

## **Kyogle Council**

**Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 11 April 2016.**

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### **PRESENT**

Cr Danielle Mulholland (Mayor in the Chair), Cr Maggie Creedy, Cr Ross Brown, Cr Janet Wilson, Cr Chris Simpson, Cr John Burley, Cr Robert Dwyer, Cr Lindsay Passfield and Cr Michael Reardon.

### **IN ATTENDANCE**

The General Manager, the Executive Manager Infrastructure Works, the Executive Manager Administration and Community, the Executive Manager Planning and Environment, the Personal Assistant to the General Manager and Administration and Community.

### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 5pm.

#### **ITEM 1 APOLOGIES**

Nil

#### **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.

#### **ITEM 4 DECLARATION OF INTERESTS**

Nil

#### **ITEM 5 QUESTION TIME**

Mrs Elva Jones: I would like to know what Council intends to do in regard to footpaths in Bloore and Etrick Street.

I could not believe when I came home this week to see that Councillor Brown's block of land in Summerland Way has a footpath in front of it. There are also footpaths being constructed within the skatepark. I just can't believe that residents can't get a footpath.

Also pool closures. We have had hot weather and school holidays and no pool. I think council should look at playing by the weather -- if it's raining, close it, but if we are having hot weather keep it open.

I also want to raise the issue of the gutter in Ettrick Street. I would like to see councillors drive their cars to the railway station, leave them there and walk and have a good look at the gutter from there to Francis O'Reilly's. The grass, the gravel that is in that gutter is shocking.

I would like to see Bloore Street and Ettrick Street get a footpath.

Councillor Ross Brown: I am presuming one of the questions Mrs Jones wanted to ask was whether Councillor Ross Brown had any input in relation to the new footpath that has been put in front of his vacant block of land. The answer is no. There has always been a footpath there although in a bad state of repair. I was probably as surprised as anyone to see the footpath go in. Councillor Brown had no indication, knowledge nor input.

Mrs Anne Reardon: I would like to congratulate Council on the newsletter. I think it is a very good publication and I wish ratepayers would read it. I picked the most recent newsletter up on Thursday 24 April and the people of Geneva didn't receive theirs until 10 days later. Why the delay?

Executive Manager Administration and Community: All the newsletters are delivered to the post office on exactly the same day, so any difference in the delivery time or delays some people may be experiencing are due to the service provided by Australia Post.

Mrs Elaine Maclean: I would like to ask if there is going to be any consideration given to little old ladies like me who go out to the waste facility with garden waste and we now have to lift the waste up to put it in the bin. I can't lift up bags of grass, they are too heavy, and throw them in the bin. I have raised the issue before, and nothing has happened. Can Council please have a look at that?

Executive Manager Planning and Environment: The Council recognises there are issues regarding green waste at the Kyogle landfill. The usability of the facilities there for people is one of the shortcomings of the facility that has been recognised by Council. It is on Council's list of capital works that we want to do at the landfill. We are looking at doing that over the next year. If people are experiencing difficulties in using any of the bins at the landfill I would encourage them to talk to the staff and they will provide people with assistance in getting rid of that material into the bins. I will raise the issue with staff this week as an interim measure, but Council does recognise there are some shortcomings at the facility and we are trying to change the design of that facility.

Peter Adams: I am from Boorabee Creek and my question is in relation to a piggery that has opened up out there. After nine years of disuse as a piggery, two separate practices since, those being rabbits and ducks, both also with no DAs from Council, how is it so that it is allowed to restock as a business and go on as usual with no DA and no correspondence with any of the 10 closest neighbours?

Executive Manager Planning and Environment: The Council is aware of that piggery. The piggery has recommenced on the basis that the operators maintain they have continuing use rights under the legislation. That was based on submissions from the operator's planning consultant, lawyer and statutory declarations. Council acknowledges that.

Council does not have an approval role in continuing use rights, rather it's for an operator to substantiate under the act that they are able to undertake those operations with or without approval. Having said that, anyone undertaking any development or carrying out new works still requires an approval. At the moment Council, in relation to that piggery and probably a number of other piggeries, is looking to undertake an independent audit of those facilities, to substantiate the level of works, any new works and whether or not those works require approvals. Council will also do a count of the number of pigs within those piggeries. There are various thresholds under the legislation regarding the number of pigs and/or the keeping of sows and whether or not that may constitute a designated development.

At the moment Council is trying to secure the services of someone to undertake those audits. There are some administrative issues that need to be taken care of, in terms of powers of entry and the like, and once we have that done, hopefully in the next week or so, that will be done.

If there are any works that Council finds that are new, then Council has the ability to issue orders with the view of getting the operators to obtain approval of those works. If they don't do that there are other enforcement actions that Council can take.

At this stage, Council is trying to objectively ascertain what the situation is in those piggeries. To date, we have had to rely on submissions made by the operators. Given there are concerns and there are some recent reports of additional works being undertaken, we need to ensure the audit is undertaken as soon as possible.

Councillor Chris Simpson: There seems that there are a lot of neighbours that are concerned about this particular business and the legality of it. It is of concern to me that these people don't get a voice. Should these people be encouraged to contact Council or do they go to the Land and Environment Court or how do they go about this process?

Councillor Ross Brown declared an interest in the matter being discussed (neighbouring property owner) and left the meeting at 5.12pm.

Executive Manager Environment and Planning: Anybody has a right under the Environmental Planning and Assessment Act to seek an order through the courts to

stop people from doing something they are not entitled to do under legislation. Council also has that ability but it has to do that based on some evidence.

There has been a fair bit of concern expressed about "Council's approval" of the operation of that piggery. The Council hasn't approved anything, it hasn't had an approval role in the matter. The matter has been one of whether or not the premises has continuing use rights. That is something for the operator to determine. The legislation requires that you are not supposed to carry out any development without an approval, and if you feel that you have continuing use rights and you can substantiate that, then you have that entitlement under the legislation.

The Council to date has accepted, in good faith, the submissions that the operator has made based on the information they have put forward. There now appears to be contrary views to that, in particular there have been reports that additional/new works are being undertaken and those new works could well be an issue or a matter that requires further approvals. Those are the things we are going to investigate. If approval is required, then under Council's Development Control Plan we would notify any such application to adjoining owners and they would be able to make submissions. If any of that development happened to be designated development under the legislation, then the neighbours are not only entitled to make a submission but they would also have appeal rights. At the moment we don't know that there is designated development involved, or if any development consent is required -- that is the purpose of carrying out an audit.

Separate to the need for development consent is the issue of general environmental compliance under the Protection of the Environment and Operations Act and the Local Government Act. Both acts have provisions requiring general environmental compliance, particularly in relation to water bodies. I understand that there is a water body on the property in question and one of the concerns is pollution of that water body. That is one of the specific matters we would be looking at in relation to the audit.

If there are any instances of non-compliance in that regard, there are a couple of acts that enable Council to issue orders to get those involved to either stop doing what they are doing or to rectify the situation.

At the moment, Council is trying to clarify and/or verify what the situation is and move on with that -- that may then lead to some consultation. On the issue of consultation, if a person substantiates continuing use rights for a development and they start that development up again, then there is no requirement under the legislation for them or anyone else to consult with other people in the area.

Councillor Lindsay Passfield: Would it be appropriate for Council following the audit, to provide some follow up information to neighbours who have expressed concern about the operation?

Executive Manager Environment and Planning: Council has a four stage process in dealing with these issues. Where there are no immediate threats, Council will write an informal letter to an operator/developer bringing the concern to their attention and giving them the opportunity to rectify the situation themselves.

We give a short time period for that and if that doesn't happen, then we issue a more formal letter, which is a notice of intention, to issue an order. If nothing happens out of that, then we issue a final order. That's assuming that a legitimate concern exists that requires that type of treatment. We have to do that under legislation to ensure procedural fairness. We have to identify for them what other avenues they might have in terms of appeals and the like. The fourth part of that process is that we would normally provide anyone who raises a concern with us, with an update on how Council has responded to their concerns. I have already indicated to a number of people here that we would do the same for them.

Councillor Michael Reardon: Existing rights practice does that apply only to the original landowner, what happens if property changes hands?

Executive Manager Environment and Planning: In relation to continuing use rights, the act talks about 12 months, but that is a generalisation as there is a raft of case law that goes with that and dependent on the circumstance that can be a much more extended period.

Continuing use rights don't go with the operator, they go with the land.

Catherine Dinsey: In Council's letter replying to my letter in November last year, Council referred to acceptable guidelines for odour and emissions for piggeries. I would like to know what the guidelines are, how odour is measured and by whom and who decides what is acceptable. Is someone going to come to my house in the middle of the night when the south easter is bringing in a very interesting odour and say it is not acceptable or are they going to come when the wind is blowing the other way?

Executive Manager Environment and Planning: I have to take a fair bit of that question on notice as I am not an environmental expert, but Council's Environmental Health Officer has informed me that there are some general guidelines in relation to that. It is difficult to deal with odour. I can't give the measurement criteria and the like. Having said that, one of the issues about odour in relation to piggeries is that it is as much about managing waste water within the piggery and the effluent, water and pig manure that the piggery generates. Council is looking at addressing what may need to be undertaken, if anything, in relation to the piggery pens and the effluent management systems that they have or may not have.

In relation to any specific odour management matters, I would have to seek that information through Council's Environmental Health Officer.

Catherine Dinsey: How can the operators say continuing use when there hasn't been continuing use. I do not understand how ducks and rabbits can fit into the mix or sheds sitting there empty and idle and falling to pieces.

Councillor Chris Simpson: I get from people here today that in their eyes the matter seems to be dragging on. I appreciate it is complicated. I think people here today are looking for an expedient resolution of this matter. It needs to be on Council's priority list.

Councillor Janet Wilson: As I understand it from what the Executive Manager Planning and Environment has told us, he is putting in place, or he has already put in place, a process whereby we will get to the point where we will have the evidence to be in a position to tell the residents exactly what we think the situation is. Is that correct?

Executive Manager Planning and Environment: That is largely right. My main aim is to inform the Council of what the position is; that in turn can flow on to the residents.

Catherine Dinsey: How much investigation, supervision, or detail has Council checked? Has Council been out to the piggery and checked everything. How much supervision has there been?

Executive Manager Planning and Environment: Council staff have been to the site on a number of occasions. But it's been in terms of more general observation. We have not measured pig pen dimensions or anything like that -- we have had no reason to do that in terms of our jurisdiction. The audit Council intends to undertake is intended to be more detailed.

Most of this is about a piggery re-establishing on that site, and people not being aware that was going to happen. I have tried to indicate that Council does not necessarily have a role in consulting with people over that where continuing use rights are purported.

There is an issue whether or not the development has continuing use rights. Council has relied in good faith on the evidence or the submission the operator has put to the council, which was quite extensive and involved a number of parties -- legal and technical consultants. We have no basis at the moment to challenge that. We could get our own legal advice on that if we wanted to, but even then we would then have to make a decision as to what we do with that and whether or not we would want to seek a court order assuming that the operators feel strongly about their position as well. The other aspect is informing the residents of what action we are taking from here on in. I have indicated to the Council and a number of other people what we are proposing to do. An additional thing we could do is inform residents more generally of the action the Council is looking at taking.

Councillor Ross Brown returned to meeting at 5.31pm.

## **ITEM 6 PUBLIC ACCESS**

Nil

**ITEM 7      CONFIRMATION OF MINUTES**

**7.1   CONFIRMATION OF THE MINUTES OF THE 14 MARCH 2016 ORDINARY MEETING**

**REPORT BY:   GENERAL MANAGER'S OFFICE**  
**CONTACT:     GENERAL MANAGER DAVID TUXFORD**

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Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer.

That Council adopt the Minutes of the Ordinary Meeting held on 14 March 2016.

Councillor Ross Brown left the meeting at 5.32pm and did not return.

Councillor Lindsay Passfield foreshadowed a motion.

That Council formalise the process of recording the names of all councillors who vote for and against a motion in Closed Council.

**110416/01   RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer.

That Council adopt the Minutes of the Ordinary Meeting held on 14 March 2016.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**110416/02   RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon.

That Council formalise the process of recording the names of all councillors who vote for and against a motion in Closed Council.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**ITEM 8      MAYORAL MINUTE**

Nil.

**ITEM 9      NOTICES OF MOTION**

Nil.

**ITEM 10     QUESTIONS WITH NOTICE FROM COUNCILLORS**

**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

**REPORT BY:   GENERAL MANAGER'S OFFICE**  
**CONTACT:     GENERAL MANAGER DAVID TUXFORD**

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**110416/03   RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor Chris Simpson.

That Council receives and notes the report, Questions from the Last Council Meeting.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**ITEM 11     DELEGATES REPORTS**

Nil.

**ITEM 12     INFORMATION PAPERS**

**12.1 COUNCIL RESOLUTIONS REQUIRING ACTION**

**REPORT BY:   GENERAL MANAGER'S OFFICE**  
**CONTACT:     GENERAL MANAGER DAVID TUXFORD**

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**110416/04   RESOLVED**

Moved by Councillor Maggie Creedy, seconded by Councillor Janet Wilson.

That Council receives and notes the report, Council Resolutions Requiring Action.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

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## **12.2 MONTHLY FINANCE REPORT**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY  
CAROL O'NEILL**

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### **110416/05 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson.

That Council receives and notes the information contained in the Monthly Financial Report.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

## **12.3 WORKS PROGRAM PROGRESS REPORT**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY  
CAROL O'NEILL**

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### **110416/06 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Robert Dwyer.

That Council receives and notes the information contained in the Works Program Progress Report March 2016.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

**ITEM 13 GENERAL MANAGER 'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

**13A.1 SUBMISSIONS RECEIVED ON PROPOSED BRIDGE NAME "BILL BERRY BRIDGE"**

**REPORT BY: INFRASTRUCTURE WORKS**

**CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN**

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**110416/07 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon.

That Council:

1. Receives and notes the report, Submissions Received On Proposed Bridge Name "Bill Berry Bridge".
2. Name bridge number 38-19702 "Bill Berry Bridge".

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

**13A.2 PUBLIC EXHIBITION OF PESTICIDE USE NOTIFICATION PLAN**

**REPORT BY: INFRASTRUCTURE WORKS**

**CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN**

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**110416/08 RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor Janet Wilson.

That Council:

1. Receives and notes the report, Public Exhibition of Pesticide Use Notification Plan.
2. Adopts the Pesticide Use Notification Plan 2016

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS DETERMINED AND OUTSTANDING FOR THE PERIOD 1 MARCH 2016 TO 31 MARCH 2016**

**REPORT BY: PLANNING AND ENVIRONMENTAL  
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT  
MANFRED BOLDY**

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**110416/09 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson.

That Council receive and note the information contained in the report Development Applications Determined and Outstanding for the 1 March 2016 to 31 March 2016.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**13B.2 DEVELOPMENT APPLICATION 2016-12**

**REPORT BY: PLANNING AND ENVIRONMENT  
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT  
MANFRED BOLDY**

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**110416/10 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor Janet Wilson.

That Council:

1. Receives and notes the report, Development Application 2016-12.
2. Pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979*, approves the application subject to conditions as contained in Attachment 2.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

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**13B.3 DEVELOPMENT APPLICATION 2016-13**

**REPORT BY: PLANNING AND ENVIRONMENT**  
**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT**  
**MANFRED BOLDY**

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**110416/11 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Chris Simpson.

That Council:

1. Receives and notes the report on Development Application 2016-13.
2. Pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979*, approves the application subject to conditions as contained in Attachment 2.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 13D CORPORATE SERVICES REPORT**

**13D.1 MINUTES OF THE INTERNAL AUDIT COMMITTEE FOR 22 MARCH 2016**

**REPORT BY: ADMINISTRATION AND COMMUNITY**  
**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY**  
**CAROL ONEILL**

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**110416/12 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Lindsay Passfield.

That Council receives and notes the minutes of the Internal Audit Committee meeting held 22 March 2016.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

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**13D.2 GOVERNANCE POLICY**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY**

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**110416/13 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Lindsay Passfield.

That Council adopt the amended Governance Policy.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

**13D.3 MINUTES OF THE COMMUNITY FUNDING COMMITTEE**

**REPORT BY: ADMINISTRATION & COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION & COMMUNITY  
CAROL O'NEILL**

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**110416/14 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor Maggie Creedy.

That Council:

1. Receive and note the Minutes of the Community Funding Committee meeting 21 March, 2016.
2. Undertakes a review of the Financial Assistance Policy and the associated application forms.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

## **ITEM 13E COMMUNITY SERVICES REPORT**

### **13E.1 FINANCIAL ASSISTANCE APPLICATIONS**

**REPORT BY: ADMINISTRATION AND COMMUNITY**  
**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY CAROL O'NEILL**

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Moved by Councillor Michael Reardon, seconded by Councillor Lindsay Passfield.

That Council fund the following organisation applications:

- a. Bonalbo and District Community Hall \$1000
- b. Bonalbo RSL Women's Auxiliary \$500
- c. Kyogle Country Endurance Riders Inc. \$1,000
- d. Woodenbong Public Hall \$1,000
- e. Kyogle Fish Acclimatisation \$1,000
- f. Cawongla Playhouse \$1,000
- g. Grevillia Hall Committee \$1,000
- h. Kyogle Track and Trail MTB Club \$566
- i. Kyogle Senior Rugby League \$845

2. That Council fund the following individual applications:

- a. James McPaul \$500
- b. Vilya De Tozer \$500 subject to written confirmation from the Bonalbo Hall Committee that they retain ownership of the sound equipment
- c. Leone Clarke \$500 subject to written confirmation from the Kyogle Historical Society that they retain ownership of the rocking horse.
- d. Amber-Lee Bryant \$500

Councillor Janet Wilson foreshadowed a motion, seconded by Councillor Maggie Creedy:

That Council adopt the recommendations of the Community Funding Committee as they stand.

Councillor Janet Wilson foreshadowed a motion:

That the General Manager provide to Council a report on how a Council grants program should be provided in the future.

**110416/15 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor Lindsay Passfield.

That Council fund the following organisation applications:

- a. Bonalbo and District Community Hall \$1000
- b. Bonalbo RSL Women's Auxiliary \$500
- c. Kyogle Country Endurance Riders Inc. \$1,000
- d. Woodenbong Public Hall \$1,000
- e. Kyogle Fish Acclimatisation \$1,000
- f. Cawongla Playhouse \$1,000
- g. Grevillia Hall Committee \$1,000
- h. Kyogle Track and Trail MTB Club \$566
- i. Kyogle Senior Rugby League \$845

2. That Council fund the following individual applications:

- a. James McPaul \$500
- b. Vilya De Tozer \$500 subject to written confirmation from the Bonalbo Hall Committee that they retain ownership of the sound equipment
- c. Leone Clarke \$500 subject to written confirmation from the Kyogle Historical Society that they retain ownership of the rocking horse.
- d. Amber-Lee Bryant \$500

**CARRIED**

FOR VOTE - Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Chris Simpson, Bob Dwyer

AGAINST VOTE - Maggie Creedy

ABSENT. DID NOT VOTE - Ross Brown

Councillor Wilson's first foreshadowed motion lapsed.

**110416/16 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Chris Simpson.

That the General Manager provide a report to Council on how a Council grants program should be provided in the future.

**CARRIED**

FOR VOTE - Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Chris Simpson, Bob Dwyer

AGAINST VOTE - Maggie Creedy

ABSENT. DID NOT VOTE - Ross Brown

**ITEM 13F GENERAL MANAGER'S REPORT**

**13F.1 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

**REPORT BY: GENERAL MANAGER**

**CONTACT: GENERAL MANAGER**

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**110416/17 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon.

That Council adopt the following motions to be submitted to the National General Assembly Sub-Committee as well as the State and Territory Local Government Associations for inclusion in the NGA Business Papers:

- That the National General Assembly calls on the Federal Government to address the current funding model on how local government is funded; local government needs to be funded directly.
- That the National General Assembly re-affirms its call on the Federal Government to end the freeze on the indexation of Financial Assistance Grants (FAGs).
- That the National General Assembly calls on the Federal Government for a full review of the Commonwealth Grants Commission Guidelines (CGCG) to ensure that they are fair and equitable for all councils. Infrastructure management should be a whole of government approach, therefore a review of the CGCG will facilitate a fairer allocation of FAG funding to local government in recognition of the imbalance between local government asset management responsibilities, its share of taxation revenue and its restricted capacity to raise revenue.
- That the National General Assembly calls on the Federal Government to create a rural portfolio that will provide a framework for States to apply for federal government funding as well as FAG funding allocations to be redistributed to rural councils in most need.
- That this National General Assembly re-energises the campaign for Constitutional Recognition of Local Government and calls on the Federal Government to ensure constitutional recognition of local government as the third tier of government and the time-frame for this to occur. Constitutional recognition needs to clarify the roles and responsibilities of local government as the sphere of government closest to the community and ensure that local government receives a fair and equitable funding allocation to enable it to fulfil its roles and responsibilities to communities.

**CARRIED**

FOR VOTE - Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Chris Simpson

ABSENT. DID NOT VOTE - Ross Brown

**13F.2 PROPOSED COUNCILLOR WORKSHOP**

**REPORT BY: GENERAL MANAGER**  
**CONTACT: GENERAL MANAGER DAVID TUXFORD**

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**110416/18 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Michael Reardon.

That a Councillor Workshop be held on Tuesday, 26 April 2016 commencing at 6pm and concluding at 8pm for the purpose of discussing a number of items including the strategic direction of Council relating to development opportunities, operational improvements, how estimates are compiled for capital works and a presentation on Council's draft Fees and Charges for 2016/2017 financial year.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Councillor Lindsay Passfield:

- The Woodenbong and Bonalbo Pools were closed over the Easter Break while Kyogle was open. Can Council look at a facility to extend the use of the pools, weather permitting, in consultation with employees?
- Can Council look at providing a pedestrian crossing for adults and children crossing Anzac Drive from the park to the underpass on the western side of the Kyogle railway line?

Councillor Michael Reardon:

- Can Council look at reinstating main light at the Kyogle swimming pool with another light that is more energy efficient such as an LED light?
- What is happening with the piggery venture in wetland on Studders Lane at Cedar Point?

Councillor Maggie Creedy:

- When will the Easter banner be removed from the main street of Kyogle?

Councillor Danielle Mulholland:

- Can Council be provided with a report on the status of the Kyogle caravan park?
- Can the staff look into the feasibility and effectiveness of steaming weeds as opposed to the chemical control of weeds?

## **ITEM 16 CONFIDENTIAL BUSINESS PAPER**

### **16.01 MOVED INTO CLOSED COMMITTEE**

#### **ITEM 16.1 LEASE OF KYOGLE'S VISITOR INFORMATION CENTRE CAFÉ ITEM 16.2 GOODS AND SERVICES TAX (GST) PROJECT**

These reports are CONFIDENTIAL in accordance with *Section 10A(2)(d) 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

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 was closed, as to whether that part of the meeting should be closed.

### **110416/19 RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor Janet Wilson.

That Council:

1. Resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. Pursuant to *Section 10A(1)-(3) of the Local Government Act*, exclude the media and the public 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. Withhold the correspondence and reports relevant to the subject business from the media and the public as required by *Section 11(2) of the Local Government Act*.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

Council closed its meeting at 6.48pm. The public and the media left the chamber.

### **16.02 OPEN COUNCIL RESUMES**

**110416/25 RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor Lindsay Passfield.

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

**CARRIED**

Open Council resumed at 7.28pm.

The Mayor read the following resolutions of Closed Council to the meeting.

**ITEM 16.1 LEASE OF KYOGLE'S VISITOR INFORMATION CENTRE CAFÉ**

**110416/20 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson:

That Council:

1. Prepare a new lease between Kyogle Council and Ms Steriovich of KCC for the café facility located in Council's VIC, Summerland Way, Kyogle, for a period of three years with a further three year lease option to be included, with the option to be agreed upon by both parties at the time the new option is to commence.
2. Increase the rent of the facility to \$120 per week after the signing of the new lease, which will include power and water usage charges due to the café not being separately metered for those utility charges, with a review in 12 months.
3. Review the rent on a 12 monthly basis and the rent is to be increased by CPI (All Groups Brisbane) annually.
4. Arrange for the drafting and signing of the new lease and delegate to the General Manager the authority to sign the lease on behalf of Council.
5. Advertise the lease on the above terms if the current tenant does not accept the terms outlined.

**CARRIED**

FOR VOTE - Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy

AGAINST VOTE - Bob Dwyer

ABSENT. DID NOT VOTE - Ross Brown

**110426/21 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Lindsay Passfield.

That the General Manager prepare a report on the amphitheatre as a community hub and the value of a master plan to address future needs.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

**ITEM 16.2 GOODS AND SERVICES TAX (GST) PROJECT**

**110416/22 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Lindsay Passfield.

That Council:

- 1. Receive and note the report, Goods and Services Tax (GST) Project, and proceed with joining the class action as detailed in the Genesis Accounting letter.
- 2. Receive regular updates on the progress of the class action.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**110416/23 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Simpson.

That the matters of the NSW Local Government Excellence Awards night and the Council investigation into an incident at the staff Christmas party be considered urgent business.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown

**110416/24 RESOLVED**

Moved by Councillor Wilson, second by Councillor Chris Simpson.

That Council receive and note the General Manager's verbal reports.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Ross Brown, John Burley

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 7.34pm

Signature of Chairperson.....