

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 11 November 2013.

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5.00pm.

ITEM 1 APOLOGIES

An apology was received from Councillor Janet Wilson.

111113/01 RESOLVED

Moved Councillor Ross Brown, seconded Councillor Lindsay Passfield:

That the apology be accepted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

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 Danielle Mulholland declared an interest in the following item/s:

- Item No 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October to 31 October 2013 – 2011/181

Reason for Declaration – neighbour of the property owner

Cr Chris Simpson declared an interest in the following item/s:

- Item No 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October to 31 October 2013 – 2012/39

Reason for Declaration – neighbour of the property owner

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

- Item No 13B.1 Development Applications Received, Determined and Outstanding for the period 1 October to 31 October 2013 – 2013/11

Reason for Declaration – neighbour of the property owner

ITEM 5 QUESTION TIME

Mrs Elvie Jones asked Council if it could investigate removing a single car parking space in the car park at the rear of the Kyogle Visitor Information Centre to avoid a situation where buses have to reverse to enter the car park.

ITEM 6 PUBLIC ACCESS

The Executive Manager Planning and Environment read to the meeting a condensed version of a letter provided by Michelle Ward, of Kyogle. Ms Ward requested that Council staff read the letter in regard to Item 13B.2 Development Application 2013/14 to the meeting on her behalf.

"I wish to make a written submission re 13B.2 Development Application 2013/14, change of use from a dwelling to a serviced apartment, M and S Donnelly, 301 Summerland Way, Kyogle.

This letter also clarifies the misinterpretation of my original letter, which Council perceived my concerns to be about the front of my property rather than the back of my property.

In January 1995 we made choice to buy our home, knowing there was the Kyogle Motel on the north side and a private home on the south side.

After the passing of our neighbours in 2008, their home was bought by Mr Donnelly (owner of the Kyogle Motel) and rented out as a serviced apartment.

During the five years that the serviced apartment has been operating, we did not give permission, nor did we make a choice:

1. *To have strangers walk across our backyard from Kyogle Motel front veranda to the Boorabee Street entrance of the serviced apartment;*

2. *For vehicles to use our driveway to access the Boorabee Street entrance of the serviced apartment. Our driveway has both Summerland Way and Boorabee Street access;*
3. *To constantly have strangers next door who can see directly into our yard while children/grandchildren are playing outside. Not knowing what type of people these strangers are, raises concerns for our children's safety and security;*
4. *To have rubbish thrown over the fence from the serviced apartment (like they have cleaned the McDonalds rubbish out of their car after their trip);*
5. *For large vehicles to park partially across the front driveway, making it difficult for me to drive out of my yard.*
6. *For strangers in the carport and yard of the serviced to look into the back area and dining room of my home;*
7. *To have noise from groups of motor bikes and different vehicles coming and going;*
8. *To have a workman drive his vehicle into and park in my backyard to trim trees along the Kyogle Motel boundary.*

If 301 Summerland Way was still a private home and not rented out as a serviced apartment, I would not be experiencing these issues.

Most families move to a neighbourhood and get to know their neighbours, form friendships and have the security of knowing neighbours will keep a watch on their homes. Since the serviced apartment has been operating, I do not have that sense of security and having strangers next door all the time is very unsettling and distressing.

I am constantly aware that there are strangers coming and going, it is an invasion of privacy to have strangers looking into my home or access my property without permission, and strangers do not have respect for people who live next door to their temporary accommodation.

As a result of having the serviced apartment next door, I do not feel safe or comfortable in my own home.

After your consideration of my letter, I would like to suggest that it be a condition of approval that privacy/security fences (1.8 Colorbond or timber with an access gate across the Boorabee Street entrance) be erected at the expense of the applicant, along the:

- *Northern boundary – being between Kyogle Motel and my home, level with the front of my house to Boorabee Street boundary;*
- *Western boundary – being the Boorabee Street end of my property*
- *Southern boundary – being between the serviced apartment and my home, level with the existing jasmine bush and carport wall of my home, to the Boorabee Street boundary.*

I have no political donations or gifts in accordance with Section 147 of the Environmental and Planning Assessment Act 1979 to disclose.”

Mrs Donnelly addressed the Council in relation to Item 13B.2 Development Application 2013/14.

“Thank you for this opportunity to address the council. I’m aware of time constraints on my presentation and the fact that some of you may have trouble with my accent, so I seek your indulgence to provide a written copy of my submission.

At the outset, let me assure Council that my husband and I are not business people who defy councils and try to operate without respect to planning laws.

Nor are we insensitive neighbours.

When Mr Black made Council’s concerns known to us in May, we acted promptly to provide a full and frank response and when Mr Meyers indicated development consent was required, we acted promptly again.

Shortly after we purchased Kyogle Motel nearly 16 years ago, we saw a demand for mid-term accommodation, where people who needed to make a short or mid-term stay in Kyogle could do so without the inconvenience and expenses of leases, bonds, furniture, etc.

When we first approached a senior Council officer regarding your requirements for providing this type of facility we were abruptly told he did not want to know about it.

We took possession of 301 Summerland Way on 22 December 2008. Air conditioners, not those complained of by Ms Ward, were installed the following day and the next day, Christmas eve, former Councillor Bob Leadbeatter was on our doorstep seeking emergency accommodation for his extended family as his home had been blown to pieces in a mini tornado.

The Leadbeatters made it their home for a few weeks.

Since then we have had people stay there – three for four nights per week – for up to 12 months. These have included a relieving superintendent of National Parks, specialist road workers engaged on repairing the Grevillia and Murwillumbah road landslips, electrical contractors working on the new IGA and volunteers who installed and then cleaned up all the signs, barriers, etc required for the two car rallies.

Occasionally our guests have included families, like one who was able to bring their dying father there to receive a few visitors on his last birthday. Something steps and other access problems made impossible at the family home.

Another brings her fragile mother there from Kyogle Court.

In all this time we have only received two complaints from Ms Ward, and in one of those cases the complaint was made 24 hours after the guests had left.

In that case my husband apologised, assured her of his commitment to avoid repetition and implored the importance of complaining immediately.

We believe the other complaint, regarding trucks parking near the driveway, concerned a group staying in both the town's motels.

It wasn't until last Thursday that we became aware of the detail of Ms Ward's concerns. We've been neighbours for more than 15 years and until recently we thought we got on. We thought we were being better neighbours by providing the serviced apartment rather as this allowed us greater control selecting occupants and ensured that the grounds were well maintained.

Most of the issues Ms Ward raised exist regardless of who occupies the premises.

One point that does require a response is her concern about prostitution. My husband may have been loose with his language in his letter to council, but let me assure council, Ms Ward and the community there has been no instance of prostitutes using 301 Summerland Way and nor will there be.

More than 15 years ago Ms Ward and her family chose to move next door to a motel and like any other motel in Australia prostitutes or their clients may occasionally book a room.

We have never let rooms for organised prostitution, nor would we. We take pride in our business and our neighbourhood.

But the only issue before you is the dividing fence. We object to replacing a perfectly adequate steel mesh fence that separate two walls without windows with a 1.8 metre visual barrier at our expense alone.

In the overwhelming majority of cases, the few individuals accessing 301 Summerland Way approach from the garage/carport facing Boorabee Street. They pass walls without windows.

To protect Ms Ward's privacy we have offered to erect a Colorbond visual barrier to partially enclose the northern wall of this carport at our cost. We offered to do this more than 10 days ago and if she had agreed it would probably have been installed this week.

Instead, she puts to you that we alone should pay to replace an adequate steel mesh fence with something we regard as an eyesore.

We don't think it is necessary or reasonable.

The barrier we propose is a sensible, effective low-case solution of minimal visual impact. It will quickly address Ms Ward's privacy concerns without imposing undue cost on us. What's more it will allow us to get on with the business of providing a comfortable, affordable accommodation to people who would otherwise choose to stay outside of Kyogle."

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF 14 OCTOBER 2013 ORDINARY MEETING

111113/02 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor John Burley:

That the Minutes of the Ordinary Meeting held on 14 October 2013 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**7.2 CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY MEETING
28 OCTOBER 2013**

111113/03 RESOLVED

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

That the Minutes of the Extraordinary Meeting held on 28 October 2013 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

Nil.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

111113/04 RESOLVED

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

That the report on Questions from Last Council Meeting be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 11 DELEGATES REPORTS

11.1 DELEGATES REPORT - NATIONAL TIMBER COUNCILS' ASSOCIATION

111113/05 RESOLVED

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

That the delegates report provided by Councillor Lindsay Passfield in respect of the National Timber Councils' Association be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 12 INFORMATION PAPERS

12.1 COUNCIL RESOLUTIONS REQUIRING ACTION

111113/06 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

12.2 FINANCIAL REPORT OCTOBER 2013

111113/07 RESOLVED

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

That the information contained in the Monthly Finance Report – October 2013 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 ENERGY AUDITS OF KEY SITES

111113/08 RESOLVED

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

1. That the report on Energy Audits of Key Sites be received and noted.
2. That the recommendations of the energy audits be used to prepare a budget for implementation of energy efficiency improvements across all Council sites and functions as part of the preparation of the 2014/15 Operations and Delivery Plans.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

13A.2 NSW LOCAL INFRASTRUCTURE RENEWAL SCHEME

111113/09 RESOLVED

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

1. That the report on the NSW Local Infrastructure Renewal Scheme be received and noted.
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2. That Council authorises the Mayor and General Manager to sign the Local Infrastructure Renewal Scheme Funding Agreement for Kyogle Water Supply Augmentation.
3. That Council authorises the Common Seal to be affixed to the Local Infrastructure Renewal Scheme Funding Agreement for Kyogle Water Supply Augmentation.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

13A.3 PUBLIC GATES AND BYPASSES (CATTLE GRID) POLICY AND MANAGEMENT PLAN REVIEW

111113/10 RESOLVED

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

That Council;

1. Direct the General Manager to publically notify and exhibit the proposed amendments to the Bypasses and Gates Policy (documented in ATTACHMENT 1) in accordance with Section 160 of the Local Government Act 1993.
2. Direct the General Manager to publically notify and exhibit the proposed amendments to the Bypasses and Gates Management Plan (documented in ATTACHMENT 2) in accordance with Section 160 of the Local Government Act 1993.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 OCTOBER, 2013 TO 31 OCTOBER, 2013

111113/11 RESOLVED

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

That, with the exception of the following items in which Councillors Danielle Mulholland, Chris Simpson and the Executive Manager Administration and Community Carol O'Neill have declared an interest,

- Cr Danielle Mulholland 10B.1 Development Applications Received, Determined and Outstanding DA 2011/181 - Reason for Declaration – Neighbour of the property owner.
- Cr Chris Simpson 10B.1 Development Applications Received, Determined and Outstanding DA 2012/39 - Reason for Declaration – Neighbour of the property owner.
- The Executive Manager Administration and Community Carol O'Neill 10B.1 Development Applications Received, Determined and Outstanding DA 2013/11 - Reason for Declaration – Neighbour of the property owner.

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October 2013 to 31 October 2013 be received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

Councillors Mulholland and Simpson and the Executive Manager Administration and Community Carol O'Neill left the meeting at 5.45pm after Cr Mulholland handed the chair over to Cr Maggie Creedy.

111113/12 RESOLVED

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

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October 2013 to 31 October 2013 only in relation to DA 2011/181, DA 2012/39 and DA 2013/11 in which Councillors Mulholland and Simpson and the Executive Manager Administration and Community Carol O'Neill have declared an interest be received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson, Chris Simpson, Danielle Mulholland

Councillors Mulholland and Simpson and the Executive Manager Administration and Community Carol O'Neill returned to the meeting at 5.46 pm.

Councillor Danielle Mulholland resumed the chair.

**13B.2 DEVELOPMENT APPLICATION 2013/044 CHANGE OF USE
FROM A DWELLING TO A SERVICED APARTMENT - M & S
DONNOLLEY 301 SUMMERLAND WAY KYOGLE**

111113/13 RESOLVED

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

That the report on Development Application 2013-44 for the Change of Use from a Dwelling to a Serviced Apartment at 301 Summerland Way Kyogle be received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

Cr Ross Brown foreshadowed a motion that Council, after considering the matters raised and presented by the adjoining landowner and the Applicant determine that:

1. A 1.8m high solid fence (timber/Colorbond) be installed within 3 months of this notice of determination at the full cost of the applicant along the full common boundary between 301 and 299 Summerland Way from the Summerland Way to Boorabee Street with the fence being 1.2m high between the front and rear building lines and the street boundaries.
2. That pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979* Council approve the application subject to recommendation above and the draft conditions attached to this report.
3. That those persons who made a submission be advised of Council's determination of this matter

111113/14 RESOLVED

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

That Council, after considering the matters raised and presented by the adjoining landowner and the Applicant determine that:

1. A 1.8m high solid fence (timber/Colorbond) be installed within 3 months of this notice of determination at the full cost of the applicant along the full common boundary between 301 and 299 Summerland Way from the Summerland Way to Boorabee Street with the fence being 1.2m high between the front and rear building lines and the street boundaries.
2. That pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979* Council approve the application subject to recommendation above and the draft conditions attached to this report.

3. That those persons who made a submission be advised of Council's determination of this matter

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Ross Brown called for a division in accordance with section 735A of the Local Government Act 1993.

For	Against
Cr Ross Brown	
Cr John Burley	
Cr Maggie Creedy	
Cr Robert Dwyer	
Cr Danielle Mulholland	
Cr Lindsay Passfield	
Cr Michael Reardon	
Cr Chris Simpson	

Absent, did not vote Cr Janet Wilson.

13B.3 PLANNING PROPOSAL TO REZONE LAND AT 19-25 ANDREW STREET, KYOGLE

111113/15 RESOLVED

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

1. That Council support the proposal to amend the Kyogle LEP 2012 to change the zoning of Lot 101 DP 1078192 to Zone IN2 Light Industry.
2. That Council submit the planning proposal to the Department of Planning and Infrastructure for review and gateway determination.
3. That Council request the Minister for Planning and Infrastructure to grant Council authority to exercise delegation of plan making powers.
4. That upon an affirmative gateway determination being received from the Department of Planning & Infrastructure, Council staff carry out the procedural steps associated with the progress of the planning proposal, including community consultation.
5. That a further report be presented to Council on this matter following the conclusion of community consultation and review of submissions.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Ross Brown called for a division in accordance with section 735A of the Local Government Act 1993.

For	Against
Cr Ross Brown	
Cr John Burley	
Cr Maggie Creedy	
Cr Robert Dwyer	
Cr Danielle Mulholland	
Cr Lindsay Passfield	
Cr Michael Reardon	
Cr Chris Simpson	

Absent, did not vote Cr Janet Wilson.

13B.4 PLANNING PROPOSAL TO ENABLE RURAL BOUNDARY ADJUSTMENTS AND SPLIT ZONING SUBDIVISION

111113/16 RESOLVED

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

1. That Council support the proposed amendments to the Kyogle LEP 2012 to permit boundary adjustments of undersized lots and subdivision of lands with a split zone as outlined in this report and the planning proposal at attachment 1.
2. That Council submit the planning proposal to the NSW Department of Planning and Infrastructure for review and gateway determination.
3. That upon an affirmative gateway determination being received from the Department of Planning and Infrastructure, Council staff carry out the procedural steps associated with the progress of the planning proposal, including community consultation.
4. That a further report be presented to Council on this matter following conclusion of the community consultation.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Ross Brown and Councillor Chris Simpson called for a division in accordance with section 735A of the Local Government Act 1993.

For	Against
Cr Ross Brown	
Cr John Burley	
Cr Maggie Creedy	
Cr Robert Dwyer	
Cr Danielle Mulholland	
Cr Lindsay Passfield	
Cr Michael Reardon	
Cr Chris Simpson	

Absent, did not vote Cr Janet Wilson.

13B.5 REVIEW OF POLICIES FOLLOWING EXHIBITION PERIOD PLANNING & ENVIRONMENT SECTION

111113/17 RESOLVED

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

That Council,

1. Receive and note the report on the public exhibition of the revised Policies – Planning & Environment Section.
2. Include the following additional paragraph in clause 4.3 of the Draft Local Approvals Policy – Cemeteries and Burials:

Where time is of the essence and circumstances are such that a reconsideration cannot be held over for the next available Council meeting, the Mayor may, after consulting the General Manager and relevant staff, reconsider the previous decision of staff and may confirm or change the determination having taking into consideration the grounds for review. The determination of the review is final. The outcome of the reconsideration will then be reported to the next Council meeting for Council's information.

3. Reinstate reference to the Rural Fires Act 1997 in Clause 13 – Delegation of Enforcement Action of the Draft Local Policy – Enforcement Policy.
4. Subject to any additional amendments made at the Council meeting adopt the following Policies as exhibited:
 - Draft Local Approvals Policy – Temporary Accommodation;
 - Draft Local Approvals Policy – Cemeteries and Burials;
 - Draft Local Approvals Policy – Dance Parties;
 - Draft Local Orders Policy - Animal Ownership;
 - Draft Local Policy - Enforcement Policy
 - Draft Local Policy - Development Management Panel Policy

5. Proceed to revoke the following Policies as exhibited:
 - Local Approvals Policy – Amusement Devices
 - Local Orders Policy - General
6. Notify its decision to adopt and revoke the above Policies in accordance with the requirements of the Local Government Act.
7. Nominate the 2 December 2013 as the operational and revocation dates for the above adopted and revoked Policies.

CARRIED

FOR VOTE - Ross Brown, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - John Burley, Chris Simpson

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Ross Brown called for a division in accordance with section 735A of the Local Government Act 1993.

For	Against
Cr Ross Brown	Cr John Burley
Cr Maggie Creedy	Cr Chris Simpson
Cr Robert Dwyer	
Cr Danielle Mulholland	
Cr Lindsay Passfield	
Cr Michael Reardon	

Absent, did not vote Cr Janet Wilson.

**13B.6 DRAFT KYOGLE SWIMMING POOL INSPECTION
MANAGEMENT PLAN 2013**

111113/18 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Michael Reardon:

1. That the report on the exhibition of the draft Kyogle Swimming Pool Inspection Management Plan 2013 be received and noted.
2. That the Draft Kyogle Swimming Pool Inspection Management Plan 2013 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 13C ENVIRONMENT SERVICES REPORT

13C.1 INSTALLATION OF WEIGHBRIDGE AND OTHER IMPROVEMENTS AT THE KYOGLE WASTE MANAGEMENT FACILITY DEVELOPMENT APPLICATION

111113/19 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Michael Reardon:

That Council,

1. Receive and note the report on the installation of a weighbridge and other improvements at the Kyogle Waste Management Facility and the lodgement of a Development Application for the proposed works.
2. Authorise the General Manager to sign and lodge the Development Application for the staged improvements at the Kyogle Waste Management Facility as outlined in this report.
3. Authorise the calling of public Tenders in accordance with Council's procurement policies for the supply, installation and commissioning of a computerised weighbridge and associated infrastructure (60,000kgs, 18m long X 3m wide clear width carriageway, equipped gatehouse and ancillary access and road works).
4. Authorise the General Manager to engage the services of an external Town Planning Consultant to undertake the Assessment of the Development Application and prepare a report for Council's determination of the application.
5. Authorise the General Manager to establish a Tender Assessment panel for the consideration of the tenders.
6. Receive a report following the calling and assessment of tenders for the weighbridge and associated infrastructure for the purpose of appointing a contractor.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 13D CORPORATE SERVICES REPORT

13D.1 SEPTEMBER 2013 QUARTERLY BUDGET REVIEW

111113/20 RESOLVED

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

That the September 2013, Quarterly Budget/Management Plan Review Statement was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

111113/21 RESOLVED

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

That Council approve the variation of estimates contained in the table below with the exception of the \$105,043 for Rural Road - Maintenance.

STATEMENT OF SIGNIFICANT VARIANCES
SEPTEMBER QUARTER BUDGET REVIEW

DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Governance - Recoveries		(15,148)
Admin & Community Administration - Office Expenses		50,000
Admin & Community Administration - Recoveries		76,394
Admin & Community Administration - Records Management		(275,000)
Personnel - Recoveries		(79,846)
Finance - General Rates Income	51,500	
Finance - Interest & Sundry Income	50,000	
Finance - Revenue Sharing Grant	(37,039)	
Finance - Valuation & Auditors Fees		20,000
Finance - Recoveries		3,084
Community Services - Grants	4,990	
Community Services - Grant Projects		4,990
Crown Reserves - Operating Costs		5,000
Community Buildings - Public Halls		(7,367)
Community Buildings - Construction		150,000
Town Planning - Employment		(4,494)
Environmental Health - Recoveries		8,070
Building Control - Building Inspections		3,821
Regulatory Control - Regulatory Expenditure		(689)
Commercial Waste Management - Collection & Depots		415,532
Commercial Waste Management - DWM Contribution		(438,469)
Commercial Waste Management - Improvements		23,387
Regional Roads - Flood Damage Grant	196,000	
Regional Roads - Flood Damage Works		196,000
Regional Roads - Roads 2 Recovery Grants	88,000	
Regional Roads - Roads 2 Recovery Works		88,000
Regional Roads - Capital Expenditure		97,000
Urban Roads - Roads 2 Recovery Grant	60,000	
Rural Roads - Financial Assistance Grant	61,110	
Rural Roads - Flood Damage Grant	687,000	
Rural Roads - Flood Damage Works		687,000
Rural Roads - Maintenance		105,043
Rural Roads - Roads 2 Recovery Grant	(148,522)	
Rural Roads - Guardrail Grant	30,000	
Rural Roads - Construction		(72,000)
Bridges - Financial Assistance Grant	10,305	
Bridges - Roads 2 Recovery Grant	522	
Infrastructure Works Administration - Recoveries		15,557
Swimming Centres - Kyogle Operating Costs		(5,086)
Parks & Gardens - Kyogle Operating Costs		(4,964)
Parks & Gardens - Public Toilets		17,520
Public Cemeteries - Kyogle Cemetery		(5,555)
Urban & Assets Administration - Recoveries		13,606
Water Fund - Management Expenses		(13,812)
Sewerage Fund - Operating Costs		17,859
Domestic Waste Management - Collection & Depots		(416,511)
Domestic Waste Management - CWM Contribution		438,469
Domestic Waste Management - Improvements		(27,500)
Domestic Waste Management - Loans		(4,781)
Plant Operations - Income	480,000	
Plant Operations - Sales	100,000	
Plant Operations - Purchases		580,000
Totals	1,633,866	1,645,110
	Net Adjustment	(11,244)

CARRIED

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

AGAINST VOTE - Maggie Creedy

ABSENT. DID NOT VOTE - Janet Wilson

13D.2 PRESENTATION OF THE 2012/2013 FINANCIAL STATEMENTS

111113/22 RESOLVED

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

That in accordance with the Local Government Act 1993, the Audited Financial Reports for the year ended 30 June 2013, and the Independent Audit Reports be presented to the public.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

13D.3 2012/2013 ANNUAL REPORT

111113/23 RESOLVED

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

That the Kyogle Council Annual Report for the 2012/2013 reporting period be adopted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

13D.4 FEES FOR USE OF FOOTPATH

111113/24 RESOLVED

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

That the fees relating to the lease/use of footpath area including Alfresco Footpath Dining (Footpath Lease per annum for premises 32.90/m² useable area) be removed from Kyogle Council adopted Fees and Charges 2013/2014.

CARRIED

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

ABSENT. DID NOT VOTE - Janet Wilson

13D.5 REVIEW OF WARD BOUNDARIES

111113/25 RESOLVED

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

1. That Council adopts Option 1 for the alteration of ward boundaries within Kyogle Council
2. That the Electoral Commission be advised of the proposed ward boundaries amendment and approval be sought.
3. That the appropriate public notice be given in accordance with section 210A of the Local Government Act 1993 and Option 1 be placed on public exhibition.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

13D.6 GRANTS COMMISSION DETAILS OF 2013-14 GRANT CALCULATIONS

111113/26 RESOLVED

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

That the details of the 2013-14 Local Government Grants Commission calculations be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 FUNDING REQUEST WOODENBONG HALL

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

That the request from the Woodenbong Public Hall Trust to reallocate the funding allocation of \$5,000 as a contribution to the digital projector be declined.

Cr Bob Dwyer foreshadowed a motion that Council approve the request from the Woodenbong Public Hall Trust to reallocate the funding allocation of \$5,000 as a contribution to the digital projector to paint the hall.

111113/27 RESOLVED

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

That the request from the Woodenbong Public Hall Trust to reallocate the funding allocation of \$5,000 as a contribution to the digital projector be declined.

The Mayor declared the motion lost at which time Cr Ross Brown questioned the outcome as he believed the vote was tied. The Mayor then re called the vote and the motion was declared carried on the Mayor's casting vote.

CARRIED

FOR VOTE: Ross Brown, John Burley, Lindsay Passfield, Danielle Mulholland,
AGAINST VOTE: Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer
The Mayoral vote was cast for the motion.
Absent. Did not vote: Janet Wilson.

The foreshadowed motion lapsed.

13E.2 REQUEST FOR FUNDING - KYOGLE TOGETHER

111113/28 RESOLVED

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

That the report on Kyogle Together be received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

ITEM 13F GENERAL MANAGER'S REPORT

Nil

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

111113/29 RESOLVED

Moved Cr Lindsay Passfield, second Cr Ross Brown:

That the confidential report on the tender for the provision of banking services be accepted as an urgent business item.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

The Mayor declared the confidential report on the tender for the provision of banking services an urgent item.

14.01 MOVED INTO CLOSED COMMITTEE

ITEM Tender for the Provision of Banking Services

This item is classified CONFIDENTIAL under Section 10A(2) (d) 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

It is not in the public interest and would be contrary to privacy provisions to reveal these details.

Pursuant to Section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting was closed, as to whether that part of the meeting should be closed.

111113/30 RESOLVED

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

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by sections 11(2) of the Local Government Act 1993.

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

Council closed its meeting at 6.52 pm. The public and the media left the Chamber.

ITEM 14.1 TENDER FOR THE PROVISION OF BANKING SERVICES

111113/31 RESOLVED

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

1. That Council accept the tender and award the contract for Transactional Services to Commonwealth Bank of Australia from January 1, 2014 for a five year period.
2. That Council advise Clarence Valley Council, as the convenor of the joint tender process, the decision to award the contract to Commonwealth Bank of Australia.
3. That the Mayor and General Manager be authorised to execute the contracts and any other relevant documentation and attach the Common Seal of Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

111113/32 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Chris Simpson:

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Open Council resumed at 6.54.pm.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Robert Dwyer:

Reported that the Kyogle had won two awards at the recent Tidy Towns Awards. Kyogle Acoustic Music Society had won its category while the Kyogle Tidy Towns banner project won a highly commended award

Cr Chris Simpson:

1. What are the reasons behind Council's decision to close Chadburns Quarry and is it possible the quarry could be re-opened?

Cr Lindsay Passfield:

1. At what stage of development is the promised North Coast Regional Transport Plan?

Cr Michael Reardon:

1. Are all market stall holders compliant in terms of necessary approvals/licenses, etc?

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.59 p.m.

Signature of Chairperson.....