

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 27 August 2012.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, Cr. J. Wilson, Cr. J. O'Reilly, Cr. L. Passfield, Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

IN ATTENDANCE

The General Manager, the Acting Director of Technical Services, the Director of Corporate & Community Services, the Acting Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.30 p.m.

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. Lindsay Passfield declared an interest in the following item/s:

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2012 – 31 July 2012 2012/29
Reason for Declaration – undertakes contract work for proponent.

Cr. Tom Cooper declared an interest in the following item/s:

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2012 – 31 July 2012 - 2011/180
Reason for Declaration - purchasing property with a potential quarry site.

Cr. John O'Reilly declared an interest in the following item/s:

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2012 – 31 July 2012 –2012/36
Reason for Declaration - applicant/owner is a family member

Item 16.1 Contractual Conditions of Senior Staff - the General Manager, the Director of Corporate & Community Services, the Acting Director of Technical Services, the Acting Director of Planning & Environment Services and the Personal Assistant to the General Manager and Corporate Services left the meeting prior to discussion.

ITEM 5 QUESTION TIME

Mrs Helen Phillips addressed Council;

- What are the outcomes of the Code of Conduct complaint lodged by the Mayor with the General Manager at the Council meeting 28 May 2012, with regards to the process surrounding DA 2011/79 Industrial Subdivision under Section 6.1A of Kyogle Council's Code of Conduct?

The General Manager advised the Code of Conduct Complaint has been investigated and the matter has now been finalised.

- What actions has the General Manager implemented to ensure such a Code of Conduct complaint regarding Council Administration practices, is not lodged in the future?

The General Manager advised Council is considering a revised structure in today's business paper which will assist with this process.

Mrs Janelle Stuart addressed Council;

- Has Council completed the compliance audit on all quarries within in the Kyogle Local Government Area – if not when will it be completed?

The Acting Director of Planning Services advised Council has two staff monitoring the quarries and as there are many to monitor, the matter is ongoing.

- Will adjoining landowners be able to gain access to the information in relation to monitoring and the findings?

The General Manager advised yes, hard copies will be made available to adjoining landholders.

Mr Phil Gome addressed Council;

- My first questions are not be viewed as a reflection of the competence or diligence of the Council Meeting Minute-taker.
- At the Ordinary meeting 23 July, I asked 4 questions. I received 4 answers, all of which were of 1 and 2 sentences. There was no discussion. The unconfirmed minutes of that meeting contained 3 of questions and 2 answers. One of those answers included in the draft minutes is not a “full and accurate record” as required by both the Local Government Act Clause 375 and Council Code of Meeting Practice.
- Question 1 – Why does Council Executive present Minutes of Council meetings which do not comply with Legislative requirements and Council Policy?

The General Manager advised the information recorded was completed to the best of the ability of the minute taker.

- Question 2 – Why do Councillors accept minutes which do not comply with Legislated requirements and Council Policy?

The General Manager advised he believed the minutes did comply with legislative requirements and Council policy.

- Question 3 – What actions will be undertaken by both Council Executive and Councillors to ensure that the minutes of future Council minutes are “full and accurate” as required by Legislation and Council Policy?

The Mayor advised each Councillor has the opportunity to review the unconfirmed minutes and advise if there are any discrepancies prior to the minutes being formally adopted.

- Question 4 - Bridge Maintenance was discussed at a recent Council meeting and was a hot topic at last Wednesdays “Meet the Candidates” forum at the Bowling Club. Please refer to Extract 2/9 from the Council’s “Core” Infrastructure Risk Management Plan, Section 9 Bridges (copy circulated); the risks are identified, the likelihood and consequences are identified, the risk is determined to be unacceptable, actions are proposed, responsibility is assigned, budget is nil. Please note that other items of Core Infrastructure such as Sewerage and Water supply systems and Park and reserves are allocated resources from “existing budget”.
How does Council Executive undertake any of the actions identified in the Risk Management Plan for bridges, with no budget allocated?

The Acting Director of Technical Services advised the Core Infrastructure Risk Management Plan identifies actions that can be done within the existing budget allocations, and the reference to “Nil” in the budget column means that no additional budget allocation is required to effect these actions.

- Question 5 – is Council executive’s failure to allocate funds to “increase inspections, impose weight limits, closures where required and identify non-critical

structures for disposal” in Council’s Core Infrastructure Risk Management Plan, a contributing factor as to why Council is having difficulty in receiving funding from the Department of Roads, Maritime and Services for the repair or construction of a new bridge in the Collins Creek area?

The Acting Director of Technical Services advised no.

Mr Chris Simpson addressed Council;

- With the Local Government Elections only 13 days away and the major changes to the electoral boundaries, a genuine need to disseminate this information to our residents has arisen.
- Will Council urgently advertise these major boundary adjustments, with a clearly defined map so that residents know what Ward they are in and therefore assimilate with the correct candidates?

The General Manager advised he would provide information to the media identifying the changes which have occurred.

ITEM 6 PUBLIC ACCESS

Mr Robert Goebel addressed Council;

- Sought Council’s approval to rebuild a dwelling which was burnt down on his property approximately 12 years ago (tabled a letter to Council)

The Acting Director of Planning & Environment advised if the dwelling was built prior to Council’s Interim Development Order (1967), then the dwelling entitlement would be maintained, subject to conditions being met.

The Mayor advised Council would provide a written response to the letter.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES JULY 2012

270812/ 1 RESOLVED

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

That the Minutes of the Ordinary Meeting held on 23 July 2012, as amended were adopted.

CARRIED

FOR VOTE - Unanimous vote

7.2 CONFIRMATION OF EXTRAORDINARY MINUTES 30 JULY 2012

270812/ 2 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor John O'Reilly.

That the Minutes of the Extraordinary Meeting held on 30 July 2012, were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

8.1 TELSTRA SERVICES

270812/ 3 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Ernie Bennett.

That Council reviews its existing dealings with Telstra and considers the transfer of services to alternate providers.

CARRIED

FOR VOTE - Unanimous vote

ITEM 9 NOTICES OF MOTION

Nil.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE JULY ORDINARY MEETING

270812/ 4 RESOLVED

Moved by Councillor Robert Leadbeatter, seconded by Councillor Lynette Zito.

That the Questions from the July Ordinary Meeting report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

270812/ 5 RESOLVED

Moved by Councillor Tom Cooper, seconded by Councillor Lindsay Passfield.

That Council write to Mr & Mrs Goebel and outline the correct procedure for them to undertake to successfully rebuild their destroyed home.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 QUARRIES REPORT

270812/ 6 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor John O'Reilly.

That the quarries report was received and noted

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS REPORT

270812/ 7 RESOLVED

Moved by Councillor John O'Reilly, seconded by Councillor Lindsay Passfield.

That the works program report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

270812/ 8 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor John O'Reilly.

That the Mayor and General Manager lobby the Roads & Maritime Services requesting unloaded heavy vehicles access to the Summerland Way.

CARRIED

270812/ 9 RESOLVED

Moved by Councillor Lynette Zito, seconded by Councillor John O'Reilly.

That the relevant staff prepares information necessary to outline and clarify the Customer Action Request procedure for inclusion in the Council newsletter.

CARRIED

FOR VOTE - Unanimous vote

12.3 COUNCIL RESOLUTIONS REQUIRING ACTION.

270812/ 10 RESOLVED

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

That the Council resolutions requiring action report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.4 FINANCIAL REPORTS JULY 2012

270812/ 11 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Lynette Zito.

That the information contained in the Monthly Finance Report – July was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

Nil.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 JULY 2012 TO 31 JULY 2012

270812/ 12 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Lynette Zito.

1. That, with the exception of the following items in which Councillors Tom Cooper, Lindsay Passfield and John O'Reilly have declared an interest,
 - Cr Tom Cooper 13B.1 Development Applications Received, Determined and Outstanding DA 2011/180
 - Cr Lindsay Passfield 13B.1 Development Applications Received, Determined and Outstanding DA 2012/29
 - Cr John O'Reilly 13B.1 Development Applications Received, Determined and Outstanding DA 2012/36

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July 2012 to 31 July 2012 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 13B.1 Councillor Tom Cooper and Councillor Lindsay Passfield and Councillor John O'Reilly left the meeting at 4.19 p.m.

270812/ 13 RESOLVED

Moved by Councillor Robert Leadbeatter, seconded by Councillor Lynette Zito.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July 2012 to 31 July 2012 only in relation to DA11/180, DA12/29, DA12/36 in which Councillor Tom Cooper, Councillor Lindsay Passfield and John O'Reilly have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Tom Cooper, Lindsay Passfield, John O'Reilly

Councillor Tom Cooper, Councillor Lindsay Passfield and Councillor John O'Reilly returned to the meeting at 4.20 p.m.

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 DEBT RECOVERY AND HARDSHIP POLICY

270812/ 14 RESOLVED

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

That the amended Debt Recovery and Hardship Policy was adopted.

CARRIED

FOR VOTE - Unanimous vote

13D.2 MINUTES OF CORPORATE AND COMMUNITY SERVICES

270812/ 15 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Lynette Zito.

1. That the Corporate & Community Services Committee minutes were received and noted.
2. That a separate report be presented to Council outlining the reasons for the request that Council consider extending the hours of the Roxy Gallery Co-ordinator.

CARRIED

FOR VOTE - Unanimous vote

270812/ 16 RESOLVED

Moved by Councillor Lynette Zito, seconded by Councillor Tom Cooper.

The following motion be carried forward to the September meeting of Council.

- 3.. That Council consider including an acknowledgement of *Pioneers of the Land* with the traditional lands acknowledgement and prayer before each Council/Committee Meeting.

CARRIED

FOR VOTE - Ross Brown, Ernie Bennett, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Tom Cooper
 AGAINST VOTE - Janet Wilson

13D.3 JUNE 2012 QUARTERLY BUDGET AND MANAGEMENT PLAN REVIEW

270812/ 17 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor John O'Reilly.

1. That the June 2012, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That the funds identified as revotes in the June 2012 budget review and shown in the table below, be incorporated into the 2012/2013 budget.

PROGRAM	ITEM	COMMENT	REVOTE
Economic Development	Economic Development	Futures funding	89,959
Administration	Donations	Donations granted but not yet paid out	8,800
		Disaster relief fund	37,387
	Office Equipment	Computer equipment	24,699
Finance	Revenue Sharing Grant	Payment received in advance	1,161,946
Art Gallery	Museum	Project not completed	10,000
Community Services	Aged Care	Project not yet commenced	50,000
	Capital Income	Safer memorial park project	(25,000)
	Improvements	Safer memorial park project	3,744
Pre Schools	Improvements	Bonalbo preschool project design	5,000
Swimming Centres	Improvements	Plant & equipment	20,330
Community Buildings	Construction	Kyogle community enterprise centre	62,127
		Bonalbo caravan park	5,000
		Disabled access	65,000
Parks & Gardens	Improvements	Electric BBQs	15,000
		Park structures	10,000
Planning	Grant LEP	Funds not yet received	(35,000)
Environmental Health	Feasability Study	Project not yet commenced	186,490
Commercial Waste	Loan Income	Loan not taken up	(300,000)
	Improvements	Compactor / baler not started	300,000
Regional Roads	Capital Income	Rehab bentley rd	(100,000)

	Capital Expenditure	Rehab bentley rd	109,515
Urban Roads	Local Infrastructure Grants	Cycleway grant	(29,500)
	Construction	Rehab Geneva street	28,849
		Rehab May street	32,000
		PAMP program	30,864
		Bonalbo streets reseals	12,065
		Mallanganee streets reseals	9,000
		Rehab Sandilands street Mallanganee	58,052
		Tabulam streets reseals	5,000
		Old bonalbo streets reseals	4,391
		Wiangaree steets reseals	8,000
		Kerb & gutter Barnes st Tabulam	10,000
		Cycleway - Summerland way	87,500
Rural Roads	Financial Assistance Grant	Payment received in advance	754,437
	Flood Damage Grant	December 2010 flood grant	(88,536)
	Flood Restoration	December 2010 flood works	111,689
	Lions Club	Funds not yet received	(24,000)
	Construction	Reseal Iron pot creek road	5,211
		Reseal Omagh road	10,959
		Reseal Findon creek road	16,838
		Initial seal Brown knob road	23,308
		Reseal Sextonville road	27,744
		Widen Lions road at border crossing	24,000
		Oxbow rd improvements	58,316
		Resheet - Mills road	36,780
		Resheet - Hartleys road	40,000
		Goanna creek road improvements	50,000
Bridges	Construction	Bridge 73-4457 montgomerys bridge	77,767
		Lions road Helcore culverts	88,420
		Bridge 59-1056 Gradys creek	58,128
		Bridge 59-13985 Gradys creek	100,000
		Bridge 50-9824 Needhams road	27,972
		Bridge 57-7819 Ghinni Ghi road	136,087
		Bridge 134-43531 Paddys flat road	25,976
		Bridge 120-2596 & 4113 Sawpit creek road	58,388
		Bridge 43-5110 Dyraaba road	46,789

Fire Protection	Capital Expenditure	Land purchase	68,409
Stormwater Mgmt	Income	Flood grant restoration funds not yet received	(78,428)
		Flood grant bowling club funds not yet received	(301,000)
	Maintenance	Flood restoration works not completed	70,791
		Kyogle bowling club works not completed	301,000
	Capital Expenditure	Kyogle stormwater improvements	42,956
		Tabulam drainage	9,435
		Bonalbo drainage improvements	77,621
		Kyogle drainage	12,061
		Woodenbong drainage improvements	20,691
		Kyogle flood mitigation	35,292
TOTAL GENERAL			3,886,319
<u>QUARRIES</u>			
	Quarry Development	Investigate replacement quarry	38,972
TOTAL			38,972
<u>PLANT & DEPOTS</u>			
	Plant Sales	Trade values lower than anticipated	(25,000)
	Plant Purchases	Carried forward purchases	202,000
TOTAL			177,000
TOTAL GENERAL FUND			4,102,291
<u>WATER FUND</u>			
	Construction	Drought works	3,395
		Mains renewals	16,759
		Kyogle WTP automation	11,696
		Fawcetts creek rising mains renewal	79,149
TOTAL			110,999
<u>SEWER FUND</u>			

	Specific Projects	Sewer relining contract	77,762
TOTAL			77,762
GRAND TOTAL			4,291,052

CARRIED

FOR VOTE - Unanimous vote

13D.4 201213 FINANCIAL ASSISTANCE GRANTS

270812/ 18 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Lynette Zito.

That the 2012/13 Financial Assistance Grants report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

270812/ 19 RESOLVED

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

1. That Council write a letter of support for the LGSA's request for recovery of this overpayment to be waived.
2. If this request is not granted then Council requests that the overpayment be staged over 4 quarterly payments

CARRIED

FOR VOTE - Unanimous vote

13D.5 INTERNAL AUDIT COMMITTEE MINUTES.

270812/ 20 RESOLVED

Moved by Councillor Lynette Zito, seconded by Councillor John O'Reilly.

1. That the Internal Audit Committee Minutes report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

270812/ 21 RESOLVED

Moved by Councillor Lynette Zito, seconded by Councillor Lindsay Passfield.

2. That Council engages a consultant to deliver an education program on Integrated Planning with a financial management component as part of the induction program for incoming Councillors.
3. That Council investigate the availability and suitability of any Civica integrated LTFP module and report back to the Internal Audit Committee.

CARRIED

FOR VOTE - Unanimous vote

13D.6 COMMUNITY FUNDING SUPPORT POLICY.

270812/ 22 RESOLVED

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

That the Community Funding Support Policy be placed on public display and Council call for submissions for a period of 60 days.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 MINUTES OF EXTRA MEETING OF KYOGLE LGA CULTURAL COMMITTEE

270812/ 23 RESOLVED

Moved by Councillor Lynette Zito, seconded by Councillor Lindsay Passfield.

1. That the responses made by the Kyogle LGA Cultural Committee were received and noted.
2. That Council considers the appointment of a Councillor to the Kyogle LGA Cultural Committee at its September 2012 Ordinary meeting.

CARRIED

FOR VOTE - Unanimous vote

270812/ 24 RESOLVED

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

3. That Council endorses the Committee's actions accepting the offer of advice and support from Southern Cross University to make improvements to their application.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 DESTINATION 2036.

270812/ 25 RESOLVED

Moved by Councillor Lynette Zito, seconded by Councillor Lindsay Passfield.

1. That the Destination 2036 Report was received and noted.
2. That Council authorises the lodgement of the attached submission to the Independent Local Government Review Panel in response to the stage one consultation phase.

CARRIED

FOR VOTE - Unanimous vote

13F.2 KYOGLE COUNCIL ORGANISATIONAL REVIEW.

270812/ 26 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor John O'Reilly.

1. That the Kyogle Council Organisational Review Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

270812/ 27 RESOLVED

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

2. That the recommendations contained within the COMPLETE Urban – Kyogle Council Organisational Review report be reported and commented on as part of the quarterly review process, commencing with the September 2012 quarter budget review.
3. That Council recommends the organisational structure change to a four (4) department structure as outlined in this report.
4. That Council authorises the engagement of the Local Government and Shires Association to assist/deal with the preparation and negotiation of an Enterprise Agreement to cover line/departmental managers and with the preparation of new position descriptions where necessary.
5. That the proposed amended structure with any associated staff changing levels be discussed with the incoming council.

CARRIED

FOR VOTE - Ross Brown, Ernie Bennett, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Tom Cooper
AGAINST VOTE - John O'Reilly, Robert Dwyer

13F.3 UNION PICNIC DAY 2012

270812/ 28 RESOLVED

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

That Council designate Tuesday 6 November, 2012 as a Union Picnic Day holiday.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Following Councillor Tom Cooper's request, Councillors were each allocated two minutes speaking time to provide a reflection of their experiences during their four (4) year term on Council.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVE INTO CLOSED COUNCIL

Item 16.1 – Contractual Conditions of Senior Staff

These items are classified CONFIDENTIAL under section 10A(2) (i) 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

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

270812/ 29 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor John O'Reilly.

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. That 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

Prior to discussion of Item 16.1 the General Manager, Director of Corporate & Community Services, Acting Director Technical Services, Acting Director of Planning & Environment Services and the Personal Assistant to the General Manager & Corporate Services departed the meeting at 5.35 pm

16.02 OPEN COUNCIL RESUMES

270812/ 30 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Lynette Zito.

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

Open Council resumed at 5.45 p.m.

CARRIED

FOR VOTE - Unanimous vote

16.1 CONTRACTUAL CONDITIONS OF SENIOR STAFF.

That the Contractual Conditions of Senior Staff report was received and noted.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 5.47 p.m.

Signature of Chairperson.....

