

## **Kyogle Council**

### **Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 9 November, 2015.**

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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 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**

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**

Executive Manager Administration and Community Carol O'Neill declared an interest in the following item/s:

- Item No 13B.1 Development Applications Determined and Outstanding for the period 1 October 2015 to 29 October 2015 -- Development Applications Outstanding 2013/11  
Reason for Declaration -- neighbouring property owner.

## **ITEM 5      QUESTION TIME**

*Tom Fitzgerald -- I understand that Council will be called on today to make a decision whether to stand alone or amalgamate this shire. I would like to remind Councillors that they have been elected by the Kyogle ratepayers to represent them at this table. I firmly believe that amalgamation brings many disadvantages while there are only a few advantages. Results of a survey carried out by the Council stated that over 70% of ratepayers do not want this council to be amalgamated. Councillors need to keep this in mind today. I was extremely disappointed with the defeatist attitude expressed in a speech by Councillor Brown a couple of weeks ago. I am sure Councillors will not be intimidated by his remarks but will vote according to the wishes of their constituency.*

*I know all Councillors recently received a strongly worded letter from the executive of the Chamber of Commerce. Councillors have to perform their duties in accordance with and abide by the rules, regulations and responsibilities that the office of Councillor demands.*

*Amalgamations in some cases have been successful, but one size does not fit all. Grafton Council amalgamated with the shires of Maclean and Pristine Waters and parts of Copmanhurst and Richmond River Councils and became known as the Clarence Valley Council. Despite all this great amalgamation, IPART has now deemed Clarence Valley to be unfit.*

*I recently wrote to the Premier of NSW regarding amalgamation and in the reply I was informed that Councils that agree to participate in amalgamation would get a head start on community infrastructure projects, such as sporting fields, libraries and parks but no mention of any money for roads or bridges. Federal and State Governments must come up with a revised policy on rate pegging, cost shifting and funding formulas that will be of benefit to local councils so that they can keep their identity while at the same time deliver the necessary services that have been held in the community.*

*My question is, will councillors as they vote today, remember that 70% of this community voted against amalgamation.*

Councillor Ross Brown advised Mr Fitzgerald that Government money was available for roads and bridges.

Councillor Danielle Mulholland advised Mr Fitzgerald that while the money was originally intended for community infrastructure, the Government had recently advised Councils that it could now be used for roads and bridges.

## **ITEM 6      PUBLIC ACCESS**

*David Binney: I have lived in Kyogle Council area for 15 years. I came here to run a business -- a dairy farm -- and since then my wife has been involved in a law business here and more recently I have become involved in another business venture in Kyogle.*

*We have invested heavily, like many other businesses in this community and would like to make sure that any decisions made by the council are in our best interests -- and not those of the Richmond Valley Council or the State Government.*

*Recently a visitor came down from Brisbane and ended up buying a property here because he could not believe what we have on offer. We are an hour from the coast, two hours from a major city and some of the facilities and services we have include: a first class hospital, an aged care facility, five banking outlets, a pool, a gym, a national park on our doorstep and many other services. All those have been put together over time by a lot of people working hard and putting their strengths together to get those services available here.*

*We have a population of about 9650 with the largest employer being Kyogle Shire Council with about 150 employees. One of the greatest threats of amalgamation as I see it is that some, if not a majority, of those jobs would leave the Kyogle region and head for another council area namely Richmond Valley.*

*This would be a disaster for our region. It takes a certain number of people for business to provide those services and if those numbers were to dwindle overnight, the rest of us would suffer from lack of services. It's just economics.*

*In recent years I have had many encounters with centralisation, and I use that term because it is what governments like to use.*

*The first encounter came through my association with the dairy industry. Deregulation was brought about by governments who thought it would be in the best interest of everyone. Dairy deregulation has had a terrible impact on the industry. It has more than halved the number of dairy farmers and the flow on of effects from that halving of farmers goes to the lack of employment in regional and rural centres, the lack of turnover of money to spend in the regional towns and today that industry is still struggling because of deregulation.*

*The second one is the NSW Department of Primary Industries (DPI). Again that industry was centralised because it was believed that it was needed and it was done so thinking that the State Government could save money. Today we have, some two to five years since that occurred, the creation of the LLS. The reason the LLS was put in place so soon after the centralisation of the DPI was that the government was not getting factual information back to the Ministers who make the decisions.*

*The first move was to close the DPI and remove all the human capital and when all that human capital goes, all the knowledge along with them disappears. These people go and find other jobs and their skills and knowledge are gone into the abyss.*

*This is likely to be the same with the Kyogle Council. The people that know Kyogle so well, in a shake up like an amalgamation, the human capital and all the knowledge that goes with that, will disappear overnight. It takes time to rebuild that, and that's the exact example I want to use for the LLS. There's people employed now to service my industry that have no idea and I'm scared exactly the same thing*

*will happen with an amalgamation. The minute you lose that human capital, it is gone forever and it takes a long time to rebuild it.*

*Saying yes to the option of amalgamation before we discuss it, before the ratepayers understand it, and understand the pros and cons, would be a disaster waiting to happen.*

*Until we know the benefits of an amalgamation or the consequences that come with an amalgamation, until we know those two points, we have to say no.*

*Richmond Valley has everything to gain from an amalgamation and we have everything to lose. There is no large city above Kyogle for us to capture the flow on effects of an amalgamation above us.*

*I urge the councillors to think wisely before they say yes to an amalgamation.*

*The State Government in assessing amalgamations are doing so in a financial perspective -- they are looking for money. It is about their finances and managing the State's finances. Again, Mike Baird is not making decisions for Kyogle because he doesn't live here. If he lived here and knew the Kyogle Shire and what we are about, the views would be quite different.*

*Councils need to understand that the community is very concerned. It's not just about money for us. We are growing quite happily and quite well and Council has been doing a tremendous job to date because you have passed everything but the population test.*

*I would like to ask councillors to think about the Kyogle region's further growth. I can only see amalgamation hampering our growth and putting us a further 10 years behind.*

*Councillors and the community should stand shoulder to shoulder with a forceful no to amalgamation until we know more about it.*

#### **091115/01    RESOLVED**

Moved Councillor Danielle Mulholland, second by Councillor Michael Reardon:

That Council bring forward for consideration Item 14 Urgent Business.

**CARRIED**

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

AGAINST VOTE - Ross Brown, Janet Wilson, Bob Dwyer

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

#### **091115/02    RESOLVED**

Moved Councillor Danielle Mulholland, seconded Councillor John Burley:

That Councillor Danielle Mulholland's Notice of Motion be considered as Urgent Business.

**CARRIED**

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

AGAINST VOTE - Ross Brown, Janet Wilson, Bob Dwyer

The Mayor declared the matter to be of great urgency.

**NOTICE OF MOTION; COUNCILLOR DANIELLE MULHOLLAND -- RESPONSE  
TO IPART REPORT**

Moved by Councillor Danielle Mulholland, seconded by Councillor John Burley:

That Council complete a submission in response to the IPART recommendations on a standalone option and without identifying a potential merger partner.

Councillor Lindsay Passfield foreshadowed a motion:

That Council:

- 1.Receive and note the General Manager's report;
- 2.Receive and note the Executive Summary of the Legislative Council General Purpose Standing Committee No 6;
- 3.Consider this item at an extraordinary meeting on Monday 16 November, 2015.

**091115/03 RESOLVED**

Moved by Councillor Danielle Mulholland, seconded by Councillor John Burley:

That Council complete a submission in response to the IPART recommendations on a standalone option and without identifying a potential merger partner.

**CARRIED**

FOR VOTE - John Burley, Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy

AGAINST VOTE - Ross Brown, Janet Wilson, Lindsay Passfield, Bob Dwyer

Councillor Janet Wilson put the following question to the meeting through the chairperson:

"I would like to know the status of the public meeting on Saturday and are we going to advise those people that we won't be attending?"

The Mayor made reference to the attendance of the meeting organiser (Ms Maggie May) in the gallery and called her forward. The Mayor ask her: "Regarding the public meeting on Saturday given that motion has passed did you still want it to go ahead and did you want us to explain what standing alone will mean?"

Maggie May responded:

*"I organised the public meeting because there seemed to be an absence of initiative to give the community more information and I have been doing my absolute best in the last couple of weeks to get out as much clear information as I can. I have invited the local member Thomas George and all the other main parties, the Greens and Labor. The Greens have confirmed, Thomas George is yet to confirm, but hopefully since Ross has his direct line he might encourage him to come. I would certainly appreciate as much assistance from Council as possible to get a clear lot of information out to the community about what this really means for us in terms of our rates, in terms of our services, our cultural identity and particularly our jobs -- our council jobs and ancillary jobs that flow on from that. So they are the things that I think that we want to know right now."*

#### **091115/04    RESOLVED**

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

That Council:

- 1.Receive and note the General Manager's report;
- 2.Receive and note the Executive Summary of the Legislative Council General Purpose Standing Committee No 6.

**CARRIED**

FOR VOTE - Unanimous vote

#### **ITEM 7        CONFIRMATION OF MINUTES**

##### **7.1    CONFIRMATION OF THE MINUTES OF THE 12 OCTOBER 2015 ORDINARY MEETING**

**REPORT BY:    GENERAL MANAGER'S OFFICE**

**CONTACT:     GENERAL MANAGER DAVID TUXFORD**

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#### **091115/05    RESOLVED**

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

That the Minutes of the Ordinary Meeting held on 12 October, 2015 be adopted.

**CARRIED**

FOR VOTE - Unanimous vote

##### **7.2    CONFIRMATION OF THE MINUTES OF THE FIRST EXTRAORDINARY MEETING HELD ON 26 OCTOBER, 2015**

**REPORT BY:    GENERAL MANAGER'S OFFICER**

**CONTACT: GENERAL MANAGER DAVID TUXFORD**

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**091115/06 RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor Ross Brown:

That the Minutes of the first Extraordinary Meeting held on 26 October, 2015 be adopted.

**CARRIED**

FOR VOTE - Unanimous vote

**7.3 CONFIRMATION OF THE MINUTES OF THE SECOND EXTRAORDINARY MEETING HELD ON 26 OCTOBER, 2015**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: GENERAL MANAGER DAVID TUXFORD**

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**091115/07 RESOLVED**

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

That the Minutes of the second Extraordinary Meeting held on 26 October, 2015 be adopted.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 8 MAYORAL MINUTE**

Nil.

**ITEM 9 NOTICES OF MOTION**

**9.1 NOTICE OF MOTION -- COUNCILLOR DANIELLE MULHOLLAND;  
PATHWAYS TO PROSPERITY**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: COUNCILLOR DANIELLE MULHOLLAND**

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**091115/08 RESOLVED**

Moved by Councillor Danielle Mulholland, seconded by Councillor John Burley:

That the Council organise a business leaders and other stakeholders roundtable discussion to investigate, identify and recommend to Council potential strategic initiatives to promote targeted sustainable growth and prosperity in the Kyogle LGA.

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**CARRIED**

FOR VOTE - Unanimous vote

**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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**091115/09 RESOLVED**

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

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

**CARRIED**

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

AGAINST 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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**091115/10 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

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## **12.2 MONTHLY FINANCE REPORT - OCTOBER 2015**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

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### **091115/11 RESOLVED**

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

That Council receives and notes the information contained in the Monthly Financial Report – October 2015.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13      GENERAL MANAGER 'S REPORT**

**ITEM 13A    TECHNICAL SERVICES REPORT**

**13A.1            SES BUILDING TABULAM**

**REPORT BY:   INFRASTRUCTURE WORKS**

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

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**091115/12    RESOLVED**

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

That Council reallocate the funds for the underpinning of the Tabulam SES building to the refurbishment of the building up to \$26,473

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13B    PLANNING SERVICES REPORT**

**13B.1            DEVELOPMENT    APPLICATIONS    OUTSTANDING    AND  
                     DETERMINED FOR THE PERIOD 1 OCTOBER 2015 TO 29  
                     OCTOBER 2015**

**REPORT BY   PLANNING AND ENVIRONMENT**

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

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**091115/13    RESOLVED**

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

That, with the exception of the following item in which the Executive Manager Administration and Community Carol O'Neill has declared an interest,

- the Executive Manager Administration and Community Carol O'Neill 13B.1 Development Applications Determined and Outstanding DA 2013/11- Reason for Declaration - Neighbouring property owner

The information contained in the report Development Applications Determined and Outstanding for the 1 October 2015 to 29 October 2015 be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

The Executive Manager Administration and Community Carol O'Neill left the meeting at 6.26pm

**091115/14 RESOLVED**

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

That the information contained in the report Development Applications Determined and Outstanding for the period 1 October 2015 to 29 October 2015 only in relation to DA 2013/11 in which Executive Manager Administration and Community Carol O'Neill has declared an interest be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

Executive Manager Administration and Community Carol O'Neill returned to the meeting at 6.27pm.

**13B.2 FINALISATION OF LEP AMENDMENT NO. 4- PLANNING PROPOSAL TO PERMIT ADDITIONAL TOURIST AND VISITOR ACCOMMODATION IN RURAL AREAS AND ASSOCIATED DCP PROVISIONS**

**REPORT BY: PLANNING AND ENVIRONMENT**

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

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**091115/15 RESOLVED**

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

1. That Council reiterate its support for the planning proposal to amend the Kyogle Local Environmental Plan 2012 to permit the development of camping grounds, eco-tourist facilities and farm stay accommodation in Zone RU1 Primary Production with the consent of Council, and to increase the maximum number of permissible bedrooms for farm stay accommodation and bed and breakfast accommodation.
2. That pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, Council request Parliamentary Counsel's Office to prepare a draft legal instrument.
3. That upon receiving from Parliamentary Counsel's Office a draft LEP amendment and an Opinion that the plan can be made, Council exercise its delegation and Council's delegate make the plan and request NSW Planning and Environment to carry out notification of the making of the plan.
4. That pursuant to Part 3 Division 3 Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000* Council approve the associated amendments to Kyogle Development Control Plan 2014.

5. That in conjunction with a notice advising commencement of the LEP amendment, public notice of the approval of the DCP provisions be given in the Richmond River Express Examiner, pursuant to Part 3 Division 3 Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000*.

**CARRIED**

FOR VOTE - Unanimous vote

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

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

**13B.3 PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO PERMIT CERTAIN COUNCIL DEPOT WORKS AS EXEMPT DEVELOPMENT'**

**REPORT BY: PLANNING AND ENVIRONMENT**

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

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**091115/16 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor John Burley:

1. That the Council receives and notes the report on the proposed amendment of its KLEP to include exempt development provisions for alterations and additions to Council depot facilities.
2. That Council resolves to amend the *Kyogle Local Environmental Plan 2012* (KLEP), through the preparation of a Planning Proposal generally in accordance with the changes outlined in this report.
3. That Council 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. That on receipt of a Gateway Determination stating that Council may proceed with the LEP amendment, the Acting 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. That on conclusion of public consultation, a further report is presented to Council outlining the outcomes of consultation, including submissions received.

**CARRIED**

FOR VOTE - Unanimous vote

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

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

**13B.4 PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO INCLUDE ADDITIONAL AGRICULTURE SUPPORTING USES WITHIN THE RURAL AND VILLAGE AREAS**

**REPORT BY: PLANNING & ENVIRONMENT**

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

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**091115/17 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Chris Simpson:

1. That Council receives and notes the report on Planning Proposal to Amend the Kyogle Local Environmental Plan 2012 to Include Additional Agriculture Supporting Uses Within The Rural And Village Areas.
2. That Council resolves to amend the *Kyogle Local Environmental Plan 2012* (KLEP), through the preparation of a Planning Proposal generally in accordance with the changes outlined in this report.

3. That Council 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. That 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. That on conclusion of public consultation, a further report is presented to Council outlining the outcomes of consultation, including submissions received.
6. That the Council prepare a draft development control plan generally in accordance with the changes outlined in this Report, referring to inclusion of Chapter 1 and Chapter 2 Provisions of the DCP as applicable to temporary workers' accommodation.
7. That public exhibition of the draft DCP is carried out in accordance with the requirements of the EP&A Regulation 2000.
8. That the draft DCP is to be reviewed in light of any submissions made during public exhibition.
9. That a further report is to be presented to the Council following conclusion of the public consultation stage and consideration of any submissions that have been received.

**CARRIED**

FOR VOTE - Unanimous vote

Councillor Chris Simpson called for a Division under Section 375A of the *Local Government Act 1993*.

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

## **ITEM 13C    ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 13D CORPORATE SERVICES REPORT****13D.1 SEPTEMBER 2015 QUARTERLY BUDGET REVIEW****091115/18 RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor Robert Dwyer:

That Council:

1. Receives and notes the September 2015, Quarterly Budget Review Statement;
2. Approve the variation of estimates contained in the table below:

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>SEPTEMBER QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Governance - Consultants		20,000
Administration - Office Expenses		(14,491)
Finance - Revenue Sharing Grant	32,279	
Community Services - Grants	18,657	
Community Services - Other Costs		18,657
Community Buildings - Contributions	15,484	
Community Buildings - Construction		15,484
Regional Roads - Block Grant	(8,590)	
Regional Roads - Capital Grants	27,210	
Regional Roads - Construction		27,210
Rural Local Roads - Financial Assistance Grant	(1,487)	
Bridges - Financial Assistance Grant	(7,514)	
Parks & Gardens - Operating Grants	8,000	
Parks & Gardens - Crown Reserves Expenses		8,000
Parks & Gardens - Capital Grants	35,000	
Parks & Gardens - Improvements		35,000
Stormwater Management - Capital Grants	(210,284)	
Stormwater Management - Construction		52,571
Stormwater Management - Flood Mitigation		(262,855)
Water Fund - Sale of House	(50,000)	
<b>Totals</b>	(141,245)	(100,424)
	<b>Net Adjustment</b>	<b>(40,821)</b>

**CARRIED**

FOR VOTE - Unanimous vote

## **13D.2                    PRESENTATION OF THE 2014/2015 FINANCIAL STATEMENTS**

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### **091115/19    RESOLVED**

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

That in accordance with the Local Government Act 1993, the Audited Financial Reports for the year ended 30 June 2015, and the Independent Audit Reports be presented to the public.

**CARRIED**

FOR VOTE - Unanimous vote

## **13D.3                    2014/2015 ANNUAL REPORT**

**REPORT BY:    ADMINISTRATION AND COMMUNITY**

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

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### **091115/20    RESOLVED**

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

That the Kyogle Council Annual Report for the 2014/2015 reporting period be adopted.

**CARRIED**

FOR VOTE - Unanimous vote

## **13D.4                    MINUTES OF THE GATEWAY TO THE RAINFOREST RESERVE TRUST**

**REPORT BY:    ADMINISTRATION AND COMMUNITY**

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

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Councillor Ross Brown left the meeting at 6.34pm.

### **091115/21    RESOLVED**

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

That Council receive and note the Minutes of the Gateway to the Rainforest Reserve Trust.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

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

Nil.

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

### **13F.1 WOOD ENCOURAGEMENT POLICY**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: GENERAL MANAGER DAVID TUXFORD**

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Councillor Ross Brown returned to the Council meeting at 6.35pm.

### **091115/22 RESOLVED**

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

That Council:

1. Receives and notes the draft Wood Encouragement Policy report.
2. Adopts the draft Policy as placed on public exhibition.

**CARRIED**

FOR VOTE - Unanimous vote

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

Councillor Robert Dwyer:

- Under what circumstances, if any, can a mayor request a councillor, participating in a community activity as a councillor at the request of the organising committee, to remove themselves from that activity?
- Under what circumstances, if any, can a mayor request a councillor to remove their name badge, whilst that councillor is participating upon request, in a community activity?

Councillor Chris Simpson:

- How does Council stand in relation to the RMS' 80km zone on the Summerland Way on the southern side of Kyogle.
  - Is there a process the Council can undertake to protect its funds or invest its funds into the community in the case of a forced amalgamation?
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Councillor Ross Brown:

- I am aware the Mayor and General Manager attended a recent Chamber of Commerce meeting, and I am also aware that all councillors got a copy of a somewhat scathing letter from the chamber that was unsigned. Was the issue raised in the letter discussed with the Chamber and why were all Councillors sent an unsigned letter?

Response:

The General Manager advised that there was no discussion at that meeting in regard to the matter raised in the letter. The Chamber has advised that they didn't want the matter to become public which is why they sent the letter in a confidential manner to each individual councillor. It is understood that the letter was a representation of the feeling of the chamber.

Councillor Ross Brown:

- Can I have that answer in writing and can you tell whether the entire chamber was aware that the letter had been sent or was it just the executive of the chamber that sent it?

Councillor Lindsay Passfield:

- What opportunity exists to expedite the allocation of the unallocated Roads to Recovery Funds identified in the last budget review to those sections of Clarence Way and Kyogle Road most in need?

Cr Michael Reardon:

- It's my understanding there are remnants of old caravan park sites on the Mallanganee Sports Ground. Is there any opportunity to refurbishing that infrastructure to take advantage of the increased numbers of backpackers employed at Tabulam?

Response:

The Executive Manager Urban and Assets advised that the site at Mallanganee has been used for short term stays and Council is working with the Progress Association to determine what can be done and what opportunities there are for the future.

- Could Council investigate the options of putting an RV effluent disposal pit at Bonalbo Caravan Park?

Response:

The Executive Manager Urban and Assets advised that Council is installing a dump point at the Bonalbo Caravan Park. The work is currently in the design stage, with the work likely to be programmed for the New Year. It will be done in conjunction with the replacement of the dump point at Woodenbong.

## **ITEM 16      CONFIDENTIAL BUSINESS PAPER**

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

**Item 16.1      TENDER FOR SUPPLY OF HYDRAULIC EXCAVATOR    22-26  
TONNE :TENDER No. 2015/16-001**

**Item 16.2      TENDER FOR SUPPLY OF MOTOR GRADER: TENDER No.  
2015/16-002**

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:-

- 1.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.

### **091115/23    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

Council closed its meeting at 6.46pm. The public and the media left the chamber.

## 16.02 OPEN COUNCIL RESUMES

### 091115/24 RESOLVED

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

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

**CARRIED**

Open Council resumed at 6.50pm.

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

Item 16.1 Tender for the Supply of Hydraulic Excavator 22-26 Tonne: Tender No 2015/16-01

That Council:

1. Accepts the tender from Hitachi Construction Machinery for the supply of a Hitachi ZX240LC-3 excavator at a cost to Council of \$216,000.00 (GST exclusive).
2. Accepts the tender for purchase from Euroauctions for the trade-in unit Caterpillar 324DL Excavator for \$65,000.00 (GST exclusive).

Purchase price new excavator:	\$216,000.00
OPG Overhead bolt on cover:	\$ 2,300.00
Boom height limiter	\$5,175.00
Front bar and mesh grill	\$3,000.00
Joystick and seat upgrade	\$3,100.00

Trade – sale price excavator	-\$65,000.00
Discount package offer	-\$5,272.73
Net cost to Council:	\$159,302.27

Item 16.2 Tender for the Supply of Motor Grader; Tender No 2015/16-02

That Council:

1. Accept the tender from Hitachi Construction Equipment for the supply of a John Deere 770GP Motor Grader at a cost to Council of \$383,700 (GST Exclusive)
2. Accept the tender for purchase from Hitachi Construction Machinery for the trade-in unit John Deere 770D Motor Grader for \$92,000.00 (GST Exclusive)

Purchase price new grader	\$383,700.00
Tilting Front Blade	\$28,380.00
Trade –Sale price grader	-\$92,000.00
Discount Package Offer	-\$5,500.00
Net cost to Council:	\$314,580.00

## **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 6.52pm.