corporate & Community Services have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly, Ross Brown

Councillor Ross Brown, Councillor John O'Reilly, the Director of Planning & Environmental Services and the Director of Corporate & Community Services returned to the meeting at 4.14 p.m.

The Mayor Ross Brown resumed the Chair.

15B.2 PRINCIPAL LOCAL ENVIRONMENTAL PLAN

Declarations of interest in Item 15B.2 were received from Councillors Robert Leadbeatter, John O'Reilly, Ernie Bennett, Lindsay Passfield, Tom Cooper, Janet Wilson and Robert Dwyer.

The General Manager advised an exemption from the Minister of Planning for the Local Environmental Plan has been sought and Council is awaiting a response.

Therefore the matter was unable to be discussed, due to a lack of a quorum.

ITEM 15C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 15D CORPORATE SERVICES REPORT

15D.1 MONTHLY FINANCIAL REPORT - JUNE

170710/ 10 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Monthly Finance Report – June was received and noted.

CARRIED

FOR VOTE - Unanimous vote

15D.2 FUTURES FUNDING 2009-10 FINANCIAL YEAR

170710/ 11 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That subject to appropriate insurance documents being sighted, and expansion of the project plan $2,100 be provided to the Tunglebung Public Recreation Reserve.
2. That subject to appropriate insurance documents being sighted, $2,000 (being $1,000 for craft materials and jumping castle, $500 administration and $500 bus hire) be provided to the Bonalbo Aboriginal Corporation.
3. That subject to appropriate insurance documents being sighted, $4,000 be provided to the Wadeville Reserve Trust.
4. That Council now call for applications for 2010/11 Futures Funding.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 COMMUNITY, CULTURAL AND ECONOMIC REPORT

170710/ 12 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the Community Cultural and Economic Committee report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Lindsay Passfield, seconded Councillor Ernie Bennett.

That Council commends the Tourism Officer, Malcolm Wallis for the tourism work he carries out for the local area, in particular the recent steam train expedition and the rail centenary celebrations held earlier this year, and the nomination for the Kyogle VIC as a finalist for a Regional Tourism Award.

170710/ 13 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

That Council commends the Tourism Officer, Malcolm Wallis for the tourism work he carries out for the local area, in particular the recent steam train expedition and the rail centenary celebrations held earlier this year, and the nomination for the Kyogle VIC as a finalist for a Regional Tourism Award.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15F GENERAL MANAGER'S REPORT

15F.1 ART GALLERY- MUSEUM

A motion was moved by Councillor Lynette Zito, seconded Councillor John O'Reilly.

That Council and the Gallery Museum Steering Committee seek funding to develop the Gallery Museum project from State and Federal governments.

An amendment was moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer.

That Council support the Gallery Museum Steering Committee in seeking funding to develop the Gallery Museum Project from the State and Federal Governments.

A motion was foreshadowed by Councillor for Ernie Bennett.

That Council makes clear in supporting the Museum steering committee in seeking funding, that Council's total contribution will be the land only.

The amendment was put to the vote and was LOST

FOR VOTE - Lindsay Passfield

AGAINST VOTE - Ernie Bennett, Janet Wilson, John O'Reilly, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Ross Brown, Tom Cooper

A motion was moved by Councillor Ernie Bennett, seconded Councillor Tom Cooper

That Council makes clear in supporting the Museum steering committee in seeking funding, that Council's total contribution will be the land only.

MOVE INTO CLOSED COUNCIL

170710/ 14 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That Council resolve to move into closed council to discuss confidential information pertaining to this item.
2. That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

CARRIED

FOR VOTE - Unanimous vote

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

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

Details, should they be revealed, may result in a commercial advantage to parties involved in any future tender process.

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.
Council closed its meeting at 4.40 p.m. The public and media left the Chamber.

170710/ 15 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lynette Zito.

That Council move out of Closed Council and resume the open Council meeting agenda.

CARRIED

FOR VOTE - Unanimous vote

A motion was foreshadowed by Councillor Robert Dwyer

That the Chairman of the Steering Committee be given the opportunity to address full Council with regards to this concept plan.

A motion was foreshadowed by Councillor Lynette Zito.

That Council seeks a further explanation from the Steering Committee which identifies the reasons for costing variations from that of the original brief and the changes to Council's obligation which was originally the land only.

Councillor Ernie Bennett withdrew his motion.

Councillor Robert Dwyer withdrew his motion.

A motion was moved by Councillor Lynette Zito, seconded Councillor John O'Reilly

That Council seeks a further explanation from the Steering Committee which identifies the reasons for costing variations from that of the original brief and the changes to Council's obligation which was originally the land only.

The motion was put to the vote and was CARRIED.

170710/ 16 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That Council seeks a further explanation from the Steering Committee which identifies the reasons for costing variations from that of the original brief and the changes to Council's obligation which was originally the land only.

CARRIED

FOR VOTE - Unanimous vote

15F.2 CODE OF MEETING PRACTICE

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

1. That the amended Code of Meeting Practice was adopted.

A motion was foreshadowed by Councillor Lynette Zito.

2. That Council's Code of Meeting practice be amended to include an agenda item "Questions for the Next Meeting".

The motion was put to the vote and was CARRIED.

170710/ 17 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

1. That the amended Code of Meeting Practice was adopted.

CARRIED

FOR VOTE - Unanimous vote

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

2. That Council's Code of Meeting practice be amended to include an agenda item "Questions for the Next Meeting".

The motion was put to the vote and was CARRIED.

170710/ 18 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

2. That Council's Code of Meeting practice be amended to include an agenda item "Questions for the Next Meeting".

CARRIED

FOR VOTE - Janet Wilson, John O'Reilly, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Ross Brown, Tom Cooper

AGAINST VOTE - Ernie Bennett, Lindsay Passfield

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

3. That Council's amended Code of meeting practice be placed on public display for not less than 42 days.

The motion was put to the vote and was CARRIED.

170710/ 19 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

3. That Council's amended Code of meeting practice be placed on public display for not less than 42 days.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Ross Brown, seconded Councillor Ernie Bennett

4. That the amended agenda item "Questions for the Next Meeting" be limited to two questions per Councillor.

The motion was put to the vote and was CARRIED.

170710/ 20 RESOLVED

Councillor Ross Brown, seconded Councillor Ernie Bennett.

4. That the amended agenda item "Questions for the Next Meeting" be limited to two questions per Councillor.

CARRIED

FOR VOTE - Ernie Bennett, Janet Wilson, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Ross Brown, Tom Cooper

AGAINST VOTE - Robert Dwyer

ITEM 16 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 17 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 5.32 p.m.

Signature of Chairperson…….