

Kyogle Council

Confirmed Minutes of the Ordinary Council Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 28 May 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, Co-ordinator Plant and Depot and the Personal Assistant to the General Manager & Corporate Services.

Planning Consultant Mr Stephen Fletcher.

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 April - 30 April 2012 – 2012/29
Reason for Declaration – undertakes contract work for proponent.

Cr. Ross Brown declared a perceived conflict of interest in the following item/s although he would not be leaving the room:

- Item 13D.1 - Draft Delivery Program 2012/2016 and Operational Plan 2012/2013.
Reason for Declaration – capital works listed in Program for Hillyard's Road

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 April - 30 April 2012 - 2011/34, 2011/180
Reason for Declaration - purchasing property with a potential quarry site.
- Item 13B.3 Development Amendment 20030027
Reason for Declaration – purchasing property with a potential quarry site.
- Item 13B.4 Development Application 2011-34 Cedar Point Quarry
Reason for Declaration – purchasing property with a potential quarry site.

Acting Director of Technical Services declared an interest in the following item/s,:

- Item 13B.3 Development Amendment 20030027
Reason for Declaration - operation of quarry in question.
- Public Access by Ms Caroline Fisher
Reason for Declaration - operation of quarry in question.

Cr. Robert Leadbeatter declared a non-pecuniary interest in the following item/s, although he would not be leaving the room:

- Item 13A.3 Review of Road Reserve Management Plan
Reason for Declaration - owner of premises from which a business operates.

Item 13B.4 Development Application 2011/34 - Cedar Point Quarry - The General Manager advised all staff that has been associated with the development application would be leaving the room during discussions.

Item 16.3 Mayoral Minute - Development Approval Process - The General Manager advised that all Council staff would be leaving the room during this item.

ITEM 5 QUESTION TIME

Mr David Liska addressed Council;

- Enquired if there is any money in the Draft Delivery Program and Operational Plan for finalising Anzac Drive?

The Acting Director of Technical Services advised no there was no provision.

The Mayor advised to make a submission.

Mrs Helen Phillips Cedar Point Resident addressed Council;

- Early last year a Councillor indicated that Councillors would be making a submission to the JRPP. Will Councillors be making a submission to the JRPP in regard to the Cedar Point Quarry DA 2011/0034? How will the public access this submission? Or If not, why not?

The Mayor advised this matter would be addressed later in the meeting.

Mr Barry Phillips Cedar Point Resident addressed Council;

- On March 5, 2012, Council correspondence outlines a Notice of Intention to issue orders relating to a number of operational breaches of sand extraction operations at Sextonville Road, Dobies Bight.
 1. What is current status of those Notices and Council investigations?
 2. Have the Notices been complied with?
 3. What actions have Council taken since being notified on 16 April 2012, that product was being removed from a site?

The Director of Planning & Environment Services advised that orders have subsequently been issued.

Mr Phil Gome Cedar Point Resident addressed Council;

- In the period 1996-1998 Council prepared a DA for the development of a quarry at Cedar Point. During that process in 2001, Council identified the cost of upgrading the Cedar Point Bridge to make the proposal viable. In October 2009 correspondence confirms that Council became aware of the upcoming DA for the Cedar Point quarry, which was ultimately lodged in October 2010. With the above mentioned knowledge.
 1. Why has Council not established a Section 94 Contributions Plan for the upgrade or replacement of the Cedar Point Bridge?

If the Cedar Point Quarry is approved

2. What prevents the operators from refusing to sign a Deed of Intent and leaving ratepayers 100% liable for the upgrade or replacement of the Cedar Point Bridge?
3. What is the legal status of such a refusal?

Under the Council Section 94 Contributions Plan 2008,

4. Is Council intending to waive contributions from the Cedar Point Quarry proponent under Section 2.11 and 2.12 of that document?

The Mayor advised the questions would be taken on notice and a written response provided.

ITEM 6 PUBLIC ACCESS

- Mr David Liska and Ms Patsy Nagas addressed Council in relation to upgrading Harrison Park at Geneva and its amenities.

David outlined that the Park was acquired by Council approximately 25 years ago and needs additional equipment to be installed.

Patsy advised there were many children in the vicinity that would utilise this area, with 26 children in the cul-de-sac of her street.

Asked if Council could provide amenities such as a half basket ball court and a small football field with goal posts?

The Mayor advised that the matter would be considered as part of the Draft Delivery Program and Operational Plan process but asked that a formal plan be submitted.

Having declared an interest in DA 20030027 the Acting Director of Technical Services left the meeting at 3.47 pm prior to the following address to Council.

- Ms Caroline Fisher addressed Council in relation to Item 13B.3 Development Amendment 20030027

Thanked Council for not increasing extraction amounts from the quarry.

Prior to the benching being undertaken at the Quarry, were the Land Council and National Parks & Wildlife contacted?

The Mayor advised the question would be taken on notice and a response provided.

How much has Council paid in heavy haulage contributions?

The Mayor advised a reply would be provided in writing.

Prior to blasts occurring, what notification system would be in place, email, phone call?

The Director Planning & Environment Services advised tenants and landlord would be provided notice in writing prior to the event.

The site rehabilitation plan - Is this an old plan or will there be an amended plan?

The Director Planning & Environment Services advised there will be a new operational plan of management.

The Mayor advised an independent person will be undertaking the study, which is a condition of consent for the operating of the quarry.

The Acting Director Technical Services returned to the meeting at 3.54 p.m.

- Mr Tom Fitzgerald on behalf of Kyogle Tidy Towns Committee addressed Council in relation to seeking Council's financial support towards the upcoming Tidy Town Award Event to be held in Kyogle on 2, 3 & 4 November, a event which will bring many visitors to our area.

The Mayor advised an amount of \$16,000 has been included in the Draft Delivery Program and Operational Plan for this event.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION ORDINARY MINUTES

280512/ 1 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That the Minutes of the Ordinary Meeting held on 23 April 2012, were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; CLR JANET WILSON - COMPLETION OF UPGRADE TO PACIFIC HIGHWAY

280512/ 2 RESOLVED

Councillor Janet Wilson, seconded Councillor Lynette Zito.

1. That Kyogle Council make representations to the responsible Commonwealth and State Ministers through all parliamentary
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representatives in the Northern Rivers Region, urging that a funding arrangement be urgently agreed which would ensure completion of the entire length of the Pacific Highway to dual carriageway standard by 2016.

2. That Council write to all local governments in the Region to urge them to also undertake representations to the respective State and Commonwealth Ministers through the local parliamentary representatives.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Ernie Bennett, seconded Councillor Lindsay Passfield

3. That Council does not support the preamble to the motion.

The motion was put to the vote and was LOST.

FOR VOTE - Ernie Bennett, John O'Reilly, Lindsay Passfield, Robert Dwyer

AGAINST VOTE - Ross Brown, Janet Wilson, Lynette Zito, Robert Leadbeater, Tom Cooper

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTION ON NOTICE; CLR JANET WILSON - CARBON FARMING

280512/ 3 RESOLVED

Councillor Janet Wilson, seconded Councillor Lynette Zito.

The Question with Notice from Councillor Janet Wilson was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 MINUTES OF LOCAL EMERGENCY MANAGEMENT COMMITTEE - MAY 2012

280512/ 4 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the minutes of the Local Emergency Management Committee meeting held on May 8, 2012 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.2 2012 RATEPAYER/RESIDENTS SURVEY

280512/ 5 RESOLVED

Councillor Tom Cooper, seconded Councillor John O'Reilly.

That the 2012 Ratepayer/Resident Survey report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.3 FINANCIAL REPORTS - APRIL 2012

280512/ 6 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

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

CARRIED

FOR VOTE - Unanimous vote

12.4 COUNCIL RESOLUTIONS REQUIRING ACTION

280512/ 7 **RESOLVED**

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

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

CARRIED

FOR VOTE - Unanimous vote

12.5 PLANT BUDGET REPORT - APRIL 2012

280512/ 8 **RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 **GENERAL MANAGER 'S REPORT**

ITEM 13A **TECHNICAL SERVICES REPORT**

13A.1 **MINUTES OF TECHNICAL SERVICES COMMITTEE - MAY 2012**

280512/ 9 **RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the minutes and reports of the Technical Services Committee meeting held May 14, 2012 were received and noted.
2. That Council advertises for submissions from the public on the road naming issue listed below;

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

Reason Newly constructed 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

Reason Newly constructed Road

- 3. That Council adopt the Drinking Water Quality Policy as per the Draft placed on public display in March 2012.

CARRIED

FOR VOTE - Ross Brown, Ernie Bennett, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Tom Cooper

AGAINST VOTE - John O'Reilly

13A.2 TRANSPORT WORKING GROUP MINUTES

280512/ 10 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

- 1. That the Minutes of the Transport Working Group meeting held March 6, 2012 were received and noted.
- 2. That the Terms of Reference for the Transport Working Group were endorsed.

CARRIED

FOR VOTE - Unanimous vote

13A.3 REVIEW OF ROAD RESERVE MANAGEMENT PLAN

A motion was moved by Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

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

A motion was foreshadowed by Lindsay Passfield

2. That the draft changes to the Road Reserve Management Plan (including a minimum standard stock proof fence on roads other than state highways comprise posts spacing 4 metres or less, 4 barbed wires (225mm) apart in rural areas or a demonstrated effective alternative), be placed on public display and submissions called from the public.

The motion was put to the vote and was CARRIED.

RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

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

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Ernie Bennett

2. That the draft changes to the Road Reserve Management Plan (including a minimum standard stock proof fence on roads other than state highways comprise posts spacing 4 metres or less, 4 barbed wires (225mm) apart in rural areas or a demonstrated effective alternative), be placed on public display and submissions called from the public.

The motion was put to the vote and was CARRIED.

RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

2. That the draft changes to the Road Reserve Management Plan (including a minimum standard stock proof fence on roads other than state highways comprise posts spacing 4 metres or less, 4 barbed wires (225mm) apart in rural areas or a demonstrated effective alternative), be placed on public display and submissions called from the public.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Ross Brown, seconded Councillor Robert Leadbeatter

3. That the seating in front of the Chemist shop in Summerland Way, Kyogle, is retained, provided the owner of the building is in agreement.

The motion was put to the vote and was CARRIED.

280512/ 11 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

3. That the seating in front of the Chemist shop in Summerland Way, Kyogle, is retained, provided the owner of the building is in agreement.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Ross Brown, seconded Councillor Lindsay Passfield.

4. Whilst the draft is on display, Council staff liaises with the Chamber of Commerce on viable alternatives for street seating.

The motion was put to the vote and was CARRIED.

280512/ 12 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

4. Whilst the draft is on display, Council staff liaises with the Chamber of Commerce on viable alternatives for street seating.

CARRIED

FOR VOTE - Unanimous vote

13A.4 DRAFT ASSET MANAGEMENT POLICY

280512/ 13 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

1. That the Draft Asset Management Policy report was received and noted
2. That the Draft Asset Management Policy be placed on public display and submissions called from the public.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13B PLANNING SERVICES REPORT

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

280512/ 14 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That, with the exception of the following items in which Councillor Tom Cooper 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

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 April 2012 to 30 April 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 left the meeting at 4.56 p.m.

280512/ 15 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 April 2012 to 30 April 2012 only in relation to DA11/34, DA11/180, DA12/29 in which Councillor Tom Cooper and Councillor Lindsay Passfield have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Tom Cooper, Lindsay Passfield

Councillor Tom Cooper and Councillor Lindsay Passfield returned to the meeting at 5.00 p.m.

**13B.2 MINUTES OF PLANNING & ENVIRONMENT SERVICES COMMITTEE
- MAY 2012**

280512/ 16 RESOLVED

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That the Minutes of the Planning & Environment Committee meeting held 14 May 2012 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

13B.3 DEVELOPMENT AMENDMENT 20030027

Having declared an interest in Item 13B.3 Councillor Tom Cooper and the Acting Director of Technical Services left the meeting at 5.01 p.m.

Planning Consultant Mr Stephen Fletcher attended the meeting to assist with any questions arising.

280512/ 17 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

1. That Council refuse the application to amend Development Application 2003/027 and Development Consent 2003/027 as relating to the requested increase in the quarry extraction area and the approved operation life of the quarry.
1. That pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*, Council grant amended development consent 2003/027 as follows:
 1. Development of the site being carried out generally in accordance with the Environmental Impact Statement prepared by Balanced Systems Planning Consultants dated July 2002 subject to such amendment as required by any condition specified hereinafter.

Reason: To ensure that the development is carried out in accordance with the terms and limitations of the development application and this consent.

2. Development consent is given to extract a maximum of 25000 cubic metres of material per year for the first five (5) years of operation, thence a maximum of 18000m³ per year for years six (6) to sixteen (16) inclusive provided that the average amount extracted over any three (3) year period does not exceed 12000m³

Reason: To limit the consent and to restrict the scale of operation and number of truck movements.

(Section 96 Amendment – 26.3.2012)

3. All extraction under this consent is to be completed by 30th June 2019 with all required rehabilitation works completed in accordance with this consent by 30th June 2020.

Reason: To limit the operational life of the development.

(Section 96 Amendment – 26.3.2012)

4. Hours of operation for the development are to be within the spread of hours outlined in the Noise Impact Assessment included in the Environmental Impact Statement as prepared by Greg Alderson and Associates Pty Ltd on July 15, 2002 and in compliance with the Environmental Protection Agency's definition of a day and shall not exceed the following table:

Activity	Monday to Friday	Saturday, Sunday and Public Holidays
Quarry processing/extraction	7.00 am – 6.00 pm	In cases of emergency*
Crushing, Washing and Screening	7.00 am – 6.00 pm	In cases of emergency*
Routine Maintenance (satisfying EPA noise design goals)	7.00 am – 6.00 pm	In cases of emergency*
Haulage vehicle entrance/exit	7.00 am – 6.00 pm	In cases of emergency*
Blasting/Drilling	9.00 am – 3.00 pm	Prohibited

- Emergency includes where the General Manager considers the work to be urgent.

Reason: To maintain an appropriate level of amenity to the surrounding residents.

5. Extraction is to occur only within the areas identified in the original development application.

(Section 96 Amendment – 26.3.2012)

6. The establishment, operation and management of the development is to comply with the approved Quarry Management and Operations Plan prepared by Greg Alderson and Associates dated 15 July 2002, as amended by this consent.

Reason: To ensure appropriate management and operational procedures are effected to protect the environment and the amenity of residents.

7. The development shall at all times meet noise emissions criteria, vibration levels and standards relating to airborne pollutants and discharge of wastes to natural water courses as may be specified by the Environment Protection Authority.

Reason: To ensure pollution levels are within acceptable environmental standards.

Noise Pollution

8. The noise amelioration works, road traffic noise and blasting on the site is to be carried out in compliance and consistent with the Noise Impact Assessment included in the Environmental Impact Statement as prepared by Greg Alderson and Associates Pty Ltd on July 15, 2002.

Reason: To minimise the noise impact for surrounding residents, and to maintain an appropriate level of amenity.

Dust Pollution, Air Pollution and Spillage

9. Internal unsealed trafficable areas, quarry floor and stockpiles are to be watered as required to minimise dust generation impacting on the natural or built environment. A water truck is to be available at all times to enable compliance.

Reason: To protect the surrounding environment and residents from dust pollution and nuisance.

10. Any accidental spillage occurring from haulage trucks owned and/or operated by the extraction operator shall be cleaned up by the operator as soon as practicable.

Reason: To protect the environment, and the integrity and safety of the road system from extracted material.

11. All vehicles and machinery used must comply with the Environment Protection Authority (EPA) requirements and be fitted with properly maintained emission controls relevant to their date of manufacture.

Reason: To minimise the effect of pollutants entering the atmosphere due to the operation of machinery and vehicles.

Hazardous Materials

12. All hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage or contaminated lands. Oils and lubricants shall be stored in an impermeable bunded and roofed area with holding

capacity of 150% of the total volume of all containers. Fuel and oil shall be only handled or transferred in designated areas on the site.

Reason: To prevent harm being caused to the environment through the accidental spillage of fuels and other chemicals.

13. Storage of explosives shall be in approved containers as specified in AS 2187-1992. Detonators shall be housed separately.

Reason: To ensure safe handling of explosive material.

Water Quality and Sediment Control

14. A Sediment and Erosion Control Plan is to be prepared by a suitably qualified and experienced person to the satisfaction of Council and in conformity with the NSW Government guidelines entitled *Managing Urban Stormwater: Soils and Construction*. The plan is to detail:

- proposed erosion and sediment control strategies to be incorporated in the operation
- design plans for drainage structures and sedimentation dams. Sediment dams must be designed for a minimum of a 1 in 5 year storm event for stormwater storage and 1 in 2 month event for sediment storage
- maintenance schedules
- measures for the diversion of clean water around the quarry site
- any proposed reuse of water from sedimentation basins
- location of all drainage lines and waterways
- an assessment of any aquifer that may be sterilised as a consequence of extraction, and a contingency plan for rehabilitation of an aquifer if there are any adverse impacts as a result of extraction or other works (refer condition 17)
- proposed groundwater monitoring programs and reporting procedure
- event based water quality monitoring program incorporated to assess the adequacy of sedimentation dams and compliance with design criteria
- location and construction details of all proposed monitoring or extraction bores (refer condition 17)

No physical work is to be undertaken under this consent prior to the completion of a Sediment and Erosion Control Plan.

All operations are to be undertaken in compliance with the endorsed Sediment and Erosion Control Plan.

Reason: To protect the environment, to prevent erosion and sedimentation and to protect water quality and aquatic habitats.

15. The installation of a monitoring bore by the proponent to provide for ongoing investigation of ground water levels and aquifer yields. The monitoring bore is to be installed to the satisfaction of the Department of Land and Water Conservation prior to the commencement of stage 2 of the operations (extraction involving lowering of the quarry floor) and is to remain for the life of operations. A monitoring program is to be developed in consultation with the Department of Land and Water

Conservation, and the program, once established is to be complied with. The bores will necessitate a license from the Department of Land and Water Conservation.

Transport and Roads

16. All loading and unloading is to take place within the property the subject of this development consent.

Reason: To prevent loading and unloading operations affecting the integrity and safety of the road network, and to constrain impact to within the property.

17. All trucks leaving the site shall be loaded so as not to exceed the legal weight limitations in force at the time.

Reason: To ensure compliance with legislation and to minimise physical impact upon the road system.

18. ~~Section 94 Contribution Conditions yrs 1-5 of quarry operation~~

~~4) Traffic Generation~~

~~Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan — Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated in accordance with the Kyogle Council – Urban and Rural Roads Section 94 Contributions Plan. The rates and amounts applying at the date of this notice, totalling \$18,250.00, are set out in the schedule for your information.~~

~~Payments are subject to annual indexation in line with Council's chosen Consumer Price Index (CPI), being CPI Brisbane as published by the Australian Bureau of Statistics. Indexation adjustments shall be included in the final calculation of the contribution amount and paid in accordance with Section 1.8 of Council's Urban & Rural Roads Section 94 Contributions Plan. Determined amounts of contributions remain valid for a period of three (3) months from date of issue. Unpaid contributions at the expiration of this time period shall be subject to pro rata yearly adjustments or CPI indexation.~~

~~Proponents of Development may be entitled to a discounted rate of contribution in some circumstances. Eligibility and discount amounts are specified in Section 4 of Council's Section 94 Urban and Rural Roads Contributions Plan, pertaining to developments in both Rural and Urban areas. Contributions required by the proponent of development pursuant to the "heavy haulage contribution rate" calculated and specified in clause 2.3.3 shall not be entitled to a discounted rate.~~

~~The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is~~

~~payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.~~

~~If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.~~

~~GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.~~

~~The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.~~

~~2) Heavy Haulage Contribution~~

~~Payment of heavy haulage contributions under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated at the rate(s) in effect on the date the development approval is granted. The rates and amounts applying at the date of this development consent notice total \$20,520.00 per annum and are calculated at the rate of 3.8c/km/tonne with a maximum of 15 km radius haulage distance, are set out in the schedule for your information. The contribution is levied on the basis of the amount of material to be hauled in a twelve-month period as approved by the development consent. The abovementioned rate is to be payable in two (2) equal half yearly instalments of \$10,260.00 paid in July and January of each year. The levy is to be increased annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.~~

~~The first instalment is to be paid in July 2003.~~

~~The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.~~

~~GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.~~

~~The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation. **(Section 96 Amendment – 26.3.2012)**~~

19. Section 94 Contribution Conditions yrs 6-16 of quarry operation

Heavy Haulage Contribution

Payment of heavy haulage contributions under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated at the rate(s) in effect on the date the development approval is granted. The rates and amounts applying at the date of this development consent notice total \$10,368.00 per annum and are calculated at the rate of 4.8c/km/tonne with a maximum of 15 km radius haulage distance, are set out in the schedule for your information. The contribution is levied on the basis of the amount of material to be hauled in a twelve-month period as approved by the development consent. The abovementioned rate is to be payable in two (2) equal half yearly instalments of \$5184.00 paid in July and January of each year. The levy is to be increased annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.

The first instalment is to be paid in July 2008.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Reason: To ensure the development fairly contributes to the maintenance and up-keep of surrounding road networks.

(Section 96 Amendment – 26.3.2012)

20. The internal access road from the intersection with Afterlee road to the quarry is to be sealed to a width of 6 metres with 1 metre gravel shoulders. This shall be to a point within the property where the access road is not situated on a curve and the grade of the access road does not exceed 16%. The continuation of the access road from this point shall be 4 metre wide gravel pavement on a 6 metre wide formation. Any gate or grid is to be offset a minimum of 20 metres from the edge of Afterlee Road.

Reason: To reduce the potential for erosion, sedimentation, dust, noise and pollution from the haulage of material.

21. The intersection of the access road with the public road is to be upgraded to AUSTRROADS Type A standard for right turns and AUSTRROADS 5.16 desirable treatment for left turns.

Reason: To maintain an adequate level of safety for vehicles entering/exiting the site.

22. The developer shall provide a contribution of \$111,000.00 towards the upgrading of Afterlee Road and associated structures between the entrance to the quarry and the Ettrick Road - Afterlee Road intersection.

Reason: To ensure all required engineering works are carried out to appropriate environmental and structural standards.

23. Accurate records of sales are to be maintained for the purpose of confirming compliance with relevant conditions of this consent and for the levying of section 94 contributions.

Aboriginal Heritage and Endangered/Vulnerable Flora and Fauna

24. Should operations uncover evidence of Aboriginal heritage of the site all work is to cease immediately and the National Parks and Wildlife Service and the Local Aboriginal Land Council are to be contacted. No work is to recommence until the National Parks and Wildlife Service permits such works to continue. In the event the site is subject to a Native Title Claim the relevant claimant must also be contacted.

Reason: To ensure adequate procedures are in place should significant items of Aboriginal heritage be discovered on the site.

25. All operations must comply with the fauna and flora protection measures as outlined in section 6 (Recommendations) of the Flora and Fauna Assessment Report prepared by Landmark Ecological Services, dated June 2002, as amended by any conditions of this consent. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of Council and the National Parks and Wildlife Service. No further site clearing will take place until the Plan(s) of Management is/are approved.

Reason: To protect the biodiversity and ecological integrity of the region.

Site Rehabilitation

26. A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal including other approvals required for the works to be carried out, and the sequence of operations and rehabilitation works.

Site rehabilitation works will be provided in a progressive manner in accordance with extraction sequences and staging with respect to this development consent. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan. The developer is not to undertake site

rehabilitation works with respect to any previous development consent or quarry extraction in accordance with the existing gravel pit agreement with the owner of the property.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

Reason: To ensure adequate rehabilitation works are carried out and completed on the site in a progressive manner and in accordance with extraction sequences therefore minimising environmental impacts.

27. All topsoil and overburden shall be progressively stripped from areas to be excavated and stockpiled separately in accordance with the site rehabilitation plan. Stockpiles are to be located away from the general operation of the development area and be preserved for the future rehabilitation of the extraction site.

Topsoil that is stripped is to be stockpiled in a suitable location that has been designed with appropriate sedimentation management practices. Specifically, stockpiles are not to be placed in drainage lines, nor encroach on existing vegetation identified for retention. Within fourteen (14) days of stripping and stockpiling, weather permitting, the stockpiles are to be sown with suitable grass to stabilise them.

Reason: To guarantee the retention and satisfactory stockpiling of topsoil on the site so it can be used in future rehabilitation and landscaping works. To reduce the potential for environmental damage from stockpiles.

Safety, Security and Workers Amenities

28. The operator shall install appropriate signs within the site if required by the Department of Mineral Resources, and in locations where deemed appropriate, alerting the public to any potential hazards.

Reason: To ensure compliance with legislation, the implementation of safe work practices, and to warn the public.

29. Hinged truck warning signs are to be provided on the approaches to the site access. These signs are to be displayed when haulage operations are taking place.

Reason: To provide for the implementation of safe work practices, and to warn the public.

30. The applicant will ensure that the site is secure during non-working hours by the means of appropriate lockable gates and fencing.

Reason: To enable the site to be secured and to prevent unauthorised persons entering the extraction site.

31. Sanitary facilities shall be provided on-site in accordance with the Building Code of Australia (BCA).

Reason: To ensure adequate facilities are provided.

Community Consultation

32. The Council shall appoint a liaison person to represent the applicant and to liaise with the public on the operation of the quarry and implementation and monitoring of conditions of consent.

Reason: To appoint a representative to liaise with the public throughout the operational life of the quarry and its rehabilitation.

33. The Developer shall notify adjoining landowners a minimum of 48 hours prior to blasting occurring on the site.

Reason: To maintain an appropriate level of amenity to the surrounding residents.

34. Submission of an annual compliance report to be submitted within one (1) month of the conclusion of each financial year. The report is to identify compliance with all conditions of this consent. Where non-compliance has occurred the report is to provide details relating to the reason why such non-compliance occurred.

Reason: To maintain the integrity of the consent.

(Section 96 Amendment – 26.3.2012)

35. The undertaking of noise monitoring to cover blasting, crushing and haulage operations within 12 months of issuing the Section 96 Modified Consent. The noise monitoring and reporting is to be conducted by an independent, suitably qualified professional consultant and the results are to be provided to Council for its review.

Reason: To maintain an appropriate level of amenity to the surrounding residents

(Section 96 Amendment – 26.3.2012)

36. Trucks accessing and departing the quarry be restricted to a maximum speed of 10 kph along the access road, be prevented from using exhaust brakes along the access road and be fitted with manufacturers approved emission control (muffler) systems as at the date of their manufacture.

Reason: To maintain an appropriate level of amenity to the surrounding residents

(Section 96 Amendment – 26.3.2012)

Notices

- A. This consent does not authorise the carrying out of any activity that may be prescribed from time to time in the Mines Inspection Act and the Occupational Health and Safety Act, nor does it authorise the carrying out of any such activity in a manner contrary to that so prescribed, except:

(i) where any provision in any such legislation enacted or amended subsequent to consent being granted or amended excludes application to existing practices;

or

(ii) where any such legislation specifically authorises Council to grant consent for any such activity and in any case only to the extent of that authorisation and to the extent consistent with conditions of this consent.

B. Safety proposals must meet the requirements of both the Workcover Authority of New South Wales and the Department of Mineral Resources.

C. The proponent shall ensure that all statutory requirements including, but not restricted to those set down by the *Local Government Act 1993*, *Protection of the Environment Operations Act 1997*, *Protection of the Environment Administration Act 1991*, and all other relevant legislation, regulations, Australian Standards, codes, guidelines, and notices, conditions, directions notices and requirements issued pursuant to statutory powers by the Council, the Environmental Protection Authority, Department of Mineral Resources, National Parks and Wildlife Service, Department of Land and Water Conservation and the Roads and Traffic Authority are fully met.

Reasons for the imposition of the conditions are set out as follows:

1. To ensure the effective implementation of the objectives of the Environmental Planning and Assessment Act 1979, Local Government Act 1993, the Building Code of Australia and respective Australian Standards where applicable.
2. To ensure that local amenity is maintained and that the development does not adversely impact upon the lawful use of the subject land and its surrounds.

CARRIED

FOR VOTE - Ross Brown, Ernie Bennett, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Leadbeatter

AGAINST VOTE - John O'Reilly, Robert Dwyer

ABSENT. DID NOT VOTE - Tom Cooper

Councillor Lynette Zito and Councillor Lindsay Passfield called for a Division.

For	Against
Cr Ross Brown	Cr John O'Reilly
Cr Lindsay Passfield	Cr Robert Dwyer
Cr Lynette Zito	
Cr Robert Leadbeatter	

Cr Ernie Bennett	
Cr Janet Wilson	

13B.4 DEVELOPMENT APPLICATION 2011-34 - CEDAR POINT QUARRY

Having declared an interest in Item 13B.4 Councillor Tom Cooper and the Acting Director of Technical Services remained outside of the meeting for the item.

Having previously advised, the General Manager and the Director of Planning & Environment Services left the room during discussions of this item at 5.10 p.m.

280512/ 18 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Development Application 2011-34 Cedar Point Quarry report was received and noted.

CARRIED

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

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

2. That Council seek expert consultant advice to make a submission to the Joint Regional Planning Panel (JRPP) outlining its concerns in relation to the Planning Assessment submitted by Council staff.

The motion was put to the vote and was CARRIED.

280512/ 19 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

2. That Council seek expert consultant advice to make a submission to the Joint Regional Planning Panel (JRPP) outlining its concerns in relation to the Planning Assessment submitted by Council staff.

CARRIED

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

A motion was moved by Councillor Lynette Zito, seconded Councillor Robert Dwyer

3. That Council write to the State government Planning Department advising them of Councillors concerns and distress at the JRPP process with regard to this development.

The motion was put to the vote and was CARRIED.

280512/ 20 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

3. That Council write to the State government Planning Department advising them of Councillors concerns and distress at the JRPP process with regard to this development.

CARRIED

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

Councillor Lindsay Passfield and Councillor Zito called for a Division.

For	Against
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Lynette Zito	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Janet Wilson	
Cr John O'Reilly	

A motion was moved by Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

4. That the Mayor be delegated to select and engage a suitable consultant to undertake the review process of staff planning and assessment and respond.
5. That the Mayor decide on a date for an Extraordinary meeting to receive the information and to make a submission.

The motion was put to the vote and was CARRIED.

280512/ 21 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

4. That the Mayor be delegated to select and engage a suitable consultant to undertake the review process of staff planning and assessment and respond.
5. That the Mayor decide on a date for an Extraordinary meeting to receive the information and to make a submission.

CARRIED

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

Councillor Tom Cooper, the Acting Director of Technical Services the General Manager and the Director of Planning & Environment Services returned to the meeting at 5.22 p.m.

13B.5 DRAFT LOCAL ENVIRONMENTAL PLAN 2012

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Draft Kyogle Local Environmental Plan 2012 report was received and noted.
2. That Council advises the Department of Planning of the extent of amendments that Council has determined are to be made to the Draft Kyogle LEP as outlined in this report.
3. That Council places the re-drafted Local Environmental Plan 2012 and associated documentation on public exhibition for a period of 30 days.

An amendment was moved by Councillor John O'Reilly, Councillor Robert Dwyer

1. That the Draft Kyogle Local Environmental Plan 2012 report was received and noted.

2. That Council advises the Department of Planning of the extent of amendments that Council has determined are to be made to the Draft Kyogle LEP as outlined in this report.
3. That Council places the re-drafted Local Environmental Plan 2012 and associated documentation on public exhibition for a period of 45 days.

The amendment was put to the vote and was LOST.

FOR VOTE - John O'Reilly, Robert Dwyer

AGAINST VOTE - Ross Brown, Ernie Bennett, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Tom Cooper

The motion was put to the vote and was CARRIED.

280512/ 22 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Draft Kyogle Local Environmental Plan 2012 report was received and noted.
2. That Council advises the Department of Planning of the extent of amendments that Council has determined are to be made to the Draft Kyogle LEP as outlined in this report.
3. That Council places the re-drafted Local Environmental Plan 2012 and associated documentation on public exhibition for a period of 30 days.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Leadbeatter

AGAINST VOTE - Ernie Bennett, John O'Reilly, Robert Dwyer, Tom Cooper

Councillor Lindsay Passfield and Councillor Lynette Zito called for a Division.

For	Against
Cr Ross Brown	Cr John O'Reilly
Cr Lindsay Passfield	Cr Robert Dwyer
Cr Lynette Zito	Cr Ernie Bennett
Cr Robert Leadbeatter	Cr Tom Cooper
Cr Janet Wilson	

ITEM 13C ENVIRONMENT SERVICES REPORT

13C.1 NORTH EAST WASTE FORUM MEMBERSHIP

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the North East Waste Forum Membership report was received and noted.
2. That Kyogle Council accepts the invitation to participate and join the membership of the North East Waste Forum as from 1 July, 2012 for a four year period, at a cost of \$1 per resident of the Local Government Area.

An amendment was moved by Councillor Ernie Bennett, seconded Councillor Lynette Zito

1. That the North East Waste Forum Membership report was received and noted.
2. That Kyogle Council accepts the invitation to participate and join the membership of the North East Waste Forum as from 1 July, 2012 for a four year period, at an annual cost of \$1 per resident of the Local Government Area, (estimated to be \$9,981 p.a.)

The amendment was put to the vote and was CARRIED.

280512/ 23 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lynette Zito.

1. That the North East Waste Forum Membership report was received and noted.
2. That Kyogle Council accepts the invitation to participate and join the membership of the North East Waste Forum as from 1 July, 2012 for a four year period, at an annual cost of \$1 per resident of the Local Government Area, (estimated to be \$9,981 p.a.)

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Lindsay Passfield, seconded Councillor Lynette Zito.

3. That Council request a discount from the waste levy imposed by the State Government equal to the membership of the NEWF to offset this positive initiative.

The motion was put to the vote and was CARRIED.

280512/ 24 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

3. That Council request a discount from the waste levy imposed by the State Government equal to the membership of the NEWF to offset this positive initiative.

CARRIED

FOR VOTE - Unanimous vote

13C.2 COAL SEAM GAS DRAFT CODE OF MANAGEMENT

280512/ 25 RESOLVED

Councillor John O'Reilly, seconded Councillor Robert Leadbeatter.

That Council endorses the submission to the Coal Seam Gas Draft Code of Management.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13D CORPORATE SERVICES REPORT

**13D.1 DRAFT DELIVERY PROGRAM 2012/2016 AND OPERATIONAL PLAN
2012/2013**

A motion was moved by Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. The Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 (including Financial Estimates and Fees and Charges), be placed on a 28 day public exhibition, in accordance with Section 405 of the Local Government Act 1993, seeking submissions from the community on its content.
2. That Council hold an extraordinary meeting for the adoption of the Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 on Thursday 28 June 2012.

An amendment was moved by Councillor Brown, seconded Councillor Ernie Bennett

1. The Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 (including Financial Estimates and Fees and Charges) as amended, be placed on a 28 day public exhibition, in accordance with Section 405 of the Local Government Act 1993, seeking submissions from the community on its content.
2. That Council hold an extraordinary meeting for the adoption of the Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 on Thursday 28 June 2012.

The amendment became the motion.

280512/ 26 RESOLVED

Councillor Ross Brown, seconded Councillor Ernie Bennett

1. The Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 (including Financial Estimates and Fees and Charges) as amended, be placed on a 28 day public exhibition, in accordance with Section 405 of the Local Government Act 1993, seeking submissions from the community on its content.
2. That Council hold an extraordinary meeting for the adoption of the Draft Delivery Program 2012/2016 and the Draft Operational Plan 2012/2013 on Thursday 28 June 2012.

CARRIED

FOR VOTE - Unanimous vote

13D.2 MARCH 2012 QUARTER BUDGET/MANAGEMENT PLAN REVIEW

280512/ 27 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. That the March 2012, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained in the table below:

DETAILS	QUARTERLY ADJUST	
	INCOME	EXPENSES
Governance - Employment		(20,000)
Governance - Legal Expenses		(10,000)
Administration - Office Expenses		70,000
Administration - Office Equipment		(70,000)
Finance - Interest Income	150,000	
Finance - Stores Income	10,000	
Finance - Finance Expenses		20,000
Finance - Stores Expenses		10,000
Community Services - Grants	11,378	
Community Services - Grove House		11,378
Swimming Centres - Income	10,000	
Swimming Centres - Operating costs		70,000
Parks & Gardens - Kyogle Expenses		(3,750)
Parks & Gardens - Village Expenses		20,000
Parks & Gardens - Section 94 Contr.	16,250	
Town Planning - Revenue	(10,000)	
Town Planning - Employment costs		(10,000)
Environmental Health- Noxious Plants		8,529
Environmental Health- Recoveries		(8,529)
Building Control - Income	(20,000)	
Animal Control - Income	5,000	
Animal Control - Expenses		10,000
Commercial Waste - Income	13,000	
Commercial Waste - Waste Collection		13,000
Public Cemeteries - Income	20,000	
Public Cemeteries - Kyogle Exp.		20,000
Public Cemeteries - Lawn Cemetery		(8,000)
Public Cemeteries - Other Exp.		8,000
Regional Rds - Flood Grant	240,000	
Regional Rds - MR 361 Expenses		65,000
Regional Rds - Flood Works		240,000
Regional Rds - Main Rd 361		35,000
Regional Rds - Bridges		(220,000)
Urban Local Rds - Grant income	18,500	
Rural Rds - Flood Grant	535,000	
Rural Rds - Maintenance		300,000
Rural Rds - Flood Works		535,000
Engineering & Works - Pte Wks Inc.	15,000	
Engineering & Works - Pte Wks Exp.		15,000
Engineering & Works - Recoveries	71,500	
Engineering & Works -Employment		(75,000)
Emergency Services - Income	(150,443)	
Emergency Services - Expenses		(150,443)
Emergency Services - Capital Income	(1,044,225)	
Emergency Services - Capital Exp.		(1,044,225)
Stormwater Mgmt - Capital exp.		60,000
Water Fund - Charges	20,000	
Water Fund - Management costs		(50,000)
Water Fund - Mains costs		35,000
Water Fund - Raw water costs		(15,000)
Water Fund - Reservoirs		5,000
Water Fund - Treatment costs		82,000
Water Fund - Developer contributions	37,000	
Sewer Fund - Other Income	15,000	
Sewer Fund - Developer Contributions	40,000	
Sewer Fund - Operating costs		(15,000)
Sewer Fund - Mains costs		6,000
Sewer Fund - Pumping Stations		80,000
Sewer Fund - Treatment costs		(16,000)
State Highways - Maintenance Income	170,000	
State Highways - Works Order Income	700,000	
State Highways - MR 83 Maintenance		50,000
State Highways - SH 16 Maintenance		70,000
State Highways - Other Maintenance		50,000
State Highways - Works Order Exp.		700,000
Quarries - Capital Expenses		(60,000)
	872,960	812,960

CARRIED

FOR VOTE - Unanimous vote

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 CRIME PREVENTION POLICY

280512/ 28 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That the Kyogle Council Crime Prevention Policy was adopted.

CARRIED

FOR VOTE - Unanimous vote

13E.2 ADOPTION OF CRIME PREVENTION PLAN

280512/ 29 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Kyogle Council Crime Prevention and Safety Action Plan was adopted.

CARRIED

FOR VOTE - Unanimous vote

13E.3 BONALBO HOSPITAL

280512/ 30 RESOLVED

Councillor Tom Cooper, seconded Councillor Lynette Zito.

That the Bonalbo Hospital report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

280512/ 31 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor John O'Reilly.

That Council adopts the following Councillor and Mayoral fees for 2012/2013:

Councillor Annual Fee - \$10,220

Mayoral Fee - \$22,310

CARRIED

FOR VOTE - Unanimous vote

13F.2 REVIEW OF MODEL CODE OF CONDUCT

280512/ 32 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Review of Model Code of Conduct report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

280512/ 33 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That Mayor Councillor Ross Brown was nominated as Council voting delegate to take part in the forthcoming secret postal ballot to deal with the matter of One Association.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Nil

ITEM 16 CONFIDENTIAL BUSINESS PAPER**16.01 MOVE INTO CLOSED COUNCIL**

Item 16.1 - Tender - FWA Tractor

Item 16.2 - Tender for supply IT Wheel Loader 201112-004

Item 16.3 - Mayoral Minute - Development Approval Process

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:
- (a) personnel matters:
- (g) advice concerning litigation, or advice that would otherwise be privileged

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.

280512/ 34 RESOLVED

Councillor Ernie Bennett, seconded 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

Council closed its meeting at 6.20 p.m. The public and media left the Chamber.

Adjournment of meeting

The meeting was adjourned at 6.20 pm for a meal break.

The meeting was resumed at 6.38 pm.

The Depot and Fleet Manager attended the meeting for Items 16.1 Tender FWA Tractor and Item 16.2 Tender for Supply IT Wheel Loader 2001212-004 to assist with questions which arose.

Prior to discussion of Item 16.3 Mayoral Minute - Development Approval Process the General Manager, the Director of Planning & Environment, the Director of Corporate & Community, the Acting Director of Technical Services and the Personal Assistant to the General Manager and Corporate Services left the meeting at 6.50 p.m. and did not return.

16.02 OPEN COUNCIL RESUMES

280512/ 35 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

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

Open Council resumed at 7.25 p.m.

FOR VOTE - Unanimous vote

16.1 TENDER - FWA TRACTOR

That Council accept the tender from Days Machinery for the supply of a Case IH Magnum 235 FWA Tractor at a cost to Council of \$160,090.91 including extended warranty. (GST Exclusive)

16.2 TENDER FOR SUPPLY IT WHEEL LOADER 201112-004

That Council accept the tender from Hyundai Construction Australia for the supply of a Hyundai 740TM-9 IT Wheel Loader at a net cost to Council of \$114,603 (GST Exclusive) after the trade of Council Plant No. 34

16.3 MAYORAL MINUTE - DEVELOPMENT APPROVAL PROCESS

That the Mayoral Report - Development Approval Process report be received and noted.

That Council lodges a Code of Conduct complaint with the General Manager, with regards to the process surrounding DA 2011/79 Industrial Subdivision under Section 6.1A of Kyogle Council's Code of Conduct.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.30 p.m.

Signature of Chairperson.....

