

## Kyogle Council

**Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 14 March 2016.**

---

### **PRESENT**

Cr Danielle Mulholland (Mayor in the Chair), Cr Maggie Creedy, Cr Ross Brown, 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, Executive Manager Urban and Assets, the Personal Assistant to the General Manager and Administration and Community.

### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 5pm.

### **ITEM 1 APOLOGIES**

An apology was received from Councillor Janet Wilson

### **140316/01 RESOLVED**

Moved Councillor Ross Brown, seconded Councillor Chris Simpson.

That the apology be accepted.

**CARRIED**

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

### **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**

Councillors Robert Dwyer, Michael Reardon, Ross Brown, Chris Simpson, John Burley, Maggie Creedy, Danielle Mulholland AND Lindsay Passfield declared an interest in the following item:

- Item 13B.2 Planning Proposal to Amend Kyogle LEP. The Councillors declared a non-significant pecuniary interest under Section 451(b)(4)  
Reason for declaration: Property owner/relative of a property owner of land affected by LEP amendments.

Cr. John Burley declared an interest in the following item/s:

- Item 16.3 Organisational Structural Review  
Reason for Declaration - Relative of person mentioned in report.

## **ITEM 5          QUESTION TIME**

Nil

## **ITEM 6          PUBLIC ACCESS**

Jo Bulmer -- Item 13B.2

*"Thank you for the opportunity to address today's Council meeting. I come with one simple request, please can you simplify the zoning a little further by removing RU2 completely and have all the primary production properties in the Kyogle LGA under the one banner of RU1.*

*For those of you who don't know me, my husband Grant and I, together with our family, run both stud and commercial cattle and also crop on our three properties in the Kyogle LGA.*

*We recently attended a meeting hosted by the Northern Rivers Beef Producers Association. This meeting was very well attended by producers from the area, who, like ourselves, were concerned about the possibility of any changes that could affect the way in which we run and manage our properties.*

*(Kyogle Council Executive Manager Planning and Environment) Manfred Boldy addressed the meeting and gave a very clear explanation of what was currently in place, the procedures required to make changes to zoning areas and he also answered questions from producers.*

*It is my understanding from the information provided by Manfred, and also confirmed by recent correspondence from our Mayor Danielle Mulholland, that there is very little difference between the RU1 and RU2 zones. The initial zoning was very confusing and often not completely accurate.*

*The removal of the E zones has certainly made a huge difference, however I believe if we were to take it one step further and remove RU2, therefore leaving every primary production property with one zone, there would be no confusion at all. There would be only one set of rules and regulations to apply to the entire farm.*

*I would assume, that this would also serve as a cost saving exercise as obviously the entire LGA would need to be remapped to rectify the current inaccuracies if zones were to continue.*

*It may seem an incidental matter to those who are not affected by these zoning issues, but to the producers who you are representing, it is a concern. And so we ask if you could please consider this request favourably.*

*In closing, I should add that at the beef producers meeting, when asked who was in favour of having only one zone that is RU1, the vote was unanimous.*

*Thank you again for the opportunity to voice our request."*

Kylie Thomas -- Kyogle Australia Day

*"The 2016 Australia Day Committee met for the first time Monday, 18 May 2015 for the official handover and determination of roles. The committee was generally disappointed with the guidance they were given and set about formulating the process of restoring dignity and respect to the day. They met regularly from that time to build a program that would reflect these values.*

*Each month articles were published in the Talking Turkey to stimulate interest and encourage participation. Schools were invited to participate in a Writing Competition which unfortunately they failed to respond. The Chamber of Commerce was requested to encourage businesses to promote Australia Day in a business premises competition which was sponsored by Kyogle Tidy Towns.*

*The committee decided that it was important to involve as many community groups as feasible – invitations were extended to the Town Band, Guides and Scouts, Daleys Nursery, Lions and Quota, Garden Club and local performers – the Oddbods and the Pimmadonnas. Attempts were made to involve our local Aboriginal community, but to no avail.*

*The committee felt that the audience should be cloaked in an Australiana atmosphere so the music, poetry and hall decorations reflected this. The evening prior to Australia Day the committee welcomed our Australia Day Ambassador Miss Morgan Kasmarik with a dinner at Magnolia Manor. This gave the committee the opportunity to discuss with Morgan the program for the following day and make any amendments as required.*

*The actual function was attended by 225 plus people who indicated on departure that they had had a pleasant experience and congratulated the committee on restoring respect and dignity to the day and they left the venue feeling how great it is to be Australian.*

*On reflection the committee recognises issues that need addressing for example;*

- increased participation by our indigenous society.*
- more proactive actions with the schools regarding their nominations - that was very difficult despite numerous attempts being made.*
- to extend the event to a 15 hour period with the assistance of Council with activities organised by the youth for the youth in the afternoon and evening, something like having the pool open free of charge and having a sausage sizzle catered by other community groups and possibly a dance similar to the old blue light disco in the evening at the hall*
- we would also request no parking on the northern side of Stratheden Street on the day as this would help our senior citizens with their entry and egress and for any buses that might be coming. It would also address safety issues with people in Stratheden Street for the Lions billy tea and damper and listening to the town band playing.*
- We would also like to continue to encourage businesses to promote Australia Day.*

*The committee wishes to thank all businesses, organisations and individuals who assisted with Australia Day 2016 a special thanks to Kyogle Council particularly Janelle McLennan for her assistance and guidance.*

*Please note that the Treasurer is still waiting on an account to be finalized, therefore at this stage we cannot present a final Financial Statement. However, I can say that currently the bank account should have a balance of \$1425.00 – this figure does not include interest received or outstanding accounts."*

Robert Bown -- Item 13B.3

*"Thank you for the opportunity to address councillors and the meeting. My name is Robert Bown. I am here with my wife and we reside Jacksons Flat Road Tabulam. I am here to address the issue of the DA 2015-60 and the matters raised in that.*

*My wife and I put in a fairly lengthy submission with photographs and measurements. In that submission we indicated that we had no objection to the packing shed and the facilities there, however the issue was Tabulam Road.*

*I looked at the Council report and it indicated that there is a section of Tabulam Road that is only 4.2 metres wide. I disagree with that -- I have been out with a tape measure and there are nine sections of the road in 6km that are only 3.5-3.9m. My experience in the police is that that is not sufficient for two vehicles to pass safely. As a result, I set about addressing the issues from Tabulam Road to where the packing shed is going to be.*

*I know it's not normal to bring other issues into a DA -- we should be just addressing just the DA. But I think the Council should be aware we have a blueberry growing facility on the other side of the river and I have had experience on that road driving a tractor. The amount of traffic that facility is generating you would not believe.*

*I know this DA relates to the packing shed, stage one and two, but I think Council should be aware that I was on that road on a tractor and within 10 minutes I had 20 vehicles going past, and I can assure you that backpackers aren't the best of drivers.*

*That was just in 10 minutes and that flow continues for three to four hours in and then in the afternoon it's on the way out.*

*My concern is there are eight school bus movements a day on Tabulam Road in addition to general traffic. We estimate the number of people they anticipate will be working on that side of the river will be in the order of somewhere up to 450. That's not in the DA. They say they will have a maximum of 60 people working in the packing shed. They say they will only use the packing shed for three to four weeks a year, but no one is going to spend \$3 million on a building to use it for just three or four weeks a year. They've closed the facility at Alstonville and all blueberries from there will be coming across to Tabulam as will the blueberries from Paddys Flat Road which will be transported around. They really didn't cover the number of truck movements and which way the trucks will be going, because Tabulam Road for its entire length is not up to standard.*

*Now the Council has certain standards -- a minimum of 6 metres, presently seven. There is only 700 metres of Tabulam Road that currently complies.*

*My issue is safety. The cutting near the river is quite dangerous. There is a sharp corner at the other end of the cutting and I can assure you that a lot of vehicles cut that corner and if ever a school bus or anything goes over that bank it will be goodbye because the water is quite deep down there and they will go right to the bottom.*

*I would like to reiterate what I put in my submission -- I haven't had time to go through everything that Council has come up with, but there are little things there that Council should be very careful of.*

*I make no bones about it, I am keeping a copy of my submission with all the photographs I have got because if anything happens I will release it. I am passionate about safety, the road is not up to standard in its present form and I just hope that Council will do something. I realise that the other people should be contributing and I did speak to someone from Council today and they did say they would be contributing something but with the amount of traffic that could be expected it's going to be horrendous."*

Councillor Robert Dwyer asked if the proponent of the DA who was in the gallery could be asked to answer concerns raised by Mr Bown.

Mayor Mulholland said, on advice from the general manager, asking the proponent to respond was not allowable under Council's Code of Meeting Practice.

**ITEM 7 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE 8 FEBRUARY 2016 ORDINARY MEETING**

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

---

**140316/02 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor John Burley.

That Council adopt the minutes of the Ordinary Meeting held on 8 February 2016.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**ITEM 8 MAYORAL MINUTE**

Nil.

**ITEM 9 NOTICES OF MOTION**

**9.1 NOTICE OF MOTION -- COUNCILLOR LINDSAY PASSFIELD;  
PRIVATISATION OF THE CASINO NORTHERN RIVERS  
LIVESTOCK EXCHANGE**

**REPORT BY: GENERAL MANAGER'S OFFICE**  
**CONTACT: COUNCILLOR LINDSAY PASSFIELD**

---

**140316/03 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor John Burley.

That Council write to Richmond Valley Council expressing concern at the possibility of the Casino Northern Rivers Livestock Exchange being privatised and support for its continued operation as a Richmond Valley Council asset.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

---

**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**

---

**140316/04 RESOLVED**

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

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

**CARRIED**

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

**ITEM 11 DELEGATES REPORTS**

**11.1 DELEGATES REPORT: COUNCILLOR LINDSAY PASSFIELD -- LEGUME TO WOODENBONG ROAD ALLIANCE UPDATE**

**REPORT BY: COUNCILLOR LINDSAY PASSFIELD**  
**CONTACT: COUNCILLOR LINDSAY PASSFIELD**

---

**140316/05 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

That Council receives and notes the report, Delegates Report: Councillors Lindsay Passfield -- Legume to Woodenbong Road Alliance Update.

**CARRIED**

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

**11.2 DELEGATES REPORT: COUNCILLOR DANIELLE MULHOLLAND -- FAR NORTH COAST WEEDS**

**REPORT BY: COUNCILLOR DANIELLE MULHOLLAND**  
**CONTACT: COUNCILLOR DANIELLE MULHOLLAND**

---

**140316/06 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor John Burley.

---

That Council receive and note the report, Delegates Report: Councillor Danielle Mulholland - Far North Coast Weeds.

**CARRIED**

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

## **ITEM 12 INFORMATION PAPERS**

### **12.1 COUNCIL RESOLUTIONS REQUIRING ACTION**

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

---

#### **140316/07 RESOLVED**

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

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

**CARRIED**

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

### **12.2 MONTHLY FINANCE REPORT**

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

---

#### **140316/08 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor John Burley.

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

**CARRIED**

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



## **12.3 WORKS PROGRAM PROGRESS REPORT**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

---

### **140316/09 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor John Burley.

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

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

#### **ITEM 13A TECHNICAL SERVICES REPORT**

##### **13A.1 ANZAC DRIVE RECONSTRUCTION**

**REPORT BY: INFRASTRUCTURE WORKS**

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

---

### **140316/10 RESOLVED**

Moved by Councillor Maggie Creedy, seconded by Councillor Ross Brown.

That Council;

1. Receives and notes the report, Anzac Drive Reconstruction.
2. Allocate \$243,971 to the Urban Streets Capital Works budget for the reconstruction of failed pavement on Anzac Drive in the 2015/16 financial year
3. Adjust Roads to Recovery funding distribution in 2015/16 budget to balance the projects included in the Roads to Recovery program as follows:
  - Increase Urban Street income by \$243,971
  - Decrease Rural Local Road income by \$9,360
  - Decrease Bridge income by \$236,892
  - Increase Regional Roads income by \$2,281

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

---

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS DETERMINED AND OUTSTANDING FOR THE PERIOD 30 JANUARY 2016 TO 29 FEBRUARY 2016**

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

---

**140316/11 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

That Council Receive and note the information contained in the report Development Applications Determined and Outstanding for the 30 January 2016 to 29 February 2016.

**CARRIED**

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

**13B.2 PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 RU1 AND RU2 ZONED LAND AND DEFERRED MATTER AREAS**

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

---

**140316/12 RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor John Burley.

That Council:

1. Receive and note the report on the proposed amendment of the KLEP to:
  - a. Include the 'Deferred Matter' areas as RU1 Zone land in the Zoning Maps; recognise the Deferred Matters areas as part of the KLEP in the Land Application Map; identify relevant minimum lot sizes for the Deferred Matters areas in the Lot Size Maps based on the adjoining minimum lot sizes for any land with a similar intended use
  - b. Remove any reference to 'Deferred Matters areas on any maps or document of the KLEP
  - c. Rezone existing RU2 Zone land to RU1 Zone as shown in the Zoning Maps of KLEP

- d. Remove the RU2 Zone Land Use Table and any other reference to the RU2 Zone in KLEP
- e. Include 'places of public worship' as a land use that is permissible with development consent within the RU1 Zone Land Use Table
- 2. Amend the *Kyogle Local Environmental Plan 2012* (KLEP), through the preparation of a Planning Proposal generally in accordance with the changes outlined in Item 1 and as discussed in detail in this report
- 3. Authorise the General Manager to prepare a Planning Proposal consistent with the contents of this report and submit the Planning Proposal to the Department of Planning and Environment (the Department) for review and Gateway Determination.
- 4. On receipt of a Gateway Determination stating that Council may proceed with the LEP amendment, the General Manager be authorised to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and undertake the necessary administrative procedures of the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EP&A Act, including public consultation
- 5. On conclusion of public consultation, a further report is to be presented to Council outlining the outcomes of consultation, including submissions received.

**CARRIED**

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

Councillors Lindsay Passfield and Ross Brown called for a division under section 375A of the *Local Government Act 1993*.

<b>For</b>	<b>Against</b>
Councillor Danielle Mulholland	
Councillor John Burley	
Councillor Robert Dwyer	
Councillor Maggie Creedy	
Councillor Chris Simpson	
Councillor Ross Brown	
Councillor Lindsay Passfield	
Councillor Michael Reardon	

**13B.3 DETERMINATION OF DEVELOPMENT APPLICATION 2015-60 FOR AN AGRICULTURAL PRODUCE INDUSTRY (BLUEBERRY PACKING FACILITY) AT 968 TABULAM ROAD, JACKSONS FLAT**

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

---

**140316/13 RESOLVED**

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

That Council:

1. Receive and note the report Determination of Development Application 2015-60.
2. Pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*, development application 2015-60 for the establishment of an agricultural produce industry (blueberry packing facility), be determined by way of granting consent subject to the conditions contained in Attachment 3 of this report.
3. Prepare and provide to the applicant a development consent notice, generally in accordance with the draft conditions of consent in Attachment 3.

**CARRIED**

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

Councillor Lindsay Passfield Ross Brown called for a division under Section 375A of the *Local Government Act 1993*.

<b>For</b>	<b>Against</b>
Councillor Danielle Mulholland	
Councillor John Burley	
Councillor Robert Dwyer	
Councillor Maggie Creedy	
Councillor Chris Simpson	
Councillor Ross Brown	
Councillor Lindsay Passfield	
Councillor Michael Reardon	

Moved by Councillor Ross Brown second by Councillor Lindsay Passfield moved:  
That Council provides a report that addresses the additional roadworks required over and above that are required to be completed by the developer as part of the Long Term Financial Plan and budget process.

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

**13B.4 DRAFT NORTH COAST REGIONAL PLAN**

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

---

**140316/14 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Maggie Creedy.

That Council:

1. Receive and note the report
2. Have a further, more detailed, report prepared for its May Ordinary Meeting to enable it to make a formal submission regarding the draft Plan.

**CARRIED**

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

**ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 13D CORPORATE SERVICES REPORT**

Nil.

**ITEM 13E COMMUNITY SERVICES REPORT**

**13E.1 CHANGE OF USE - FINANCIAL ASSISTANCE GRANT; COLLINS  
CREEK PUBLIC HALL**

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

---

**140316/15 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That Council:

---

1. Approves the Collins Creek Public Hall Committee’s request for a change of use of the \$1,000 Financial Assistance Grant to purchase of Tables and chairs for use in the Collins Creek Hall.
2. Approves a six month extension of time for the claiming of \$1,000 Financial Assistance to the Collins Creek Hall.

**CARRIED**

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

---

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

**13F.1            INNOVATION FUND APPLICATION**

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

---

**140316/16    RESOLVED**

Moved by Councillor Michael Reardon, seconded by Councillor John Burley.

That Council:

1. Submit an application for the State Governments’ Innovation Grant Funding Program for the project titled ***Integrated Corporate Record Management System*** as per Council’s “Fit for the Future” final submission.
2. Approve the \$96,000 currently voted to the Information Technology budget for upgrades, to be used as Council’s contribution towards the grant application as per the conditions of the grant funding.

**CARRIED**

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

**13F.2            2016    NATIONAL    GENERAL    ASSEMBLY    OF    LOCAL    GOVERNMENT**

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

---

**140316/17    RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Robert Dwyer.

That Council:

---

1. Receive motions from Councillors by close of business on Thursday, 31 March 2016 to allow inclusion in Council's April Council meeting agenda and that the motions fall under the following principles:
  - Be relevant to the work of local government nationally
  - Be consistent with the themes of the Assembly
  - Complement or build on the policy objectives of your state and territory local government association
  - Propose a clear action and outcome, and
  - Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
2. Adopt the motions proposed to be included in the National General Assembly Business Papers at the April Council Meeting.
3. Nominate the Mayor, Councillor Lindsay Passfield and any other councillors who express an interest to attend and represent Kyogle Council at the 2016 National General Assembly of Local Government to be held from 19 to 22 June 2016 at the National Convention Centre in Canberra.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

#### **ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

#### **ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Chris Simpson.

- Congratulated Council staff for addressing issues he raised at the Councillor Workshop about the condition of the entrances to Kyogle. He said the matters had been addressed and he constituents who had initially raised the matter with him were grateful to Council its swift response.

Cr Michael Reardon:

- Could Council be provided with information in relation to Pigman Creek Quarry? Is it currently being used by Kyogle Council and does it have a DA on it? Council is in the area resheeting gravel roads. Does Kyogle Council have an exemption to use quarries that don't have active DA consent?

Response:

*The Executive Manager Infrastructure Works advised that he would need to check the details of the question. However, he said that where a resource is within or adjacent to a road reserve and is to be used for road construction purposes, Council doesn't need a DA. Council has been doing such a thing at Fawcetts Plains. We*

*have used material out of a quarry there. Council has changed its strategy with regard to resheeting the roads in that we are trying to source gravel from as close as we possibly can, using native gravels which generally go down better than crushed rock and shorter carting. So we are using that provision where we can find the material and we have an agreement with the landowner and pay a royalty.*

- Regarding the Overgaards development at Geneva. A few neighbours/residents have expressed concern that they have been notified of the application and have been asked to put submissions in but only received half the information from Council. The questions that they are asking include what is the traffic management plan, what's happening with the sewerage and what's happening with the stormwater?

Response:

*The Executive Manager Planning and Environment advised that in the case DAs for public notification, Council provided information in accordance with the act. Council highlights what the application is for, but the details of the application are kept at the Council and people can come and view those details at the Council offices. If people feel that there is any information lacking in the information provided to Council, then they can include that in their submission and Council will consider that as part of its overall assessment. The detailed information is kept at the Council offices for people to view -- Council does not send that out because of the amount of information that is sometimes involved.*

## **ITEM 16      CONFIDENTIAL BUSINESS PAPER**

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

#### **ITEM 16.1      OFFER FOR PURCHASE OF LANE**

#### **ITEM 16.2      EASEMENT AGREEMENT**

#### **ITEM 16.3      ORGANISATIONAL STRUCTURE REVIEW**

These reports are **CONFIDENTIAL** in accordance with Section 10A(2) (a), (d) and (g) 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
- (d) commercial information of a confidential nature
- (g) advice concerning litigation, or advice that would otherwise be privileged

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.



## **140316/18 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

1. That Council 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 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 report relevant to the subject business be withheld from access to the media and public as required by sections 11(2) of the Local Government Act 1993.

**CARRIED**

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

Council closed its meeting at 6.24pm. The public and the media left the chamber.

## **16.02 OPEN COUNCIL RESUMES**

### **140316/19 RESOLVED**

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

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

**CARRIED**

**CARRIED**

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

Open Council resumed at 7.27pm.

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

#### Item 16.1 Offer for Purchase of Land

That Council;

1. Receive and note the report, Offer for Purchase of Land by Council
2. Authorise an amount of \$25,000 to be added to the capital Works Budget for Stormwater and Flood Management for the 2015/2016 financial year to facilitate the purchase of Lot 8 DP 19080.
3. Accepts the offer of \$20,000 to purchase the land subject of this report, Lot 8 DP 19080.
4. Authorises the Mayor and General Manager to sign documents required for the purchase and transfer of the land described in this report.

5. Authorises the Common Seal to be affixed to documents relating to the purchase and transfer of the land described in this report.

#### Item 16.2 Easement Agreement

That Council receive and note the report, Easement Agreement.

That a further report be provided to Council that details Council's legal advice in response to proposals put to Council and their recommendations for a clear way forward in regard to item 16.2 Easement Agreement

#### Item 16.3 Organisational Structure Review

1. Adopt the new organisational structure as provided to Council.
2. Determine that the two new positions of Director Assets and Infrastructure Services and Director Planning and Environmental Services are classified as senior officers as per Section 332(1) LG Act 1993 and that their responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award.
3. Advise those staff affected by the new organisational structure and allow at least 28 days' notice before any changes are made.
4. Advise appropriate unions of the new organisational structure and allow at least 28 days' notice before any changes are made.
5. Advertise the two new directors' positions externally at least twice in a daily newspaper circulating throughout the State as per Sec 348(2) LG Act 1993.
6. Offer both positions on a contract basis under the Standard Contract for Employment of Senior Staff as supplied by the Office of Local Government that are performance-based for a five-year term.
7. Work towards implementing the new organisational structure to commence as from 1 July 2016.

#### Item 16.4 CivilTeam

That Council receive and note the verbal report provided to Council by the Executive Manager Urban and Assets.

### **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 7.32 pm.