

## **Kyogle Council**

**Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 14 December, 2015.**

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### **PRESENT**

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

### **IN ATTENDANCE**

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

### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 5pm.

#### **ITEM 1 APOLOGIES**

Nil

#### **ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

#### **ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

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

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

- Item No 13B.1 Development Applications Determined and Outstanding for the period 30 October 2015 to 26 November 2015 - Development applications outstanding 2013/11  
Reason for Declaration - neighbouring property owner.

Acting General Manager Graham Kennett declared an interest on the following item/s:

- o Item No 13F.1 Acting General Manager  
Reason for Declaration - Mentioned in the report.

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

- o 13F.1 Acting General Manager  
Reason for Declaration -- Relative of someone mentioned in the report.

## **ITEM 5 QUESTION TIME**

Nil

## **ITEM 6 PUBLIC ACCESS**

Nil

## **ITEM 7 CONFIRMATION OF MINUTES**

### **7.1 CONFIRMATION OF THE MINUTES OF THE 9 NOVEMBER 2015 ORDINARY MEETING**

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

**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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

That the Minutes of the Ordinary Meeting held on 9 November, 2015 be adopted.

Councillor Janet Wilson arrived at the meeting at 5.07pm.

Councillor Ross Brown moved an amendment:

That the minutes of the Ordinary Meeting held on 9 November 2015 be adopted as amended.

Councillors Passfield and Burley withdrew their motion.

Councillor Brown withdrew his amendment.

**ITEM 8      MAYORAL MINUTE**

Nil.

**ITEM 9      NOTICES OF MOTION**

Nil.

**ITEM 10     QUESTIONS WITH NOTICE FROM COUNCILLORS**

**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

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

**CONTACT:     ACTING GENERAL MANAGER GRAHAM KENNETT**

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**141215/01    RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor John Burley:

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

AGAINST VOTE - Ross Brown, Maggie Creedy, Bob Dwyer

**ITEM 11     DELEGATES REPORTS**

**DELEGATES REPORT -- NOROC**

**141215/02    RESOLVED**

Moved by Councillor Chris Simpson, seconded by Councillor John Burley:

That Council receives and notes the Delegates Report - NOROC.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 12 INFORMATION PAPERS**

**12.1 COUNCIL RESOLUTIONS REQUIRING ACTIONS**

**REPORT BY: GENERAL MANAGER'S OFFICE**  
**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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**141215/03 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

**12.2 MONTHLY FINANCE REPORT**

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

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**141215/04 RESOLVED**

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

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.3 WORKS PROGRAM PROGRESS REPORT**

**REPORT BY: ACTING GENERAL MANAGER**  
**CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT**

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**141215/05 RESOLVED**

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

That Council receives and notes the information contained in the Works Program Progress Report November 2015.

**CARRIED**

FOR VOTE - Unanimous vote

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**ITEM 13 GENERAL MANAGER 'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS OUTSTANDING AND DETERMINED FOR THE PERIOD 30 OCTOBER, 2015 TO 26 NOVEMBER, 2015**

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

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**141215/06 RESOLVED**

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

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

- Executive Manager Administration and Community Carol O'Neil 13B.1 Development Applications Determined and Outstanding DA2013/11 - Reason for Declaration - Neighbouring property owner.

The information contained in the report Development Applications Determined and Outstanding for the 30 October 2015 to 26 November 2015 be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

Executive Manager Administration and Community Carol O'Neill left the meeting at 5.19pm

**141215/07 RESOLVED**

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

That the information contained in the report Development Applications Determined and Outstanding for the period 30 October 2015 to 26 November 2015 only in relation to DA2013/11 in which Executive Manager Administration and Community Carol O'Neill declared an interest be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

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Executive Manager Administration and Community Carol O'Neill returned to the meeting at 5.19pm.

**13B.2 FINALISATION OF LEP AMENDMENT NO. 5 TEMPORARY EVENTS**

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

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**141215/08 RESOLVED**

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

That Council:

- a) Reiterate its support for the planning proposal to amend the *Kyogle Local Environmental Plan 2012* to permit short term temporary events to be considered as complying development on land affected by the KLEP, subject to inclusion of a note that states: ["Note: Camping activities can constitute 'other tourist accommodation' which when located on bushfire prone land may not be considered as complying development under section 100B\(5\) of the Rural Fires Act 1997"](#).
- b) Pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, request Parliamentary Counsel's Office to prepare a draft legal instrument.
- c) Upon receiving from Parliamentary Counsel's Office a draft LEP amendment and an Opinion that the plan can be made, exercise its delegation to make the plan and request NSW Planning and Environment to carry out notification of the making of the plan.

**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	

**ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 13D CORPORATE SERVICES REPORT**

Nil.

**ITEM 13E COMMUNITY SERVICES REPORT**

**13E.1 PRE SCHOOL LEASES**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

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

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**141215/09 RESOLVED**

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

That Council;

- a) Authorise the General Manager and Mayor to sign the leases with the Kyogle Preschool and OSHC Association Inc, Jumbunna Community Preschool and Early Intervention Centre Inc and Woodenbong Preschool and Kindergarten Inc.
- b) Authorise the General Manager and Mayor to affix the Council seal to the lease documents with the Kyogle Preschool and OSHC Association Inc, Jumbunna Community Preschool and Early Intervention Centre Inc and Woodenbong Preschool and Kindergarten Inc.

**CARRIED**

FOR VOTE - Unanimous vote

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

**13F.1 ACTING GENERAL MANAGER**

**REPORT BY: GENERAL MANAGER**

**CONTACT: GENERAL MANAGER DAVID TUXFORD**

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The Acting General Manager Graham Kennett and Councillor John Burley left the meeting at 5.22pm.

## **141215/10 RESOLVED**

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

That Council:

- a) Appoint the Executive Manager Urban and Assets Graham Kennett as Acting General Manager for the period from 7 December, 2015 to 15 January 2016 inclusive.
- b) Appoint the Executive Manager Urban and Assets Graham Kennett as Acting General Manager in the case of an event resulting in the absence of the General Manager from his duties.

**CARRIED**

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

AGAINST VOTE - Ross Brown

ABSENT. DID NOT VOTE - John Burley

The Acting General Manager Graham Kennett and Councillor John Burley returned to the meeting at 5.23pm.

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

Nil.

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

Cr Robert Dwyer

- When are we likely to see equity and consistency return to the way Council's policies are administered during Council meetings?

The Mayor advised that under Council's Code of Meeting Practice in the section Questions for the Next Ordinary Meeting, Councillors were limited to a maximum two questions per meeting, that from now on, every Councillor would be limited to those two questions.

- Is it within a mayor's delegated authority to instruct a senior staff executive to ask a councillor, that is participating in a community activity, to remove themselves from that activity, should the councillor refuse to remove themselves then instruct the councillor to remove their councillor name badge?

The Mayor advised that the question would be taken on notice.

Cr Ross Brown:

- Can the questions asked by Cr Robert Dwyer in Item 10.1 which could not be answered due to other pending matters be answered in the Confidential part of the business paper given that Council has now been told the questions could not be answered due to confidentiality issues, and is there a letter from the Department of Local Government that says the questions can't be answered due to issues of Confidentiality?

The Acting General Manager advised that he was unable to discuss the matter in any way due to confidentiality issues

- If the office of Local Government can't answer these questions, can they be referred to Council's legal advisor to be answered?

Cr Lindsay Passfield

- When is Council planning to do a village plan of management in relation to Crown Reserves in villages?

The Acting General Manager advised that one of the main actions to come out of the draft Community Strategic Plan, which will come back to Council in February, was the preparation of Visions for the Villages, or plans of management for the villages that would look at more than just crown reserves. At this point in time there is no date set for those plans to be developed. The intention was to have that concept adopted in the CPS with the aim of having one plan completed in the first 12 months, possibly in the Woodenbong area, and the remainder within the next 12 months after that.

- If and when will work to be done on a small section of Mt Lindesay Road in the Kyogle Local Government Area be completed?

Executive Manager Infrastructure Works advised that parts of the section of the road within Woodenbong still had outstanding works. The remainder of the works already undertaken would be sealed in the New Year. Council has in the vicinity of \$118,000 to finish off some other work in Woodenbong and would be completed sometime in the New Year.

## **ITEM 16 CONFIDENTIAL BUSINESS PAPER**

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

#### **ITEM 16.1 WRITE OFF OF DEBT**

#### **ITEM 16.2 KYOGLE CARAVAN PARK**

#### **ITEM 16.3 TENDERS FOR SEWER MAIN REPLACEMENT NOROC PANEL CONTRACT**

## **ITEM 16.4 MILLERS QUARRY AGREEMENT**

These reports are CONFIDENTIAL in accordance with Section 10A2(a) and (d) 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

It is not in the public interest and would be contrary to the 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.

### **141215/11 RESOLVED**

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

1. That Council resolve to move into closed council to consider business identified, together with any late reports tables 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 Section 11(2) of the *Local Government Act 1993*.

**CARRIED**

FOR VOTE - Unanimous vote

Council closed its meeting at 5.30pm. The public and the media left the chamber.

## **16.02 OPEN COUNCIL RESUMES**

### **141215/12 RESOLVED**

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

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

**CARRIED**

FOR VOTE - Unanimous vote

Open Council resumed at 5.51pm.

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

### **ITEM 16.1 WRITE OFF OF DEBT**

That Council approves the write off of \$14,646.74 being debtor account for John Miller, considered to be unrecoverable.

**ITEM 16.2 KYOGLE CARAVAN PARK**

That Council receives and notes the report, Kyogle Caravan Park.

**ITEM 16.3 TENDERS FOR SEWER MAIN REPLACEMENT NOROC PANEL CONTRACT**

That Council:

- a) Accepts the tenders received from Interflow Pty Ltd, Abergeldie Watertech, Insituform Pacific Pty Ltd, Relining Solutions Pty Ltd, ITS Pipe Tech Pty Ltd, and Nuflo Technologies 2000 Pty Ltd for Pipe Relining Works in accordance with Request for Tender T2015/33.
- b) Accept the tenders for a period up to the maximum three year period nominated in Request for Tender T2015/33.

**ITEM 16.4 MILLERS QUARRY AGREEMENT**

That Council:

- a) Authorise the Mayor and General Manager to sign the Gravel Pit Agreement between Kyogle Council and John Raymond Miller.
- b) Authorise the Mayor and General Manager to affix the Council seal to the Gravel Pit Agreement between Kyogle Council and John Raymond Miller.

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5.53pm.

Signature of Chairperson.....