

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 20 August 2007.

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.31 pm

ITEM 1 APOLOGIES

An apology was received from Councillor Patsy Nagas.

200807/ 1 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Jim O'Neill.

That the apology be accepted and leave of absence be granted.

CARRIED

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer and acknowledged that the meeting was being held on Bundjalung Country.

ITEM 3 DECLARATION OF INTERESTS BY COUNCILLORS/STAFF

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

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

Reason for Declaration- working on that particular site

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

- Item 10B.1 Development Applications Received, Determined and Outstanding – 2007/116
Reason for Declaration - Joint applicant and owner of property

Senior Town Planner declared an interest in the following item/s:

- Item 10B.1 Development Applications Received, Determined and Outstanding – 2007/130,07/178 - 07/191
Reason for Declaration - associated with development applications.

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

- Item 10B.1 Development Applications Received, Determined and Outstanding - 2008/22
Reason for Declaration - relative of applicant

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

- Item 10B.1 Development Applications Received, Determined and Outstanding - 2008/3
Reason for Declaration – Business associate

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

- Item 10B.1 Development Applications Received, Determined and Outstanding – 2007/236
Reason for Declaration – Relative of applicant
- Item 10B.2 Draft Amendment 19 to Kyogle LEP (Rural Residential Rezoning) - Update report.
Reason for Declaration – Owner of property located within the proposed rezoning area.
- Item 15.1 Tender for Supply 6 x 4 Rigid Tipper
Reason for Declaration – Relative of tenderer

ITEM 4 PUBLIC FORUM

Mr Michael Brooke addressed the meeting and referred to:

- A recent announcement by a Federal Minister Mr Malcolm Turnbull regarding a proposal to dam rivers in the Northern NSW region for the provision of water for SE Qld residents and enquired if Council supported this proposal?

The Mayor advised Council has discussed the matter at a previous Council meeting and a resolution was made to support further investigations on the matter only.

Mr Doug Keogh addressed the meeting and referred to:

- Draft Amendment 19 Kyogle LEP (Rural residential rezoning) and requested an update be provided to the meeting on the matter?

The Director of Corporate & Community Services having declared an interest on this subject (Item 10B.2) left the meeting at 3.38 p.m.

The Senior Town Planner advised Council is currently finalising the draft structure plan and Council is currently waiting concurrence with the Department of Planning, with a view that the plan will be finalised mid to late 2008.

The Director of Corporate & Community Services returned to the meeting at 3.42 p.m.

ITEM 5 CONFIRMATION OF MINUTES

5.1 CONFIRMATION OF ORDINARY MINUTES

200807/ 2 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the Minutes of the Ordinary Meeting held 16 July 2007 was adopted.

CARRIED

5.2 CONFIRMATION OF EXTRAORDINARY MINUTES

200807/ 3 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor David Liska.

That the Minutes of the Extraordinary Meeting held 23 July 2007 was adopted.

CARRIED

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Councillor Lindsay Passfield addressed the meeting and referred to:

- Level 6 Water Restrictions recently imposed by Tenterfield Shire & Kyogle Council to the Urbenville, Muli Muli & Woodenbong communities and a letter distributed to consumers suggesting that the restrictions were upgraded from level 2 to 6 due to the continued high water usage? Commented that other investigations reveal the foot valve is surrounded by silt, which has been the major contributing factor to limiting the water available? Is that the case?

The Director of Technical Services confirmed that siltation at the inlet did contribute to the need for tougher restrictions however, consumption has been higher than normal.

- Recent changes to Council issued Rates notices which incorporate the water account with the 1st and 3rd instalment due date. Concerned that as both notices are now combined and are of a considerable amount, this will affect payment manageability for ratepayers?

The Director of Corporate & Community Services advised customers who have contacted the office have been advised to divide the total of their 1st and 2nd instalment evenly to assist in managing the payments. Also advised that the majority of the enquiries were from pensioners who are not charged interest if they pay their rates and water accounts in full by the end of the current financial year.

Councillor David Liska addressed the meeting and referred to:

- The management of village infrastructure and enquired if Council has established a priority list of the works required?

The Director of Technical Services advised a workshop was held in August 2006 with Councillors, presenting works required and costs associated with villages. This information will be updated and made available to Councillors.

Councillor Ian Kirkpatrick addressed the meeting and referred to:

- The public toilets in Norman Johnson Park and enquired if the Department of Lands have provided Council with a licence which would enable the trustees to be able to maintain the facilities?

The General Manager advised Council has not received advice on the matter and he would follow up on the matter.

Councillor Bryan Hannigan addressed the meeting and referred to:

- The new levy structure for trade waste that has been applied this year's rates notice and advised of an incidence where a ratepayer has received an unusually high notice and enquired if the matter could be investigated?

The Director of Corporate & Community Services advised there is a formula set out in Council's Management Plan, which calculates the fee used, but suggests Councillor Hannigan call into the office and make an appointment with herself to discuss and investigate the matter further.

During the discussion it was requested that a report be provided to Council on the operation of pump-out septic systems connected to the Kyogle sewerage.

- Dyraaba Road and thanked Council for recent grading of the road and requested gravel be supplied to the area immediately.

The Director of Technical Services advised gravel had been placed on some areas of the road today, to alleviate the road conditions.

Councillor Peter Lewis addressed the meeting and referred to:

- The Former Ambulance building and enquired what progress has been made in Council securing the site?

The General Manager advised a grant application has been finalised and considered by the Area Consultative Committee. Legal documentation is currently being drawn up and will be available as soon as Council receives information on the grant application success. The General Manager also advised development consent has been provided.

- The Bonalbo & District Development Association and referred a question to Councillor Ian Kirkpatrick regarding recent media reports and enquired what is going on?

The Mayor disallowed the question advising that this type of questioning was inappropriate and the question should be asked out of Council time.

- A letter to the editor printed in the Talking Turkey concerning the actions of Council's Ranger in recent dog related incidences. The article inferred the Ranger has acted in an inappropriate manner and Councillor Lewis enquired if Council could write a response to the article defending the Ranger's actions?

The General Manager advised that Council, to avoid additional conflict does not normally respond to media articles.

Councillor Lewis asked if Council could pass on a commendation to the Ranger for performing a thankless job so well.

ITEM 9 MAYORAL

9.1 MAYORAL ATTENDANCES

200807/ 4 RESOLVED

Moved Councillor Ernie Bennett.

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

CARRIED

ITEM 10 GENERAL MANAGER 'S REPORT

ITEM 10A TECHNICAL SERVICES REPORT

10A.1 WORKS COMMITTEE REPORT

200807/ 5 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Jim O'Neill.

1. That Council receives and notes Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, and 4.6 of the Works Committee Meeting that was scheduled to be held on August 13, 2007.
 2. Item 4.7
 - a) That Council seek formal agreement with the applicant that all costs associated with the closure, including purchase of land, are to be borne by the applicant.
 - b) That Council proceeds to lodge a Road Closure Application once agreement has been obtained for the costs associated with the application to be borne by the applicant.
 - c) That, subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents
 - d) relating to the closing of the portion of Public Road through Lot 50 DP 755751, at Warrazambil Creek.
 - e) That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the transfer of the portion of Public Road through Lot 50 DP 755751, at Warrazambil Creek
 3. Item 4.8
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That Council Revoke Public Gate Permits 1, 2, 3, 4, 7, 8, 11, 12, 13, 14, 16, 19, 20, 23, 24, 28, 29, 30, 31, 32, 33, 34, 36, 38, 40, 41, 42, 44, 45, 47, 53, 60, 61, 64, 66, 67, 69, 70, 71, 77, 79, 87, 91, 92, 94, 99, 109, 110, 111, 116, 118, 122, 128, 135, 136, 137, 139, 140, 142, 143, 146, 147, 148, 152, 156, 157, 168, 172, 173, 174, 175, 176, 181, 182, 187, 188, 191, 194, 195, 199, 200, 204, 209, 213, 215, 216, 217, 221, 224, 226, 229, 231, 234, 238, 239, 242, 243, 244, 247, 248, 253, 260, 261, 265, 267, 268, 270, 272, 273, 275, 276, 278, 280, 282, 284, 285, 286, 290, 292, 293, 299, 300, 306, 308, 322, 323, 324, 325, 326, 329, 330.

4. Item 4.9

That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

| Road Name | Current Road Name or Description of Route | Proposed Road Name | Reason |
|-----------|---|--------------------|------------------------------------|
| 2005 | Rous Street | Gleeson Street | Confusion with Rous Street, Kyogle |

CARRIED

10A.2 WATER DIVERSION

200807/ 6 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the Water Diversion Report was received and noted.

CARRIED

10A.3 WORKS PROGRAM REPORT

200807/ 7 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Jeff Marriott.

That the Works Program Report was received and noted.

CARRIED

10A.4 WATER SERVICES REPORT

200807/ 8 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the Water Services Report was received and noted.

CARRIED

ITEM 10B PLANNING SERVICES REPORT

10B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD JULY 7, 2007 TO AUGUST 10, 2007

200807/ 9 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Bryan Hannigan.

1. That, with the exception of the following items in which Councillor Bennett, Councillor Marriott, the General Manager, the Director of Corporate & Community Services, Acting Director Planning & Environmental and the Senior Town Planner have declared an interest,
 - Cr. Jeff Marriott 10B.1 Development Applications Received, Determined and Outstanding - 2007/259 - Reason for Declaration- working on that particular site
 - Acting Director Planning & Environmental Services Item 10B.1 Development Applications Received, Determined and Outstanding – 2007/116 - Reason for Declaration - Joint applicant and owner of property
 - Senior Town Planner Item 10B.1 Development Applications Received, Determined and Outstanding – 2007/130,07/178 - 07/191 Reason for Declaration -]associated with development applications.
 - The General Manager Item 10B.1 Development Applications Received, Determined and Outstanding - 2008/22 - Reason for Declaration - relative of applicant
 - Cr. Ernie Bennett Item 10B.1 Development Applications Received, Determined and Outstanding - 2008/3 - Reason for Declaration – Business associate
 - The Director of Corporate & Community Services Item 10B.1 Development Applications Received, Determined and Outstanding – 2007/236 - Reason for Declaration – Relative of applicant

the information contained in the report Development Applications Received, Determined and Outstanding for the period July 7, 2007 to August 10, 2007 was received and noted.

Having declared an interest in Item 10B.1 Councillor Bennett, Councillor Marriott, the General Manager, the Director of Corporate & Community Services, Acting Director Planning & Environmental and the Senior Town Planner left the meeting at 4.43 p.m.

As both the Chair and Deputy Mayor departed the room, it was necessary to elect a Chair.

It was moved by Councillor Bryan Hannigan and seconded Councillor Peter Lewis, That Councillor Lindsay Passfield assumes the role of the Chairperson.

The motion was put to the vote and was CARRIED.

CARRIED

200807/ 10 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Peter Lewis.

That Councillor Lindsay Passfield assumes the role of the Chairperson.

200807/ 11 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor David Liska.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period July 7, 2007 to August 10, 2007 only in relation to DA07/259, 07/116, 07/130, 07/178-191, 08/22, 08/3 & 07/236 in which Councillor Bennett, Councillor Marriott, the General Manager, the Director of Corporate & Community Services, Acting Director Planning & Environmental and the Senior Town Planner have declared an interest was received and noted.

CARRIED

Councillor Bennett, Councillor Marriott, the General Manager, Acting Director Planning & Environmental and the Senior Town Planner returned to the meeting at 4.45 p.m.

Clr Bennett returned to the Chair.

10B.2 DRAFT AMENDMENT 19 TO KYOGLE LEP (RURAL REZIDENTIAL REZONING) - UPDATE REPORT

200807/ 12 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the progress report on the rezoning application for the Kyogle Settlement Strategy – Stage 1 Rural Residential (preferred areas) was received and noted.

CARRIED

The Director of Corporate & Community Services, returned to the meeting at 4.50 p.m.

10B.3 DEVELOPMENT APPLICATION 08/01 - BOUNDARY ADJUSTMENT SUBDIVISION, CONSTRUCTION OF SWIMMING POOL AND SPA

200807/ 13 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Lindsay Passfield.

That Council issue Development Consent Notice 2008/01 for the adjustment of boundaries to existing Lot 3 on DP 511073 AND Lot 2 on DP516526 and the construction of a swimming pool and spa, being located at 7 – 9 Norledge Street, Geneva.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1. The development being carried out substantially in accordance with the plans received by Council on July 3, 2007 except where amended by the following conditions of consent.
2. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 08/01 on July 3, 2007 and that any alteration, variation or extension to the use for which approval has been given would require further development approval.
3. This development consent is limited to a period of 2 years. Following the expiration of this period the consent will lapse unless the development has commenced in accordance with the conditions of consent, or unless an extension of the development consent period has been requested and granted.

4. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application, subject to any notations in red or modification required as a consequence of any condition.
5. Compliance with any attached Prescribed Conditions that may be relevant to the proposed development.
6. Notice of Commencement of work at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.
7. Notification of appointment of the Principal Certifying Authority must be submitted to the Council two (2) days prior to the commencement of work.
8. The subdivision is to be in accordance with Councils Subdivision Development Control Plan No. 1.
9. Apart from developer funded works, no improvements to existing roads, access and services will be provided by Council or any other utility authority.
10. Prior to approval of the Subdivision Certificate, written evidence from Country Energy shall be required confirming that Country Energy has provided electrical power to each lot, including the full length of battle-axe handles and that charges for the extension of electricity supply have been paid.
11. Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
 - adjoining land
 - natural drainage courses
 - constructed drainage systems, or
 - waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

12. All house drainage and sanitary plumbing and sewerage work must be carried out in accordance with the requirements of the N.S.W. Code of Practice " Plumbing and Drainage " and the National Plumbing and Drainage Code AS 3500.
13. The footpath being kept clear of signs, fixtures and goods at all times.
14. That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.

15. That there shall be no loss of support to the Councils foot path area as a result of excavation within the site. Details of how this support will be maintained during construction shall be submitted for the Councils approval prior to the commencement of any work.
16. No vehicular accesses may be constructed or opened onto a Council road without the prior written approval of Council.
17. Council must be notified in writing, prior to commencement of building operations of any existing damage to kerb and gutter or footpaths.

Absence of notification signifies that no damage exists and the applicant is therefore liable for the cost of reinstatement of any damage to the kerb and gutter or footpath which may be necessary after the completion of the building. Where unmade or grassed footpaths are disturbed by the passage of builder or suppliers' vehicles, the footpaths are to be graded and restored to original level with loam.

18. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
19. Appropriate signage must be provided on the work site and in a prominent position visible to the public:
 - a) stating that unauthorised access to the work site is not permitted; and
 - b) showing the name of the builder or person responsible for the site and a telephone number at which that person can be contacted outside working hours.
20. Plant equipment or materials of any kind shall not be placed or stored upon the public footpath or roadway, which is open for use by pedestrians.
21. The swimming pool must be surrounded at all times by a child resistant barrier in accordance with the requirements of the Swimming Pools Act, 1992.
22. The swimming pool fencing and gate installation must strictly comply with AS1926 – 1986. A copy of the relevant provisions is attached hereto and ensure there is no gap greater than 100mm.
23. A temporary child resistant barrier a minimum of 1.2 metres high must be erected during the construction of the pool if it requires water being added during construction.
24. All doors and gates providing access to the swimming pool must be kept securely closed at all times when they are not in actual use.
25. A resuscitation poster meeting the requirements of the Swimming Pools Act 1992, must at all times be maintained in a prominent position in the immediate vicinity of the swimming pool.
26. Pool water disposal and backwash is to be directed to the sewer and be in accordance with AS/NZS 3500.2.2 and to Council satisfaction.

27. The swimming pool water and surrounds must be maintained in a safe and healthy condition at all times. The water quality must comply at all times with the following requirements:
- i) free residual chlorine - minimum 0.1 mg/l
 - ii) pH - 7.2 to 7.8
 - iii) total alkalinity - 80 to 200mg/l
28. A hydrostatic valve must be provided in the pool base.
29. The filtration and chlorination equipment must be maintained in good condition at all times and operated in accordance with the manufacturer's recommendations.
30. The pool is not to be used until a final inspection is made by Council and approval given to use the pool.
31. The means of access to the proposed swimming pool from the existing dwelling is required to be at all times restricted in accordance with the following presented standards:
- 1. In relation to each doorway giving access to the swimming pool:
 - (a) the door (or, if there is a security door in addition to another door, either of those doors) must be a child-safe door and must be kept child-safe by means of a lock, latch, bolt, chain or other child-resistant device located at least 1.5 metres above finished floor level; and
 - (b) there must not, on the door or on the door frame, be any footholds wider than 10 mm between the release mechanism of the door and any point 100 mm above finished floor level.
 - 2. The lock, latch, bolt, chain or other child-resistant device located less than 1.5 metres above finished floor level is taken not to be a foothold.
 - 3. In relation to each window giving access to the swimming pool:
 - (a) the bottom of the lowest opening panel of the window must (when measured in the closed position) be at least 1.2 metres above finished floor level; and
 - (b) there must not be any footholds wider than 10mm between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.
32. A person must not cause or permit a swimming pool pump to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
- a) before 8.00 am or after 8.00 pm on any Sunday or public holiday, or
 - b) before 7.00 am or after 8.00 pm on any other day.
33. The swimming pool is to be installed strictly in accordance with the pool manufacturer's instructions, recommendations and engineering design for the soil classification type encountered on the site.

34. The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pool in accordance with the Swimming Pools Act 1992 and AS1926.1.

Such plans and specifications must be approved as part of the Construction Certificate

NOTE: To allow topping up of the pool during water restrictions temporary connection of downpipes directly into the pool is permitted.

35. Skimmer boxes and suction points shall be designed in accordance with AS1926.3 Water recirculation and Filtration Systems.
36. All excavations associated with construction of a pool must ensure stability of all adjoining buildings and be properly guarded and protected to prevent any danger to life or property.
37. Swimming pool to be earthed in accordance with AS 3000.
38. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;
- a) The swimming pool excavation and reinforcement prior to concrete being placed.
 - b) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
39. Prior to the issue of the Occupation certificate the following certification must be submitted to Council;

That the swimming pool:

- a) has been provided with signs and fencing in accordance with the requirements of the Swimming Pools Act 1992 prior to use of the pool.
- b) filter pump is located or is provided with an acoustic enclosure such that noise from its operations does not cause a nuisance to adjoining property owners.

CARRIED

10B.4 DEVELOPMENT APPLICATION 07/246 - ERECTION OF A TOURISM AND COMMUNITY NOTICE BOARD

200807/ 14 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That Council issue Development Consent Notice 2007/246 for the erection of a structure to be used for the purposes of a Tourism and Community Notice Board on land described as Lot 1 on DP835779, being located at 53-55 Woodenbong Road, Bonalbo.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1. The development being carried out substantially in accordance with the plans received by Council on May 24, 2007 except where amended by the following conditions of consent.
2. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 07/246 on May 24, 2007 and that any alteration, variation or extension to the use for which approval has been given would require further development approval.
3. This development consent is limited to a period of 2 years. Following the expiration of this period the consent will lapse unless the development has commenced in accordance with the conditions of consent, or unless an extension of the development consent period has been requested and granted.
4. The proponent shall construct a reinforced concrete, paving block or equivalent footpath for the full width from property boundary to existing kerb and gutter, leading from the existing footpath at the corner of Koreelah Street and Woodenbong Road, along the Woodenbong Road frontage to a minimum of 1 metre past the proposed sign in accordance with Council's Development, Design and Construction Manuals (as amended). Any costs shall be the responsibility of the proponent.
5. Prior to the release of the Construction Certificate, documentary evidence shall be submitted to the Principal Certifying Authority to confirm that the erection of the sign satisfies Country Energy guidelines. Evidence shall confirm sufficient clearance and setbacks are provided from the existing above ground electrical supply in the area.
6. Signage shall be non-reflective and non-iridescent to minimise any possible distraction to traffic.
7. External lighting must be adjusted or hooded to prevent any nuisance to neighbouring property.
8. All external lighting to be so located or shielded to ensure no offensive light spill onto adjoining premises or adverse impact on motorists.
9. The sign shall be securely affixed to the supporting structure.
10. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.00pm and 6.00am.
11. Electrical supply to the sign shall be by underground cabling.

12. The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

URBAN ROAD

The existing road fronting the development (Woodenbong Road) is to be sealed from the edge of the existing seal to the existing kerb and gutter for the full frontage of the subject land.

CARRIED

10B.5 A COUNTRY AFFAIR - FALL IN LOVE WITH KYOGLE - HOME HOSTING ACTIVITIES

200807/ 15 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

1. That the report *A Country Affair - Fall in Love with Kyogle - Home Hosting Activities* was received and noted.
2. That the Growing Kyogle and Kyogle Community Economic Development Committees be advised that Council agrees in principle to the conduct of Home Hosting to operate at those premises which have recorded an interest and have been inspected by the Registering Authority (yet to be formed) and registered as being suitable for such use to cater for a specified maximum number of persons.
3. That the Growing Kyogle and Kyogle Community Economic Development Committee be advised that such agreement in principle is on the understanding that the conduct of Home hosting is limited to a trial basis for the "A Country Affair – Fall in love with Kyogle" event to be held 5-7 October 2007, with any future conduct of such activity to be subject to further review by Council.

CARRIED

ITEM 10C ENVIRONMENT SERVICES REPORT

10C.1 NORTH EAST WASTE FORUM

200807/ 16 RESOLVED

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

1. That Council request details of the applicable membership fee should it decide to seek renewed membership of the North East Waste Forum.
2. Council seek advice on legal implications of co-ownership of hazardous waste facilities.

CARRIED

10C.2 KYOGLE LGA DOG ATTACK REPORT

200807/ 17 RESOLVED

Moved Councillor Peter Lewis, seconded Councillor Lindsay Passfield.

That the report Dog Attacks in the Kyogle Local Government Area was received and noted.

CARRIED

ITEM 10D CORPORATE SERVICES REPORT

10D.1 MONTHLY FINANCE REPORT - JULY

200807/ 18 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Jeff Marriott.

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

CARRIED

10D.2 JUNE QUARTER BUDGET REVIEW

200807/ 19 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

1. That the June, 2007 Quarterly Budget Review Statement was received and noted.
2. That Council allocate \$10,000 in the 2007/08 budget for works towards the Woodenbong village improvements.
3. That consideration be given at the September budget review for inclusion of funding in the 2007/08 budget for the following;
 - a) emergency gravel supply to the value of \$100,000
 - b) The sealing of the parking areas in Roxy Lane with hot mix.
 - c) The purchase of a mechanical footpath sweeper.

CARRIED

10D.3 JUNE QUARTER MANAGEMENT PLAN REVIEW

200807/ 20 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Lindsay Passfield.

That the Management Plan Review Statement for the period ended 30 June, 2007 was received.

CARRIED

The meeting adjourned for the purposes of dinner at 5.43 pm.

The meeting resumed at 6.14 pm

10D.4 2006/2007 REVOTES

200807/ 21 RESOLVED

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

The 2007/2008 budget included in the adopted Management Plan was amended to include the revotes as attached to this report.

CARRIED

10D.5 REQUEST FOR ASSISTANCE WITH LEGAL COSTS- BANKSTOWN CITY COUNCIL

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

That Council does not support the request for assistance with legal costs.

A motion was foreshadowed by Councillor Lindsay Passfield.

That Council assist Bankstown Council with associated legal costs of \$7,733.83.

Councillor Peter Lewis then withdrew his motion.

The motion was put to the vote and was CARRIED.

200807/ 22 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Ian Kirkpatrick.

That Council assist Bankstown Council with associated legal costs of \$7,733.83.

CARRIED

10D.6 REVIEW OF KYOGLE COUNCIL WARD BOUNDARIES

200807/ 23 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the report on the Review of Kyogle Council Ward Boundaries was received and noted.

CARRIED

10D.7 CONSTITUTIONAL REFERENDUMS

200807/ 24 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Bryan Hannigan.

1. That the report Constitutional Referendums was received and noted.
2. That management provide a further report to council outlining the costs and other implications of a referendum on the number of councillors, abolition of wards and amalgamations.

CARRIED

10D.8 APPLICATIONS FOR FINANCIAL ASSISTANCE

200807/ 25 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Jeff Marriott.

1. That the report Applications for Financial Assistance was received and noted.
2. That all unspent funds (\$1125) for this quarter be carried forward to the next financial assistance application period.

CARRIED

10D.9 REVIEW OF KYOGLE COUNCIL POLICIES

200807/ 26 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That the report on the Review of Policies was received and noted.

CARRIED

10D.10 FRAUD PREVENTION POLICY

200807/ 27 RESOLVED

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

That Council adopts the Fraud Prevention Policy.

CARRIED

10D.11 SALARY STRUCTURE

200807/ 28 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That Council adopt the amended Salary Structure.

CARRIED

10D.12 EMAIL AND INTERNET USAGE POLICY

200807/ 29 RESOLVED

Moved Councillor Jeff Marriott, seconded Councillor Lindsay Passfield.

That Council adopts the Email and Internet Usage Policy.

CARRIED

10D.13 OCCUPATIONAL HEALTH AND SAFETY POLICY

200807/ 30 RESOLVED

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

That the reviewed Kyogle Council Occupational Health and Safety Policy be adopted.

CARRIED

ITEM 10E COMMUNITY SERVICES REPORT

Nil.

ITEM 10F GENERAL MANAGER'S REPORT

10F.1 MONTHLY MANAGEMENT REPORT

200807/ 31 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Jeff Marriott.

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

CARRIED

10F.2 MINUTES SENSE OF PLACE ADVISORY COMMITTEE 7 JUNE 2007

200807/ 32 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

That the Minutes of the Sense of Place Advisory Committee Meeting held 7 June 2007, was received and noted and the recommendations therein were endorsed.

CARRIED

10F.3 UNCONFIRMED MINUTES OF SENSE OF PLACE ADVISORY COMMITTEE; 2 AUG 07

200807/ 33 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

1. That the Unconfirmed Minutes of the Sense of Place Review meeting held Thursday 2nd August 2007 was received and noted.
2. Council adopts the suggested structure and quorum for the renamed community and economic development committee of Council the "Futures Committee – Kyogle Local Government Area" as agreed by the meeting:

Membership of Futures Committee – Kyogle LGA

- Kyogle Council Mayor (Clr Ernie Bennett) plus two Kyogle Councillors (Clr Lindsay Passfield, and Clr Ian Kirkpatrick)
- Kyogle Council General Manager
- Kyogle Council Community Projects Officer
- Kyogle Council Economic Development Officer
- 2 x Community Representatives (1 fixed, 1 rotational)
- 2 x Industry Representatives (1 fixed, 1 as required based on project areas)
- Department of State and Regional Development as an observer.

Quorum of Futures Committee – Kyogle LGA

- One (1) Councillor with a minimum of five (5) members present

3. Council maintain the allocation of \$60,000 per annum under the Sense of Place Funding Program to fund projects and initiatives arising from the industry, village and Futures Committee planning, with two funding rounds per year.

CARRIED

10F.4 LOCAL GOVERNMENT & SHIRES ASSOCIATION; COUNCILLOR PROFESSIONAL DEVELOPMENT PROGRAM

200807/ 34 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Ian Kirkpatrick.

1. That the report on the Local Government & Shires Association - Councillor Professional Development Program was received and noted.
-

2. That any Councillor interested in attending any of the courses/seminars may make arrangements with the Personal Assistant to the General Manager & Corporate Services.

CARRIED

10F.5 KYOGLE MAIN STREET REDEVELOPMENT UPDATE

200807/ 35 RESOLVED

Moved Councillor Lindsay Passfield, seconded Councillor Jeff Marriott.

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

CARRIED

ITEM 11 NOTICES OF MOTION

11.1 NOTICE OF MOTION; COUNCILLOR PETER LEWIS

200807/ 36 RESOLVED

Moved Councillor Peter Lewis, seconded Councillor Lindsay Passfield.

1. That Kyogle Council expresses concern that the Federally funded OPEL wireless broadband project fails to deliver;
 - Coverage to large areas of the Kyogle LGA
 - Installation of ADSL2+ in any of the Kyogle LGA.
2. Kyogle Council requests the Federal Government ensure that the current Australia Connected program provides;
 - an adequate number of WiMax towers are to be installed in the Kyogle LGA,
 - that ADSL2+ is enabled in the exchanges of major centres of the Kyogle LGA

CARRIED

ITEM 12 REPORTS FROM DELEGATES

Nil.

ITEM 13 CORRESPONDENCE

Nil.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 CONFIDENTIAL BUSINESS PAPER

15.01 MOVE INTO CLOSED COUNCIL

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The matters and information are the following;

- (d) commercial information of a confidential nature
- (a) personnel matters concerning particular individuals

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.

Item 15.1 Tender for Supply of 6 x 4 Rigid Tipper and

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;

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding

of such information by tenderers and reduction in the provision of information relevant to council's decision.

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.

Item 15.2 Kyogle Water Supply Off-Stream Storage

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;

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

Details as to the parcels of land, that Council is interested in acquiring, and associated negotiations should they be revealed, may result in commercial disadvantage to parties involved in the purchasing process.

It is not in the public interest to reveal all details of these negotiations or the assessment 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.

Item 15.3 Privacy Matter

These items are classified CONFIDENTIAL under section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals

This matter is confidential because it may contain personnel matters in relation to an individual.

It is not in the public interest and would be contrary to privacy provisions to reveal these details.

It is not in the public interest and would be contrary to privacy provisions to reveal these details.

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.

The Acting Depot & Fleet Co-ordinator attended the meeting to assist with any questions arising from Item 15.1 Tenders.

Having declared an interest in the Item 15.1 the Director of Corporate and Community Services left the meeting at 7.42 p.m.

The Acting Director of Planning & Environmental, Senior Town Planner left the meeting at 7.42 pm.

The Director of Technical Services, the Acting Depot & Fleet Co-ordinator and the Personal Assistant to the General Manager & Corporate Services left the meeting at 7.56 pm prior to Item 15.3 Privacy matter, being discussed.

200807/ 37 RESOLVED

Moved Councillor Bryan Hannigan, seconded Councillor Lindsay Passfield.

1. That council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
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.

Council Closed its meeting at 7.42 p.m. The public and media left the Chamber.

CARRIED

15.02 MOVE OUT OF CLOSED COUNCIL

200807/ 38 RESOLVED

Moved by Councillor Bryan Hannigan, seconded by Councillor Lindsay Passfield.

That Council move out of Closed Council and into Open Council.

CARRIED

15.03 RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

200807/ 39 RESOLVED

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

That the following resolutions of council while the meeting was closed to the public were read to the meeting by the Mayor.

CARRIED

15.1 TENDER FOR SUPPLY OF 6 X 4 RIGID TIPPER

1. Council accept the tender from Brown and Hurley for the supply of a Kenworth T350 rigid tipper fitted with a McNamara Body at a cost to Council of \$195,718.18 (GST exclusive).
2. Council accept the direct purchase offer from Smiths Trucks Pty Ltd of \$72,727.27 (GST exclusive) for Plant No. 134.

15.2 KYOGLE WATER SUPPLY OFF-STREAM STORAGE

1. That Council receives and notes the report on the Kyogle Water Supply Off-Stream Storage Site.
2. That Council authorises the General Manager to negotiate for acquisition by agreement, the land described in the Conclusion section of this report with the total value of compensation offered in the form of works and/or payment not to exceed the amount listed in the conclusion section of this report (subject to a further report being presented to Council for its acceptance or otherwise of the negotiated price)

15.3 PRIVACY MATTER

That Council authorise the General Manager to resolve the matter in accordance with the legal advice provided and to sign the associated documentation.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 8.13 p.m.

Signature of Chairperson.....

