

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 23 July 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 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 read the traditional lands acknowledgement.

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 June 2012 to 30 June 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 June 2012 to 30 June 2012 - 2011/34, 2011/180
- Item 12.1 Millers Quarry Compliance Issues
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 June 2012 to 30 June 2012 –2012/36
Reason for Declaration - applicant/owner is a family member

Cr. Janet Wilson declared an interest in the following item/s:

- Public Access - Kyogle Main Street Bazaar
Reason for Declaration – Associated with the Bazaar though the Showground trust.

Cr. Janet Wilson declared an interest in the following item/s, however would not be leaving the room:

- Item 13A.2 Review of Road Reserve Management Plan
Reason for Declaration - associated with Kyogle Showground Trust

Cr. Robert Leadbeatter declared an interest in the following item/s, however would not be leaving the room:

- Public Access - Kyogle Main Street Bazaar
Reason for Declaration – owner business premises in Kyogle Township

Cr. Robert Leadbeatter declared an interest in the following item/s:

- Item 16.1 - Tenders for Contract 2011/12-010 Oxbow Road
Reason for Declaration – related to one of the tenderers

Cr. Ernie Bennett declared an interest in the following item/s:

- Item 16.1 - Tenders for Contract 2011/12-010 Oxbow Road
Reason for Declaration – tenderer has had previous employment history with him.

ITEM 5 QUESTION TIME

Mrs Anne Reardon addressed Council;

- Queried why Kyogle Landfill fees for a load of green waste delivered in a utility were \$8.75, although a car boot of green waste is free?

The Director of Planning & Environmental Services advised the fees applicable at the Landfill reflect Council's adopted Fees and Charges which were on public display for 28 days prior to adoption.

Mr Anne Reardon addressed Council;

- Requested the Ranger attend Saturday morning Farmers markets to monitor the many dogs that are roaming not on a leash and at times urinating in and around stalls.

The Mayor advised the General Manager would investigate the matter.

Mr Phil Gome addressed Council;

1. Should the proponents of the Cedar Point Quarry lodge an appeal to the Land & Environmental Court regarding the determination made by the JRPP on 21 June, will Councillor Officers rigorously defend the decision, to ensure Ratepayers are not liable for any of the legal costs incurred by the proponents appeal?

The Mayor advised Council is under no obligation to defend the decision should any appeal be lodged. The Joint Regional Planning Panel (JRPP) may in fact defend the decision.

2. Should the proponents of the Cedar Point Quarry lodge an appeal to the Land and Environment Court regarding the determination made by the JRPP on 21 June, will Councillors rigorously defend the decision to ensure Ratepayers are not liable for any of the legal costs incurred by the proponent's appeal?

The Mayor advised Councillors will make a decision on the stance on the matter if and when the situation arises.

3. Given that Council have been aware of the impending Cedar Point Quarry Development Application since October 2009, and Councillors have been aware of the development application since October 2010, who is going to accept responsibility for the failure to have either, a Section 94 Contribution Plan or a Voluntary Planning Agreement for the Cedar Point Bridge by the determination date of 21 June 2012, Council? Councillors?

The Mayor advised Councillors requested an extension to allow for a Voluntary Planning Agreement to be established. This request was not accepted by the JRPP.

The General Manager advised that Council did not have the current resources available to put a Section 94 Plan in place and pointed out that submissions had been received from the public that it was not considered appropriate for Council to expend ratepayer funds on studies for this application.

4. What is the envisaged timeline for Council developing a Voluntary Planning Agreement?

The General Manager advised as a result of the JRPP decision there is no requirement for a Voluntary Planning Agreement.

ITEM 6 PUBLIC ACCESS

- Kyogle Bazaar representative Bree Johnston addressed Council in relation to the recently held trial Bazaar.
Advised it was a very positive event for the township of Kyogle and would like for the event to continue on a regular basis.

The Mayor advised as Council had permitted this as a one-off trial event, Council now requires a development application to be submitted, and if required, Council's Planning Staff would assist Bazaar personnel in this process.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION ORDINARY MINUTES; 25 JUNE 2012

230712/ 1 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

That the Minutes of the Ordinary Meeting held on 25 June 2012, were adopted.

FOR VOTE - Unanimous vote

CARRIED

7.2 CONFIRMATION OF EXTRAORDINARY MINUTES; 18 JUNE 2012

230712/ 2 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the Minutes of the Extraordinary Meeting held on 18 June 2012, were adopted.

FOR VOTE - Unanimous vote

CARRIED

7.3 CONFIRMATION OF EXTRAORDINARY MINUTES; 28 JUNE 2012

230712/ 3 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the Minutes of the Extraordinary Meeting held on 28 June 2012, were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

Nil.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTION FROM PREVIOUS COUNCIL MEEITNG

230712/ 4 RESOLVED

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

That the report Question from previous Council meeting be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 MILLERS QUARRY COMPLIANCE ISSUES

Having declared an interest in item 12.1 Councillor Tom Cooper left the meeting at 4.06 p.m.

230712/ 5 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the report on Millers Quarry Compliance Issues was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Tom Cooper

Councillor Tom Cooper returned to the meeting at 4.07 p.m.

12.2 WORKS PROGRAM REPORT

230712/ 6 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

1. That the works program report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

230712/ 7 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

2. That previous information in relation to Customer Requests which has been in the Council newsletter and the information which is provided on Council's website be presented to Council's August meeting for Councillors information and review.

CARRIED

FOR VOTE - Unanimous vote

12.3 QUARRIES REPORT

230712/ 8 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the quarries report was received and noted

CARRIED

FOR VOTE - Unanimous vote

12.4 PLANT BUDGET REPORT - JUNE 2012

230712/ 9 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.5 FINANCIAL REPORTS - JUNE 2012

230712/ 10 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the information contained in the Monthly Finance Report – June 2012 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.6 COUNCIL RESOLUTIONS REQUIRING ACTION

230712/ 11 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 ASSET MANAGEMENT POLICY

230712/ 12 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

1. That the report on the Asset Management policy was received and noted.
2. That the Asset Management Policy was adopted.

CARRIED

FOR VOTE - Unanimous vote

13A.2 REVIEW OF ROAD RESERVE MANAGEMENT PLAN

230712/ 13 RESOLVED

Councillor Janet Wilson, seconded Councillor John O'Reilly.

1. That the report on the Review of Road Reserve Management Plan was received and noted.

CARRIED

FOR VOTE - Unanimous vote

230712/ 14 RESOLVED

Councillor Janet Wilson, seconded Councillor John O'Reilly.

2. That the Road Reserve Management Plan was adopted with the inclusion of the seat in front of the Chemist Shop being retained.

CARRIED

FOR VOTE - Unanimous vote

13A.3 ROAD NAMING - NEW NAMES MAYFIELD ESTATE

230712/ 15 RESOLVED

Councillor Robert Leadbeater, seconded Councillor Robert Dwyer.

1. That the report on road naming new roads Mayfield Estate be received and noted.
2. That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

Current Road Name or Description of Route

The new road created as part of Stage 1a of Development Application 2009-35 that runs from Colin Street in a north easterly direction shown as "Mayfield Drive" on DP 1172403

Proposed Road Name Mayfield Road

Current Road Name or Description of Route

The new road created as part of Stage 1a of Development Application 2009-35 that runs from proposed Mayfield Drive in a south easterly direction shown as "Howard Court" on DP 1172403

Proposed Road Name Howard Court

CARRIED

FOR VOTE - Unanimous vote

230712/ 16 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

3. That Council advertise for public submissions on names that can potentially be utilised on roads and bridges in the Kyogle local government area.

FOR VOTE - Unanimous vote

CARRIED

13A.4 ROADWORKS CROSSLEYS ROAD

The matter was removed from the Agenda pending additional information to be provided at Council's Extraordinary Meeting on Monday 30 July 2012.

13A.5 EMERGENCY WORKS SLIP RESTORATION SUMMERLAND WAY

230712/ 17 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

1. That the report on the Emergency Works Slip on the Summerland Way was received and noted
2. That Council authorises the engagement of Hiway Stabilizers for the stabilisation works as requested by the Roads and Maritime Services without inviting tenders as the works are required urgently and due to the unavailability of competitive tenderers.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 JUNE 2012 TO 30 JUNE 2012

230712/ 18 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

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 2011/34, 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 June 2012 to 30 June 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 4.34 p.m.

230712/ 19 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 June 2012 to 30 June 2012 only in relation to DA11/34, 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 4.35 p.m.

13B.2 MINUTES OF THE PLANNING & ENVIRONMENT COMMITTEE - JULY 2012

230712/ 20 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the minutes of the Planning & Environment Committee July 2012 report was received and noted.
 2. That prior to the working drawings and specifications being finalised, Council undertake further geotechnical testing of the site and provide the results to All Steel Garages and Sheds Pty. Ltd.
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CARRIED

FOR VOTE - Unanimous vote

13B.3 POSSIBILITY OF PERMANENT RESIDENCY AT BONALBO CARAVAN PARK

230712/ 21 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

1. That the report entitled Possibility of allowing permanent residency at Bonalbo Caravan Park was received and noted.
2. That a further report be provided to Council following receipt of further feedback from the Minister for Lands.

CARRIED

FOR VOTE - Unanimous vote

13B.4 OVERGROWN DERELICT RESIDENTIAL BLOCKS OF LAND

230712/ 22 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

1. That the report entitled Overgrown and Derelict Residential Blocks of Land was received and noted.
2. That Council prepare and make available to the community, a fact sheet on overgrown properties.

CARRIED

FOR VOTE - Unanimous vote

13B.5 DRAFT KYOGLE LOCAL ENVIRONMENTAL PLAN 2012

230712/ 23 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

1. That the report entitled Draft Kyogle Local Environmental Plan 2012 was received and noted.
2. That Council hold an Extraordinary Meeting at 3.30 pm on Monday 30 July, 2012 in order to consider the adoption of the Draft Kyogle Local Environmental Plan 2012.
3. That Council allow for a period of public access in accordance with the ordinary meeting procedures at the Extraordinary Meeting on 30 July, 2012.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

Nil.

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 PRE SCHOOL LEASES

230712/ 24 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

1. That Council authorise the General Manager and Mayor to sign the leases with the Kyogle Preschool & OSHC Association Inc., Jumbunna Community Preschool and Early Intervention Centre Inc. and Woodenbong Preschool and Kindergarten Inc.
2. That Council authorise the General Manager and Mayor to affix the Council seal to the lease documents with the Kyogle Preschool & 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

Nil.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Clr Robert Leadbeatter

- Requested representation is made to the Chamber of Commerce, reminding shop owners/personnel to keep mainstreet parking bays free for shoppers.
- Requested information be provided in relation to the Taxi Zone in Kyogle?

Clr Ernie Bennett

- Requested staff investigates the new playing surface at the Mallanganee Tennis Court as players have advised it is difficult to play on due to its unevenness?

Clr Tom Cooper

- Enquired why the public toilets at Pioneer Park Old Bonalbo are closed?

Clr Janet Wilson

- Brought to Council's attention the poor condition of the public toilets at the Visitor Information Centre and Stratheden Street, requested the matter be investigated.

Clr John O'Reilly

- Queried who is mowing the Wiangaree township; Council staff, contractors or the community?

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVE INTO CLOSED COUNCIL

Item 16.1 - Tenders for Contract 2011/12-010 Oxbow Road

Item 16.2 - Tenders for Contract 2-011/12-011 Annual Tenders for Gabions and Rock Filled Mattresses

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;

- (d) commercial information of a confidential nature that would if disclosed:

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.

230712/ 25 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lynette Zito.

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

Council closed its meeting at 4.53 p.m. The public and media left the Chamber.

Having declared an interest in Item 16.1 Councillor Ernie Bennett and Councillor Robert Leadbeatter left the meeting at 4.53 p.m.

Councillor Ernie Bennett and Councillor Robert Leadbeatter returned to the meeting at 5.21 p.m.

16.02 OPEN COUNCIL RESUMES

230712/ 26 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

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

Open Council resumed at 5.23 p.m.

CARRIED

FOR VOTE - Unanimous vote

16.1 TENDERS FOR CONTRACT 2011/12-010 OXBOW ROAD

1. That the report on Tenders for Contract 2011/12-010 be received and noted.
2. That Council allocate \$80,248 (\$63,000 of which will come from Section 94 Funding from Rural Local Roads held in reserves at 30 June 2012) to the current years budget, and that this total budget allocation be used to fund the works under Contract 2011/12-010.
3. That future contributions paid under Stage 2 of DA 2011/46 be immediately removed from reserves upon payment, in recognition of Council's contribution towards these works in accordance with the provisions of Council's Section 94 Development Contributions Plan 2008.
4. That Council accept the tender lodged by Santin Earthmoving for Contract 2011/12-010.

16.2 TENDERS FOR CONTRACT 2011/12-011 ANNUAL TENDERS FOR GABIONS AND ROCK FILLED MATTRESSES

1. That the report on Tenders for Contract 2011/12-011 Annual Tenders for Gabions and Rock Filled Mattresses was received and noted.
2. That Council accept the tenders received from NViroscope Pty Ltd and Crosana Pty Ltd.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 5.27 p.m.

Signature of Chairperson.....

