

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 8 December, 2014.

PRESENT

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

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 5.00pm.

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

Cr Michael Reardon declared an interest in the following item/s:

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 31 October to 27 November 2014 -- DA 2014/27
Reason for Declaration -- owner of a quarry.

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

- Item 13F.4 Acting General Manager

Reason for Declaration – relative of staff member involved.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 31 October to 27 November 2014 -- DA 2013/11

Reason for Declaration -- Neighbour of the property owner.

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 31 October to 27 November 2014 -- DA 2014/95

Reason for Declaration – Neighbour of the property.

Executive Manger Infrastructure Works Jeff Breen declared an interest in the following item/s:

- Item 13F.4 Acting General Manager

Reason for Declaration – Mentioned in report.

Executive Manger Urban and Assets Graham Kennett declared an interest in the following item/s:

- Item 13F.4 Acting General Manager

Reason for Declaration – Mentioned in report.

ITEM 5 QUESTION TIME

Nil

ITEM 6 PUBLIC ACCESS

Simon Dejoux -- Draft Right to Farm Policy

"The matter that I would like to present to you concerns the draft 'Right to Farm' Policy which Council initially considered at its last meeting.

I fully expect that if you had little or no experience with public policy, and identified as a farmer, on face value, you'd probably embrace a policy like this but before we rush headlong into its adoption, perhaps there's a few points that should be considered.

As a public policy document, the 'Right to Farm' policy leaves a great deal of room for significant and substantial improvement. Indeed, it should more aptly be named the 'We're All Equal but Some Are More Equal Than Others' Policy and here's why.

- Firstly, under law, all persons are to be treated equally. This is a basic tenant of our legal system. To attempt to codify the rights of one group within a community by virtue of nothing other than their chosen way to make a living is to say, in effect, this group of people is more important than any other group in our community.

I would suggest that this is elitist, unbalanced, unfair and divisive. If the intention of the “policy” is to insulate farmers against nuisance complaints from non-farmers, then there are much better ways of doing it than what’s proposed in this document.

- The next question - what is the purpose of the policy - what’s it trying to achieve - and what is its level of urgency? This is unstated, confused and unclear.

There are three possible aims outlined – and I quote –

- to guide and assist landowners, tenants and Council staff in the management of complaints associated with rural activities and pursuits” (*page 21 of the Council Meeting Agenda of 10 November 2014*) in which case it is primarily a complaints management document)
- to –
 - reduce the very difficult and uncomfortable situations in which staff find themselves and where a resolution is not likely; and
 - reduce the drain on staff time to deal with the ongoing complaints regarding the same issues (*also page 21 of the Council Meeting Agenda of 10 November 2014*)
- to inform an “intending rural land purchaser of the legitimate rural and agricultural uses of land which may include...” (Section 6.3. of the draft policy)

If we accept the last point, which is the only one outlined in the policy document as the intended purpose, then to be effective as a source of information for intending rural land purchasers, wouldn’t these people need the information BEFORE a purchase transaction occurs?

Most buyers will go to a real estate agent and a solicitor to make a land purchase but not usually Council. So, instead of making it a Council policy that buyers won’t see until it’s too late (i.e. AFTER they’ve purchased the land), why not consider disseminating it as a ‘Notice to Intending Rural Land Purchaser’ via our local real estate agents and solicitors within the LGA and possibly the Council’s web site as well?

Wouldn’t this be a more effective way of getting the information out to those persons who may be considering a move to our rural area?

So, I think the purpose needs to be clarified and included within the body of the policy. A simple statement to the effect that – the purpose of this policy is to..... would suffice in the first instance.

- This brings me to the next point. Unlike other Council policies, there is no Definitions Section which means that every term the policy relies upon is subject to interpretation by each individual; e.g. “genuine and legitimate rural activities”, “genuine agricultural pursuits”, “farming”, “legitimate rural and agricultural use of land” and so on are undefined and left to each individual to interpret.

As each individual will interpret the terms differently, this will undoubtedly be a source for conflict. The cumulative effect over time needs no explanation as to its unintended consequences. In short it will cause more trouble than it will solve.

There is no provision under the Effect section for any period of review and the policy needs a sunset date to ensure that the document remains current. While it is understood that under the provision of Section 165 (4) of the *Local Government Act 1993*, Council must review its Policy Register within 12 months of an election of a new Council in order for its policies to be valid, this information was not presented to Councillors in either the policy document or the Council Meeting Agenda of 10 November 2014 and, in all probability, Councillors were not aware of this when they adopted the policy for public display.

- The statement that “...much of its local economy is built on the strength and viability of the many rural and agricultural industries operating in the local area” fails to acknowledge that this may be changing over time and may not be accurate during the duration of the policy’s period of validity – if it had one.

For example, based on data from the Australian Bureau of Statistics (ABS) and the Kyogle Council’s own *Local Growth Management Strategy* (p.9), the industry grouping of ‘agriculture, forestry and fishing’ into which “farmers” – however they are defined – might actually fit has declined by just over 29% between 1996 and 2011 census periods and they currently represent only 17.1% of the workforce in the LGA. So; while this statement may be true at present, current trends would suggest that this may not be the situation at some time in the future.

So, please consider that small businesses, professionals, retirees and alternative industries all have a part to play and may well be a critical part of the economic future of the LGA as farmers age and the traditional industries and demographics change.

- The list of possible uses for the yet to be defined “legitimate rural and agricultural use of land” outlined under Section 6.3 of the policy is insufficiently comprehensive and Councillor Simpson made this point at the last Council meeting.

In summary, I put it to you that the policy will not address any of the current complaints confronting Council and is a poor provision for the future. It will not address the numerous complaints about other equally poor practices including straying livestock, stock on public roads, broken fences, unauthorised verge grazing, etc. It will not address poor cooperative and consultative processes or the lack of good neighbour initiatives.

It does not provide Council staff or residents with any guidance about how to deal with issues of this nature themselves but rather it seeks to insulate Council from having to deal with “very difficult and uncomfortable situations” by simply making it invalid for a resident to lodge a complaint about whatever someone interpreting the policy deems to be “legitimate and compliant rural and agricultural uses and practices on rural land” which, in effect, amounts to avoidance and not problem resolution at all.

This leaves residents with no legitimate avenue for complaint and a case could be made that Council is, in effect, encouraging residents to find their own solutions.

The policy also fails to point out that nothing within it affects the rights of individuals to take action under common or statutory law and these needs to be specifically included within the body of the document.

While we can all acknowledge that farmers have a right to farm and that this is critical for our food production and economy but this has never been a blank cheque to do as you please regardless. This right only extends as far as the current laws and associated regulations allow.

Finally, I want to address a question from Councillor Creedy the importance of which she inadvertently stumbled upon last meeting. She asked “why should we send this document to the Governance and Community Services Focus Group?”

It's for the same reasons that you've spent untold hours debating issues about amalgamation, Fit for the Future, rate increases, surveys and so on – to insure that the information that goes out to residents and ratepayers is as correct and concise as possible. Shouldn't the same principle apply to new Council policies?

You have a willing group of residents who are prepared to assist Council with this task so why not use them? Focus groups have been used by major private and public sector organisations for years as an established method for testing a product before market release.

If this had been done in this instance the proposed policy document most likely would have been of higher quality, have less structural errors and indeed the focus group may have been able to suggest a way of achieving the desired outcomes without the need for a Council policy at all. I support farmers' right to farm but there are much better ways of achieving this outcome than the proposed policy currently on public display.

So; please let the appropriate focus group work with staff as intended to ensure that initiatives of this nature achieve their desired outcomes."

Executive Manager Planning and Environment Greg Meyers advised the meeting that a detailed report which would address issues raised in submissions on the Draft Right to Farm Policy would be presented to the February Council meeting.

He said the policy did not have a review period written into it because under the Local Government Act all Council policies have to be reviewed with 12 months of an election. So effectively, the policy would be reviewed every four years.

Mr Meyers said the purpose of the policy was to provide information to people who are at the 149 Certificate stage in purchasing a property. Council provides information to prospective purchasers when they come to the front counter. Having a policy guides the staff and supports the advice provided to those people about living in a rural area and the types of activities that occur in rural areas.

The POE Act identified in the policy sets down a number of criteria, however in rural areas it creates issues in relation to noise levels. Most people refer to the Industrial Noise Policy, but that doesn't necessarily apply to rural activity, creating ongoing issues in trying to deal with those complaints received by Council. The policy will help Council in dealing with those complaints.

In response to a question about whether Council would be providing local real estate agents with a copy of the policy to distribute to prospective purchasers, the General Manager advised that Council meets with local real estate agents on a quarterly basis. The policy would be referred to the local real estate agents during those meetings. However, Council could not guarantee the real estate agents would pass on the information to their clients.

Mr Dejoux, in answering a question on why he believed the policy should have been referred to Council's Government and Community Service Focus Group, agreed with Cr Creedy that it should have been referred to the Focus Group during the policy's development stage and not after Council had adopted it for public exhibition.

Councillor Ross Brown joined the meeting at 5.14pm.

Earle Grundy, of Old Bonalbo, and Murray Woods, of Coppers Logs -- Load limit on Barrett's Bridge Duck Creek Road.

Earle Gundy

"I have invited Murray Woods of Coppers Logs to help me with the address as I want to log my property and Coppers Logs is the company I want to do the job. As background, I purchased my property in Kyogle Shire about 17 years ago and I always intended to run beef cattle and sell timber. To enhance my forest for income and environmental outcomes, I have attended several courses and I have been practicing the methods I was shown at those courses ever since. I joined NSW Farmers Association and served as President of the Northern NSW District Council for 12 months. I have served as a community representative on a National Parks Consultative Committee and on the Bell Minor Dieback Committee.

Over the years, the farmers in this area have used private native forest to supplement their income in times of drought and poor commodity prices. I also have the problem of the NSW Forestry terminating a 30 year lease agreement with me last June. I have a large plantation NSW Forestry planted on my property and they were going to pay me a lease for up to 30 years. However, after 10 years they have reneged and pulled out. When I said farmers tend to turn back to timber in hard times, this for me is that time.

In May, I advised the Council I intended to log and enquired about the condition of bridges, especially a small one up Duck Creek Road with a 10 tonne load limit. I was advised in writing that the load limited bridge was to be replaced hopefully by Christmas and that there were no other problem bridges.

More recently, six to eight weeks ago, I made enquiries again, this time by phone and was told by the officer I spoke with that there were no problems. However, a couple of weeks after that conversation, Coppers approached Kyogle Council and were told of a 20 tonne limit on Barretts Bridge which obviously throws our plans into massive disarray.

There are more than 20 properties serviced by this bridge, at least 15 of those properties are inhabited. I have been advised that the bridge is on a 20 year plan so as the bridge deteriorates over the years, I assume the load limit will be reduced accordingly.

There are thousands of cattle and thousands of hectares of timber and many possible jobs dependent on this bridge being up to the standard a semi-trailer can use. At this stage I am asking Council, as I did in my letter, if they can please look at the load limit and see if it is correct, or if the bridge is not on a short term plan perhaps it could be brought up to standard with maintenance."

Murray Woods:

"Coppers buys up to 40,000 poles a year, roughly half from private property and half from crown reserves.

The company relies quite heavily on timber reserves on private property. Mr Grundy's property has a good resource that in the future will be ongoing, particularly in the plantation itself which will supply a lot of Copper's planned volume."

In response to questions for Councillors, Mr Grundy estimated the value of royalties from his property to be between \$100,000 to \$120,000.

Mr Woods could not put a value on royalty values of other properties serviced by Barretts bridge but said there were large areas of timber in the valley and believed they could be similar to Mr Gundy's.

Mr Grundy said to log his property the bridge would need to be able to take a load of about 42 tonne. He reaffirmed that he was not asking for a new bridge but maintenance to bring the existing bridge up to a standard so it can be used by a loaded semi-trailer.

Executive Manager Infrastructure Works Jeff Breen advised that there are two bridges to be replaced on Duck Creek Road -- McKees and Allens, both which have 10 tonne load limits. Council's bridges were all inspected between February and May and a number of new load limits were imposed as a result of those inspections. There is currently no sign on the bridge indicating that it has a load limit because Council ran out of the load limit signs. Further signs have been ordered.

Mr Breen estimated the cost of the maintenance needed to bring the bridge up to a standard for use by a loaded log truck to be in excess of \$100,000. He said while the work could be done, it was only a short-term fix for the bridge. To replace the bridge with a traditional concrete and steel structure would cost about \$400,000. If Council could secure another ADF-type steel bridge, it would cost about \$220,000.

Mr Breen said that if funding were available, Barretts Bridge would be in the top 10% of bridges as a priority for replacement. However, priorities changed depending on what funding was available, as an example Council had the opportunity to be short listed for funding for three of its larger bridges through the Bridge Replacement Program. He said that while it would be nice to replace Barretts Bridge there were a lot of other bridges in the council area that also needed replacing that were in similar situation. Council had looked at alternatives to replacing the bridge such as putting in a bypass for log trucks, but that was not a simple process. Council would need to go through NSW Fisheries and possibly engage a geomorphologist to undertake a study. Mr Breen said Council did not put load limits on bridges lightly and understood the plight of people affected by load limited bridges. However, he said apart from replacing them or undertaking major maintenance, it was the only action council could take.

In response to a question raised by Councillor Simpson, the General Manager advised that Council was continually lobbying State and Federal Governments for further bridge funds. He said extra pressure could be applied if all the people affected by load limited bridges contacted the politicians and made their concerns known.

Mr Grundy sought advice on how Council sets its bridge replacement priority given that a bridge on Goanna Creek Road which services just one resident was replaced two years ago with a new concrete structure.

The Mayor took the question on notice.

081214/01 RESOLVED

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

That the time for public access be extended by 30 minutes.

CARRIED

FOR VOTE - Unanimous vote

Fiona Borello/Janice Mills -- Simpkins Creek Radio Repeater.

Janice Mills addressed the meeting on the ongoing difficulties her family had had in relation to the siting of the proposed Transgrid communications tower adjacent to their property.

Mrs Mills said the tower would devalue their property by at least \$100,000 yet they had not been offered any compensation. She said the proposed tower would also impose heavily on the view and would have a negative impact on tourism. The road beside which the tower is proposed to be constructed is used by tourists, including people travelling to the national park.

Mrs Mills believes other sites, which impacted less on neighbouring properties and on tourism, had not been adequately investigated by Transgrid. She believed the availability of power on the current site was a driving factor in its selection and questioned why Transgrid had not investigated solar power.

Fiona Borello called on Council to deny Transgrid's request for an easement to build its communications tower.

She said there were many reasons the Council should oppose construction of the tower apart from the impact it would have on her family's property. She said there were still questions about the value of the easement to the Council and believed the impact on tourism would be significant.

In response to questions from Councillors, Mrs Borello said the size of the communications made it impossible to screen and would spoil the view of anyone who travelled the road.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY MEETING ON 3 NOVEMBER 2014

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

081214/02 RESOLVED

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

That the Minutes of the Extraordinary Meeting held on 3 November 2014 be adopted.

CARRIED

FOR VOTE - Unanimous vote

7.2 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING 10 NOVEMBER 2014

REPORT BY: GENERAL MANAGER
CONTACT: GENERAL MANAGER ARTHUR PIGGOT

081214/03 RESOLVED

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

That the Minutes of the Ordinary Meeting held on 10 November 2014 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - COUNCILLOR LINDSAY PASSFIELD; NSW LOCAL GOVERNMENT REVIEW PROCESS

REPORT BY: GENERAL MANAGER
CONTACT: COUNCILLOR LINDSAY PASSFIELD

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

1. That Kyogle Council invites Lismore City Council and Richmond Valley Council to separate, bilateral workshops with Kyogle Council in the first quarter of 2015 to discuss the NSW Local Government Review process and possible implications for our Councils.
2. That Council commences preparation of its submission to the NSW Governments' Fit For The Future process using the Council Improvement Proposal Template, with a further report to be provided outlining the requirements of the Rural Council Proposal once details are released by the NSW Office of Local Government.

Councillor Wilson foreshadowed a motion:

That Council engage a consultant (for example the Australian Centre of Excellence for Local Govern) to provide a consultancy service to Council to prepare the material needed to negotiate with other councils in line with the Fit for the Future recommendations.

Councillor Ross Brown foreshadowed a motion:

That further discussion in relation to these two motions be deferred until Councillors have a workshop in relation to Fit for the Future and the templates.

Councillor Lindsay Passfield withdrew his motion.

Councillor Janet Wilson withdrew her foreshadowed motion.

081214/04 RESOLVED

Moved Councillor Ross Brown, second by Councillor Robert Dwyer:

That further discussion in relation to these two motions be deferred until Councillors have a workshop in relation to Fit for the Future and the templates.

CARRIED

FOR VOTE - Unanimous vote

081214/05 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Janet Wilson:

That Councillors hold a workshop on the second Monday in January (12 January, 2015) at 10am and that Council attempt to engage a facilitator in line with Council's previous motion.

CARRIED

FOR VOTE - Unanimous vote

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

081214/06 RESOLVED

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

That Council receives and notes the report Questions From The Last Council Meeting.

CARRIED

FOR VOTE - Unanimous vote

10.2 ORDER OF BUSINESS

081214/07 RESOLVED

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

That the order of business for this meeting be amended so that items:

- 13A.1
- 13D.2
- 13F.1
- 13F.2

are brought forward and considered immediately following Item 10.1

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER'S REPORT

13A.1 PLANT PURCHASES

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN

081214/08 RESOLVED

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

That Council:

1. Approves the purchase of a 2.8 tonne excavator with attachments up to the value of \$75,000
2. Approves the purchase of the road reclaimer (Zipper) with attachments up to the value of \$145,000
3. Approves the 2014/15 plant budget amount of \$220,000 for the purchase of a self-propelled roller to be reallocated to the purchase of a 2.8 tonne excavator and the road reclaimer.

CARRIED

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

ITEM 13D CORPORATE SERVICES REPORT

13D.2 CODE OF MEETING PRACTICE

REPORT BY: ADMINISTRATION AND COMMUNITY

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

081214/09 RESOLVED

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

That Council place the Amended Code of Meeting Practice on public display for a period of 42 days.

CARRIED

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

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 COUNTY COUNCIL MERGER

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

081214/10 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Ross Brown:

1. That Council receives and notes the report on County Council Merger.
2. That Council supports the adoption of a management structure that incorporates all the existing functions of the current Rous Water, Far North Coast Weeds and Richmond River County Councils and provides the flexibility to accommodate the management and delivery of regional initiatives.
3. That Council supports the proposal of a service level agreement arrangement with the new structure for the provision of noxious weeds management services.

CARRIED

FOR VOTE - Unanimous vote

13F.2 LONG TERM FINANCIAL PLAN

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

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

1. That Council receives and notes the report, Long Term Financial Plan.
2. That Council adopts the Long Term Financial Plan 2015/2034 as per the advertised draft.
3. That Council amends the Delivery Program 2013-2017 and Operational Plan 2013-2014 as required to reflect the adopted Long Term Financial Plan 2015/2034 and place the amended documents on public display for a period of not less than 28 days.
4. That Council applies to IPART for a Special Variation as per the adopted Long Term Financial Plan 2015/2034.

Councillor Lindsay Passfield moved an amendment:

1. That Council receives and notes the report, Long Term Financial Plan.
2. That Council adopts the Long Term Financial Plan 2015/2034 as per the advertised draft.
3. That Council amends the Delivery Program 2013-2017 and Operational Plan 2013-2014 as required to reflect the adopted Long Term Financial Plan 2015/2034 and place the amended documents on public display for a period of not less than 28 days.
4. That Council applies to IPART for a Special Variation (to be explicitly stated) as per the adopted Long Term Financial Plan 2015/2034.

081214/11 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Janet Wilson:

That the matter be deferred until the special variation figures are determined.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

11.1 DELEGATES REPORT -- FAR NORTH COAST WEEDS

REPORT BY: GENERAL MANAGER
CONTACT: COUNCILLOR DANIELLE MULHOLLAND

081214/12 RESOLVED

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

That Council receives and notes the delegate's report provided by Councillor Danielle Mulholland in respect of Far North Coast Weeds.

CARRIED

FOR VOTE - Unanimous vote

ITEM 12 INFORMATION PAPERS

12.1 COUNCIL RESOLUTIONS REQUIRING ACTION

REPORT BY: GENERAL MANAGER
CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

081214/13 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

12.2 FINANCIAL REPORT -- NOVEMBER 2014

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

081214/14 RESOLVED

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

That Council receives and notes the information contained in the Monthly Financial Report – September 2014.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.2 SIMPKINS CREEK RADIO REPEATER

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN

081214/15 RESOLVED

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

1. That Council receives and notes the report Simpkins Creek Radio Repeater.
2. That Council advise Transgrid that it is not prepared to grant the subject easement at this time because the interests and concerns of the neighbouring ratepayer have not been adequately addressed.

CARRIED

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

AGAINST VOTE - Ross Brown, Maggie Creedy

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 31 OCTOBER 2014 TO 27 NOVEMBER 2014

REPORT BY PLANNING AND ENVIRONMENT

CONTACT EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG MEYERS

081214/16 RESOLVED

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

That, with the exception of the following items in which Councillor Michael Reardon and the Executive Manager Administration and Community Carol O'Neill have declared an interest,

- Cr Reardon 13B.1 Development Applications Received, Determined and Outstanding DA 2014/27 - Reason for Declaration - Owner of a quarry

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

The information contained in the report Development Applications Received, Determined and Outstanding for the period 31 October, 2014 to 27 November, 2014 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

Councillor Michael Reardon and the Executive Manager Administration and Community Carol O'Neill left the meeting at 7.03 pm.

081214/17 RESOLVED

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

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 31 October, 2014 to 27 November, 2014 only in relation to DA 2014/27 and DA 2013/11 in which Councillor Reardon and the Executive Manager Administration and Community Carol O'Neill have declared an interest be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

Councillor Michael Reardon and Executive Manager Administration and Community Carol O'Neill returned to the meeting at 7.05 pm.

ITEM 13C ENVIRONMENT SERVICES REPORT

13C.1 WEIGHBRIDGE PROGRESS AT KYOGLE LANDFILL AND PUBLIC WEIGHBRIDGE ISSUES

REPORT BY: PLANNING AND ENVIRONMENT

CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT – GREG MEYERS

081214/18 RESOLVED

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

1. That Council receive and note the report, Weighbridge Progress at Kyogle Landfill and Public Weighbridge Issues.

2. That Council not register the Weighbridge at the Kyogle Landfill as a Public Weighbridge due to the costs and risks associated with such registration.

CARRIED

FOR VOTE - Unanimous vote

13F.2 LONG TERM FINANCIAL PLAN

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Councillor Lindsay Passfield moved an amendment, seconded by Councillor Janet Wilson:

1. That Council receives and notes the report, Long Term Financial Plan.
2. That Council adopts the Long Term Financial Plan 2015/2034 as per the advertised draft.
3. That Council amends the Delivery Program 2013-2017 and Operational Plan 2013-2014 as required to reflect the adopted Long Term Financial Plan 2015/2034 and place the amended documents on public display for a period of not less than 28 days.
4. That Council applies to IPART for a Special Variation –

Financial Year	15/16	16/17	17/18	18/19	19/20
General Rates (above rate pegging)	8.04 %	3.2%	3.2%	3.2%	3.2%
Storm Water Management Charges (above rate pegging)	250%	0.7%	0.7%	0.7%	0.7%

CARRIED

FOR VOTE - Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Maggie Creedy

AGAINST VOTE - Ross Brown, Michael Reardon, Chris Simpson, Bob Dwyer

The amendment became the motion.

081214/19 RESOLVED

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

1. That Council receives and notes the report, Long Term Financial Plan.
2. That Council adopts the Long Term Financial Plan 2015/2034 as per the advertised draft.
3. That Council amends the Delivery Program 2013-2017 and Operational Plan 2013-2014 as required to reflect the adopted Long Term Financial Plan 2015/2034 and place the amended documents on public display for a period of not less than 28 days.
4. That Council applies to IPART for a Special Variation –

Financial Year	15/16	16/17	17/18	18/19	19/20
General Rates (above rate pegging)	8.04 %	3.2%	3.2%	3.2%	3.2%
Storm Water Management Charges (above rate pegging)	250%	0.7%	0.7%	0.7%	0.7%

CARRIED

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

Councillor Maggie Creedy left the meeting at 7.28pm

ITEM 13D CORPORATE SERVICES REPORT

13D.1 REVIEW OF VEHICLE POLICY

REPORT BY: ADMINISTRATION AND COMMUNITY

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

081214/20 RESOLVED

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

1. That Council receives and notes the report, Review of Vehicle Policy.
2. That the Kyogle Council Vehicle Policy be adopted as amended per Councillor Brown's comments

CARRIED

FOR VOTE - Unanimous vote
 ABSENT. DID NOT VOTE - Maggie Creedy

ITEM 13E COMMUNITY SERVICES REPORT

Nil.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 COUNTY COUNCIL MERGER

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

081214/21 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Ross Brown:

1. That Council receives and notes the report on County Council Merger.
2. That Council supports the adoption of a management structure that incorporates all the existing functions of the current Rous Water, Far North Coast Weeds and Richmond River County Councils and provides the flexibility to accommodate the management and delivery of regional initiatives.
3. That Council supports the proposal of a service level agreement arrangement with the new structure for the provision of noxious weeds management services.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Maggie Creedy

13F.3 SMALL BUSINESS FRIENDLY COUNCIL PROGRAM

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

081214/22 RESOLVED

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

1. That Council receives and notes the report Small Business Friendly Council Program.
2. That Council authorises the Mayor and the General Manager to sign off on the Small Business Friendly Council's Charter.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Maggie Creedy

13F.4 ACTING GENERAL MANAGER

REPORT BY: GENERAL MANAGER
CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Moved by Councillor Danielle Mulholland, seconded by Councillor Janet Wilson.

That Council defer consideration of Item 13F.4 to Confidential Business.

LOST

FOR VOTE - Janet Wilson, Danielle Mulholland
AGAINST VOTE - Ross Brown, John Burley, Lindsay Passfield, Michael Reardon,
Chris Simpson, Bob Dwyer
ABSENT. DID NOT VOTE - Maggie Creedy

Councillor John Burley, the Executive Manager Urban and Assets Graham Kennett and the Executive Manager Infrastructure Works Jeff Breen left the meeting at 7.35pm

081214/23 RESOLVED

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

1. That Mr Graham Kennett be appointed as Acting General Manager for the period from 5 January, 2015 to 11 January, 2015 inclusive.
2. That Mr Jeff Breen be appointed as Acting General Manager for the period from 12 January, 2015 to 23 January, 2015 inclusive.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John Burley, Maggie Creedy

Councillor John Burley, the Executive Manager Urban and Assets Graham Kennett and the Executive Manager Infrastructure Works Jeff Breen returned to the meeting at 7.37pm.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Nil

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVED INTO CLOSED COMMITTEE

Item 16.1 Notice of Motion Councillor Danielle Mulholland - Senior Staff

This report is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerns particular individuals (other than councillors)

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.

RESOLVED

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

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 reports 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 - Maggie Creedy

Council closed its meeting at 7.37pm. The public and the media left the Chamber. Councillor John Burley, the General Manager Arthur Piggott, the Executive Manager Administration and Community Carol O'Neill, the Executive Manager Urban and Assets Graham Kennett, the Executive Manager Infrastructure Works Jeff Breen, and the PA to the General Manager and Administration and Community left the meeting at 7.37pm.

16.02 OPEN COUNCIL RESUMES

RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John Burley, Maggie Creedy

Open Council resumed at 7.45 pm

16.1 NOTICE OF MOTION COUNCILLOR DANIELLE MULHOLLAND -- SENIOR STAFF

REPORT BY: GENERAL MANAGER
CONTACT: COUNCIILLOR DANIELLE MULHOLLAND

RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Ross Brown:

1. That a workshop be arranged for 12 January 2015 to discuss in detail the options around the General Manager's position.
2. That the Executive Manager Urban and Assets Graham Kennett be appointed as Acting General Manager in the case of an event resulting in the unplanned absence of the General Manager from his duties.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John Burley, Maggie Creedy

Councillor John Burley, the General Manager Arthur Piggott, the Executive Manager Urban and Assets Graham Kennett, the Executive Manager Infrastructure Works Jeff Breen, and the PA to the General Manager and Administration and Community returned to the meeting at 7.48pm.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.48pm.

Signature of Chairperson.....