Kyogle Council

Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 28 November 2011.

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, Planning Consultant (for Item 13B.3), the Depot and Fleet Manager (for Item 16.1) and the Personal Assistant to the General Manager & Corporate Services.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.30 p.m.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement.

ITEM 4 DECLARATION OF INTERESTS

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 - 2011/169
  Reason for Declaration - Kyogle Showground Trust Member

Cr. Janet Wilson declared an interest in the following item/s:

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 – 2011/89 2011/169

Reason for Declaration - Kyogle Showground Trust Member, applicant is a colleague.

- o 13E.2 – Corporate & Community Services Meeting Item 5.5.
  Reason – Position held as a Regional Development Australia board member.

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

- o Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 - 2007/188 ,
- o Item 13B.3 Development Application 2007.188
  Reasons for Declaration - previous preparation of SOE prior to being employed by Kyogle Council.

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

- o Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 DA 2011/84, 2011/126
  Reason for Declaration – employed by the owner of properties

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

- o Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 - 2011/30, 2011/34
  Reason for Declaration – purchasing property with a potential quarry site - these are all quarry developments.

Cr. Lynette Zito declared an interest during Item 13D.2 September Quarter Budget /Management Plan Review
Reason for Declaration – Teaches a class at Kyogle Seniors Centre

ITEM 5 QUESTION TIME

Mrs Helen Phillips Cedar Point Resident addressed the meeting;

- Various correspondence/emails addressed to Council have not been answered, only acknowledged, enquired when would the correspondence/questions be answered?

The General Manager advised Council should be responding to all correspondence within 14 days. Council would be responding to GIPA request within the required 20 days, and he would investigate the other identified outstanding correspondence.
(copy of deputation included in minutes)

Mrs Betty Canty - Cedar Point resident addressed the meeting;

- Advised of major concerns in relation to the safety of the narrow approaches/bridge on Omagh Road. Outlined that between 6.00 am - 7.00 am this morning 68 cars and trucks went north and 72 cars and trucks went south along Summerland Way. Between 6.00 am - 8.00 am 30 cars went south and 2 cars went north along Omagh Road. Enquired what is being done to the approach roads and bridge by whom and when? (copy of deputation included in

minutes) Also long term tenants have moved out of their two homes - loss of income for them now?
(copy of deputation included in minutes)

The General Manager requested a copy of the deputation be provided and a written response to the questions would then be provided.

Mrs Janelle Stuart, Cedar Point Resident addressed the meeting;

- Referred to a response provided by the General Manager that "As with all DA's, it will be up to the applicant to fund further assessments/studies in relation to the DA".
  Does Council have "public policy" in regards to stating that the Developer will fund all development application costs, including costs associated with improvements to roads, bridges and other infrastructure?
  If so, where is this stated i.e. policy document, page, location etc. If not, why not?
  (copy of deputation included in minutes)

The Director of Planning & Environment Services stated an email response would be provided on the matter.

Mr Peter Ellem – Cedar Point resident addressed the meeting;

- How are residents going to be kept informed of proceedings by Council, in relation to the Cedar Point Quarry Application for the period between the December 2011 Council meeting and the February 2012 Council meeting?
  (copy of deputation included in minutes)

  The Director of Planning advised that as there were no Ordinary Council meetings scheduled between 19 December and 27 February so it was unlikely any decisions would be made during this period.

Mr William Canty - Cedar Point resident addressed the meeting;

- As home is only 265 metres from the quarry and following attending a meeting with quarry developers and residents, at no stage has the developers advised how they are going to look after the people/cattle of the area following the establishment of the proposed quarry?

ITEM 6 PUBLIC ACCESS

- Mr Phil Gome addressed Council in relation to Cedar Point Resource and the latest JRPP request of Council on behalf of the 7th Generation Inc Cedar Point Quarry Sub Committee.

The JRPP correspondence to Kyogle Council 1 November 2011 requested additional assessment or clarification of the following;

- Zoning of the site
- Proposed Development details
- Noise impact
- Air quality
- Blast design
- Upgrade and replacement of the Cedar Point Bridge
- Off-site water discharge
- Aboriginal and non-aboriginal heritage
- Ecological assessment
- Project justification

Questions asked include;

Why did Council not make this information available to existing landowners and new purchasers of property during the 14 years since it was notified of the extend of the Cedar Point resource and its implications on development?

Why has Council allowed Cedar Point residents both established and new to continue to unwittingly invest in their properties whilst being in possession of this information and advice from both the Minerals Department and the Planning Minister?

Why does Council have written Public Policies such as Codes of Conduct, Governance and Community Engagement, if such Policies are not put into culturally effective practice?
(copy of deputation included in minutes)

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

281111/ 1 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lindsay Passfield.

That the Minutes of the Ordinary Meeting held on 24 October, 2011, as amended were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; CLR LINDSAY PASSFIELD - BUILDING ENTITLEMENT

281111/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That Council, provide a report to the Ordinary meeting of Council February 2012, on the potential for Council to include within its review of the Local Environmental Plan and its Settlement Strategy, a proposal to grant every block of land a basic building entitlement, subject to normal development application conditions being met.

CARRIED

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield and Councillor Robert Leadbeatter called for a Division.

For	Against
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Lynette Zito	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Janet Wilson	
Cr John O'Reilly	
Cr Tom Cooper	

9.2 NOTICE OF MOTION; CLR ROBERT DWYER - CAR PARKING EXTENSION OF TIME

A motion was moved by Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the Traffic Committee be requested to investigate the feasibility of the following request from "Growing Kyogle";

1. That parking on the northern side of Stratheden Street, adjacent to the KMI, be extended from the times that currently apply to four hours. This to apply only of a Saturday morning during the time of the farmers markets.

2. Furthermore, a report on this be presented to council at the convenience of the Traffic Committee.

A motion was foreshadowed by Councillor Janet Wilson

3. That Council review and discuss with the Farmers Markets ways in which refrigerated vans can be included safely within the Saturday Farmers Markets.

4. That the report be provided to the December Ordinary meeting.

The motion was put to the vote and was CARRIED.

281111/ 3 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the Traffic Committee be requested to investigate the feasibility of the following request from "Growing Kyogle";

1. That parking on the northern side of Stratheden Street, adjacent to the KMI, be extended from the times that currently apply to four hours. This to apply only of a Saturday morning during the time of the farmers markets.

2. Furthermore, a report on this be presented to council at the convenience of the Traffic Committee.

CARRIED

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

A motion was moved by Councillor Janet Wilson, seconded Lynette Zito

3. That Council review and discuss with the Farmers Markets ways in which refrigerated vans can be included safely within the Saturday Farmers Markets.
4. That the report be provided to the December Ordinary meeting.

The motion was put to the vote and was CARRIED.

281111/ 4 RESOLVED

Councillor Janet Wilson, seconded Councillor Lynette Zito.

3. That Council review and discuss with the Farmers Markets ways in which refrigerated vans can be included safely within the Saturday Farmers Markets.
4. That the report be provided to the December Ordinary meeting.

CARRIED

FOR VOTE - Unanimous vote

9.3 NOTICE OF MOTION; CLR TOM COOPER - BONALBO CARAVAN PARK

A motion was moved by Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

1. That Council investigates the possibility of allowing permanent residency at the Bonalbo Caravan Park which is currently under-utilised as a short-term tourist facility.

A motion was foreshadowed moved by Councillor Janet Wilson

2. That a report be provided showing how Council may investigate affordable housing options for the local government area.

The motion was put to the vote and was CARRIED.

281111/ 5 RESOLVED

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

1. That Council investigate the possibility of allowing permanent residency at the Bonalbo Caravan Park which is currently under-utilised as a short-term tourist facility.

CARRIED

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

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AGAINST VOTE - Janet Wilson

A motion was moved by Councillor Janet Wilson, seconded Councillor Lynette Zito

2. That a report be provided showing how Council may investigate affordable housing options for the local government area.

The motion was put to the vote and was CARRIED.

281111/ 6 RESOLVED

Councillor Janet Wilson, seconded Councillor Lynette Zito.

2. That a report be provided showing how Council may investigate affordable housing options for the local government area.

CARRIED

FOR VOTE - Unanimous vote

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTION WITH NOTICE - CLR JANET WILSON

281111/ 7 RESOLVED

Councillor Janet Wilson, seconded Councillor Lynette Zito.

1. The Question with Notice from Councillor Janet Wilson for the November Ordinary meeting be received and noted.
2. The matter be referred to the Corporate & Community Services meeting to be held in December for further investigation.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 QUESTIONS FROM OCTOBER ORDINARY MEETING

281111/ 8 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Questions from October Ordinary Meeting report were received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.2 FINANCIAL REPORTS - OCTOBER 2011

281111/ 9 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the information contained in the Monthly Finance Report – October 2011 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.3 CHRISTMAS/NEW YEAR CLOSEDOWN

281111/ 10 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the report Christmas/New Year Closures was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 TECHNICAL SERVICES COMMITTEE

281111/ 11 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the minutes of the Technical Services Committee meeting held November 14, 2011 were received and noted.

2. That Council authorise the General Manager and Mayor to execute under the Council Seal the Licence Number LI 490733 over Crown Land being part Lot 7300 DP 1146195.

3. That the name "Murphy Standfields Culvert" be adopted for the bridge over Logans Creek on Lions Road at Cougal.

4. That Council advertise for submissions from the public on the road naming issue listed below;
   Road No.: 304
   Current Road Name or Description of Route
   The un-named road near the village of Woodenbong starting from Lindsay Creek Road and running in a westerly direction through Lot 7016 DP 1072312 and immediately to the north of the adjoining Lot 7005 DP 1055056 then through to the western most boundary of Lot 7 DP 751059
   Proposed Road Name
   Recreation Road
   Reason
   Un-named road

5. That a bus zone be established on the eastern side of Summerland Way immediately north of the Stratheden Street intersection and that the existing bus zone south of the Stratheden Street intersection be closed.

6. That the resident be advised that existing conditions do not warrant a reduction in the speed limit on Terrace Road or McInnes Road.

7. That a stock crossing in Terrace Road be approved subject to the standard conditions relating to stock crossings.

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8. That a school bus stop warning sign be installed on Terrace Road for east bound traffic near McInnes Road intersection.

9. That no parking be permitted on the western side of Ettrick Street from Wyangarie Street to George street 8:00 to 9:30 am and 3:00 to 4:30 pm on school days.

10. That a reduction in the speed limit to 50km/hr in the vicinity of the Bulmers Road/ Bruxner Highway intersection on the Richmond Range not be approved.

11. That Council request signage from RMS to advise southbound traffic approaching the MR622 / Summerland Way intersection of the services available in, and proximity of, Woodenbong.

CARRIED

FOR VOTE - Unanimous vote

13A.2 ROADWORKS AT URBENVILLE RECREATION RESERVE

A motion was moved by Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. That, subject to approval of the project by the Lands Department, Council agree to provide project management and supervision of the works proposed to be undertaken on the access road to the Urbenville Bowling Club within the Urbenville Recreation Reserve.
2. That the estimated cost of $2,000 for project management and supervision of the project be provided as a donation by Council to the Urbenville Bowling Club.

A motion was foreshadowed by Councillor Tom Cooper,

3. That Council investigate the cost of providing a spray seal of Urbenville Bowling Club access road and various options of funding in association with Tenterfield Council.

The motion was put to the vote and was CARRIED.

281111/ 12 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. That, subject to approval of the project by the Lands Department, Council agree to provide project management and supervision of the works proposed to be undertaken on the access road to the Urbenville Bowling Club within the Urbenville Recreation Reserve.

2. That the estimated cost of $2,000 for project management and supervision of the project be provided as a donation by Council to the Urbenville Bowling Club.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Tom Cooper, seconded Councillor Lindsay Passfield

3. That Council investigate the cost of providing a spray seal of Urbenville Bowling Club access road and various options of funding in association with Tenterfield Council.

The motion was put to the vote and was CARRIED.

281111/ 13 RESOLVED

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

3. That Council investigate the cost of providing a spray seal of Urbenville Bowling Club access road and various options of funding in association with Tenterfield Council.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD OCTOBER 1, 2011 TO OCTOBER 31, 2011

281111/ 14 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lindsay Passfield.

1. That, with the exception of the following items in which Councillors Janet Wilson, Robert Dwyer, Tom Cooper, Lindsay Passfield and Director of Planning & Environmental Services have declared an interest,

   - Cr Janet Wilson 13B.1 Development Applications Received, Determined and Outstanding DA 2011/169

- Cr Robert Dwyer 13B.1 Development Applications Received, Determined and Outstanding DA 2011/169

- Cr Tom Cooper 14B.1 Development Applications Received, Determined and Outstanding DA 2011/30, 2011/34

- Cr Lindsay Passfield 14B.1 Development Applications Received, Determined and Outstanding DA 2011/84, 2011/126

- Director of Planning & Environmental Services 14B.1 Development Applications Received, Determined and Outstanding DA 2007/188

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 13B.1 Councillor Janet Wilson, Robert Dwyer, Tom Cooper, Councillor Lindsay Passfield and the Director of Planning & Environmental Services left the meeting at 4.33 p.m.

281111/ 15 RESOLVED

Councillor John O'Reilly, seconded Councillor Robert Leadbeatter.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 only in relation to DA's 2011/169, 2011/30, 2011/34, 2011/84, 2011/126, 2007/188, in which Councillors Janet Wilson, Robert Dwyer, Tom Cooper, Lindsay Passfield and the Director of Planning & Environmental Services have declared an interest were received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson, Lindsay Passfield, Robert Dwyer, Tom Cooper

Councillor Janet Wilson, Robert Dwyer, Tom Cooper, Councillor Lindsay Passfield and the Director of Planning & Environmental Services returned to the meeting at 4.35 p.m.

13B.2 PLANNING AND ENVIRONMENT COMMITTEE

281111/ 16 RESOLVED

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That the minutes of the Planning and Environment Committee Meeting held on Monday, November 14, 2011were received and noted.
2. That the Terms of Reference for the Planning and Environment Committee be adopted.
3. That Council staff be directed to investigate sources of grant funding for improvement of Anzac Park and examine existing budget for sources of contributing funding to match the grant and a further report on this be brought to the Planning & Environment Committee.
4. That Council seek a formal planning agreement with the developers of DA 2010-150 and DA 2011-46 that Council will proceed with the upgrade works on Oxbow Road and the intersection of Oxbow Road and Kyogle Road as per the requirements of Councils *Section 94 Development Contributions Plan, 2008 Residential, Rural; Residential & Heavy Haulage Development* if the total developer contributions for both developments are paid prior to the commencement of works.
5. That Council provide an additional $60,000 in the 2011/12 budget to fund the upgrade works on Oxbow Road and the intersection of Oxbow Road and Kyogle Road as per the requirements of Councils *Section 94 Development Contributions Plan, 2008 Residential, Rural; Residential & Heavy Haulage Development*
6. That subject to obtaining the formal planning agreement with the developers of DA 2010-150 and DA 2011-46, Council call for tenders for the upgrade works on Oxbow Road and the intersection of Oxbow Road and Kyogle Road as per the requirements of Councils *Section 94 Development Contributions Plan, 2008 Residential, Rural; Residential & Heavy Haulage Development.*

CARRIED

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield and Councillor Lynette Zito called for a Division.

For	**Against**
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Lynette Zito	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Janet Wilson	
Cr John O'Reilly	
Cr Tom Cooper	

13B.3 DEVELOPMENT APPLICATION 2007.188

Having declared an interest in item 13B.3 the Director of Planning & Environment left the meeting at 4.36 p.m.

Planning Consultant Mr Stephen Fletcher attended the meeting, on behalf of Council to assist with any questions arising from the report.

281111/ 17 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That Council refuse Development Application 2007-188 for the excision of two concession lots from Lot 32 DP 1047834 Carruthers Road Doubtful Creek for the following reasons:

1. The application does not provide sufficient information to determine that the level of bushfire risk for future residents of the proposed concessional lots associated with the adjoining private and public forestry operations is acceptable;
2. Having regard to the potential unacceptable level of bush fire risk, the proposed subdivision is considered to be contrary to the public interest.

CARRIED

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield and Councillor Lynette Zito called for a Division.

For	Against
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Lynette Zito	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Janet Wilson	
Cr John O'Reilly	
Cr Tom Cooper	

The Director of Planning & Environment Services returned to the meeting at 4.41 p.m.

13B.4 DEVELOPMENT APPLICATION 2011.172 - BUILDING LINE VARIATION FOR A VERANDA

281111/ 18 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That Council issue Development Consent Notice 2011-172 for the construction of a veranda and a building line variation to 2.950metres from 6.0 metres.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1) The development shall be in accordance with development application number 2011-172 submitted on September 22, 2011, and in accordance with the following:

- **Statement of Environmental Effects as prepared by TM WRIGHT**

Except where otherwise provided by the conditions of this development consent.

2) In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

3) This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*. Following the expiration of this period the consent will lapse unless work relating to the subdivision is physically commenced before the date on which the consent would otherwise lapse.

4) The proposed landuse shall not result in the emission of offensive noise.

Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:

a) be harmful to,
b) be offensive to,
c) interfere unreasonably with the comfort or repose of,

a person who is:

(i) if the offensive noise is made in premises that are not a public place - outside those premises,

or

(ii) if the offensive noise is made in premises that are a public place - within or outside those premises.

5) All building waste is to be removed from the site to an approved waste disposal facility.

6) Burning of site refuse and materials is not permitted and all such materials shall be prevented from escaping onto adjoining land and shall be maintained in a tidy manner on site at all times.

7) Erosion and sediment control measures must be properly maintained at all times and shall remain in proper operation until all development activities have been completed and the site fully stabilised and vegetated.

8) All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.

9) All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

10) Footings and/or slabs must be in accordance with AS 2870 – 1996, “Residential Slabs and Footings”.

11) All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.

12) The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.

13) All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.

14) If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;

a) prior to pouring any in-situ reinforced concrete building element.

b) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

CARRIED

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield and Councillor Lynette Zito called for a Division.

For	Against
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Lynette Zito	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Janet Wilson	
Cr John O'Reilly	
Cr Tom Cooper	

ITEM 13C ENVIRONMENT SERVICES REPORT

13C.1 SOLAR INSTALLATIONS ON COUNCIL BUILDINGS

A motion was moved by Councillor Robert Dwyer, seconded Councillor John O'Reilly.

1. That Solar installation on Council buildings report was received and noted.
2. That Council proceeds with the purchase and installation of a 1.5 kw solar energy system at the Kyogle Visitor Information Centre for $5,432 as outlined in this report.

A motion was foreshadowed by Councillor Lindsay Passfield,

1. Subject to the installation of solar power at the Kyogle Visitor Information centre, a further report be provided to Council on the potential for the installation of solar power on other council facilities.

Councillor Robert Dwyer withdrew his motion.

Councillor Lindsay Passfield withdrew his foreshadowed motion.

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

1. That Solar installation on Council buildings report was received and noted.
2. That staff provide a report to Council outlining the cost/benefit of the proposed installation and grant funding sources available for the project.

The motion was put to the vote and was CARRIED.

281111/ 19 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That Solar installation on Council buildings report was received and noted.
2. That staff provide a report to Council outlining the cost/benefit of the proposed installation and grant funding sources available for the project.

CARRIED

FOR VOTE - Unanimous vote

13C.2 STATE OF THE ENVIRONMENT 2011

281111/ 20 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the State of the Environment Annual Supplementary Report 2011 was adopted.

CARRIED

FOR VOTE - Unanimous vote

13C.3 COAL SEAM GAS PARLIAMENTARY INQUIRY

281111/ 21 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Coal Seam Gas Parliamentary Inquiry report was received and noted.

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2. That Council staff lodge a written submission to the Parliamentary Inquiry which describes in more detail the community concerns as expressed in their submissions outlined in this report.

CARRIED

FOR VOTE - Unanimous vote

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

3. That Council approaches NSW State Government in relation to the Environmental Impact Statement from Metgasco on the proposed pipeline over the Lions Road, seeking assurance that Council will be involved in the process and be allowed to have input.

The motion was put to the vote and was CARRIED.

281111/ 22 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

3. That Council approaches NSW State Government in relation to the Environmental Impact Statement from Metgasco on the proposed pipeline over the Lions Road, seeking assurance that Council will be involved in the process and be allowed to have input.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13D CORPORATE SERVICES REPORT

13D.1 2010/2011 ANNUAL REPORT

281111/ 23 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That the Kyogle Council Annual Report for the 2010/2011 reporting period, as amended was adopted.

CARRIED

FOR VOTE - Unanimous vote

13D.2 SEPTEMBER QUARTER BUDGET/MANAGEMENT PLAN REVIEW

Councillor Lynette Zito left the meeting at 5.17 p.m. during discussions occurring in relation to the Kyogle Seniors Centre.

A motion was moved by Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the September 2011, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained therein.

A motion was foreshadowed by Councillor Janet Wilson,

3. That an appropriate amount of money be included in the December Quarter Budget review to replace the floor covering in the remaining section of the Kyogle Seniors Centre, and to pursue any grant options that may be available.

The motion was put to the vote and was CARRIED.

281111/ 24 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the September 2011, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained therein.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

A motion was moved by Councillor Janet Wilson, seconded Councillor John O’Reilly

3. That an appropriate amount of money be included in the December Quarter Budget review to replace the floor covering in the remaining section of the Kyogle Seniors Centre, and to pursue any grant options that may be available.

The motion was put to the vote and was CARRIED.

281111/ 25 RESOLVED

Councillor Janet Wilson, seconded Councillor John O'Reilly.

3. That an appropriate amount of money be included in the December Quarter Budget review to replace the floor covering in the remaining section of the Kyogle Seniors Centre, and to pursue any grant options that may be available.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

Councillor Lynette Zito returned to the meeting at 5.28 p.m.

13D.3 MINUTES OF INTERNAL AUDIT COMMITTEE

281111/ 26 RESOLVED

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That the report on the Code of Conduct was received and noted.

2. That the General Manager complete a review of existing policies and procedures with a view to producing a complete Policies and Procedures Manual with an initial focus on financial Policies and Procedures, specifically Budget setting procedures.

3. That a report, preferably in person, by Council's external auditors as to the content and status of any Management Letter recommendations come to the next Internal Audit Committee meeting.

4. That Council's external auditors submit their Audit Strategy to the Internal Audit Committee prior to the commencement of the 2012 Audit.

CARRIED

FOR VOTE - Unanimous vote

13D.4 REVIEWED VEHICLE POLICY

281111/ 27 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor John O'Reilly.

That the amended Vehicle Policy was adopted.

CARRIED

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

13D.5 BANKING SERVICES TENDER

281111/ 28 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Banking Services Tender report was received and noted.
2. That Council exercise the option to extend the contract for the provision of transactional banking services with the Commonwealth Bank.
3. That, Council authorises the Mayor and General Manager to sign Contract documents with the Commonwealth Bank relating to the provision of transactional banking services.
4. That Council authorise the Common Seal to be affixed to the Contract documents with the Commonwealth Bank relating to the provision of transactional banking services.

CARRIED

FOR VOTE - Unanimous vote

13D.6 PRESENTATION OF AUDITED FINANCIAL STATEMENTS 2010/2011

281111/ 29 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That in accordance with the Local Government Act 1993, the Audited Financial Reports for the year ended 30 June 2011, and the Independent Audit Reports were presented to the public.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 COMMUNITY ENGAGEMENT STRATEGY

281111/ 30 RESOLVED

Councillor Janet Wilson, seconded Councillor Lynette Zito.

That the Community Engagement Strategy - 2025 Strategic Plan report was adopted.

CARRIED

FOR VOTE - Unanimous vote

13E.2 CORPORATE & COMMUNITY SERVICES MEETING

Having declared an interest in item 13E.2 Councillor Janet Wilson left the meeting at 5.39 p.m.

A motion was moved by Councillor Robert Leadbeatter, seconded Councillor Tom Cooper.

1. That the Minutes of the Corporate & Community Services meeting as amended were received and noted
2. That the Draft Financial Management Policy recommended to Council, as amended was adopted.
3. That the Draft Financial Management Policy be placed on public exhibition for a period of 28 days.
4. That Council write to the CEO of Northern Area Health Board advising that Council supports the examination of innovative “models of service” provision for the Bonalbo community.

A motion was foreshadowed by Councillor Tom Cooper,

5. That Council provide assistance to the Save our Services Committee to the value of $1,750 to achieve the Social Plan goal of promoting health services in rural areas.

The motion was put to the vote and was CARRIED.

281111/ 31 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Tom Cooper.

1. That the Minutes of the Corporate & Community Services meeting as amended were received and noted
2. That the Draft Financial Management Policy recommended to Council, as amended was adopted.
3. That the Draft Financial Management Policy be placed on public exhibition for a period of 28 days.
4. That Council write to the CEO of Northern Area Health Board advising that Council supports the examination of innovative "models of service" provision for the Bonalbo community.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Tom Cooper, seconded Councillor Lindsay Passfield

5. That Council provide assistance to the Save our Services Committee to the value of $1,750 to achieve the Social Plan goal of promoting health services in rural areas.

The motion was put to the vote and was CARRIED.

281111/ 32 RESOLVED

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

5. That Council provide assistance to the Save our Services Committee to the value of $1,750 to achieve the Social Plan goal of promoting health services in rural areas.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

Councillor Janet Wilson returned to the meeting at 5.45 p.m.

13E.3 KYOGLE - STATE TIDY TOWNS AWARDS

281111/ 33 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lindsay Passfield.

1. That the Kyogle - State Tidy Towns Awards report was received and noted.
2. That Council appoints Councillor Lynette Zito as its delegate to attend the National Tidy Towns Awards in Canberra in 2012.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 LOCAL GOVERNMENT ELECTIONS 2012

281111/ 34 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That Council retain the Electoral Commission NSW to administer its elections (other than the election of the Mayor and Deputy Mayor by Councillors), constitutional referendums and polls until the conclusion of the 2012 ordinary election for Councillors.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Lynette Zito, seconded Councillor Robert Leadbeatter

2. That Council holds a referendum in conjunction with the 2012 ordinary election for Councillors.

The motion was put to the vote and was CARRIED.

281111/ 35 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

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2. That Council holds a referendum in conjunction with the 2012 ordinary election for Councillors.

CARRIED

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

A motion was moved by Councillor Lynette Zito, seconded Councillor Robert Leadbeatter

3. That Council holds a workshop on 12 December 2011 to frame the questions to be asked in the Referendum.

The motion was put to the vote and was CARRIED.

281111/ 36 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

3. That Council holds a workshop on 12 December 2011 to frame the questions to be asked in the Referendum.

CARRIED

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

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Tom Cooper

- When will the two seats be installed at the Patrick McNamee Park?
- What action is Council taking in relation to the complaints from businesses who now are unhappy utilising the split bin system?

Councillor Lynette Zito

- Requested a report in relation to the Local Government Remuneration Tribunal seeking input for a better remuneration for Councillors in rural areas and what changes are going to occur?

Councillor Janet Wilson

- Enquired what Planning instruments are in place to protect the Kyogle Mainstreet facades? Concerns raised recently in relation to the recent erection of the luminous pink signage - Eagle Boys

Councillor Robert Dwyer

- Requested a report on how Council is going to support and be involved in the upcoming Tidy Towns Awards in November 2012?

Councillor John O'Reilly

- Enquired if staff could investigate the possibility of purchasing vehicles and machinery jointly with nearby councils to achieve greater savings?

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVE INTO CLOSED COUNCIL

Item 16.1 - Tender for the Supply of Motor Grader Tender No 2011/12-001
Item 16.2 - Independent Broadband Testing Proposal
Item 16.3 - Consultant for the preparation of the Crime Prevention Plan
Item 16.4 - Organisational Review - Quotation

These items are 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:

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.

281111/ 37 RESOLVED

Councillor Lynette Zito, 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.

CARRIED

FOR VOTE - Unanimous vote

Council closed its meeting at 6.19 p.m. The public and media left the Chamber.

The Depot and Fleet Manager attended the meeting for Item 16.1 Tender for the Supply of Motor Grader Tender No 201112-001 to assist with questions which arose.

Councillor Janet Wilson declared an interest in Item 16.2 and departed the meeting for the item.

16.02 OPEN COUNCIL RESUMES

281111/ 38 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That Council move out of closed council and into open council.

Open Council resumed at 6.30 p.m.

CARRIED

FOR VOTE - Unanimous vote

16.1 TENDER FOR THE SUPPLY OF MOTOR GRADER TENDER NO 201112-001

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1. That Council accept the tender from Hitachi Construction Equipment for the supply of a John Deere 770G Motor Grader at a cost to Council of $349,500 (GST Exclusive)
2. That Council accept the tender for purchase from Manheim for the trade-in unit Caterpillar 12H Motor Grader for $141,363.64 (GST Exclusive)

16.2 INDEPENDENT BROADBAND TESTING PROPOSAL.

That the proposal from Digital Economy Group to carry out Independent Broadband Testing in the Kyogle Council area be accepted.

16.3 CONSULTANT FOR THE PREPARATION OF THE CRIME PREVENTION PLAN

1. That the report on Consultant for the preparation of the Crime Prevention Plan was received and noted.

2. That the Expression of Interest received from Coulston Consulting at a price of $20,000 was accepted.

16.4 ORGANISATIONAL REVIEW - QUOTATION

That Council engages Complete Urban Pty Ltd to conduct an organisational review according to the proposal submitted by them.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.33 p.m.