

## Kyogle Council

**Confirmed Minutes of the Extraordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 30 June, 2014.**

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### **PRESENT**

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

### **IN ATTENDANCE**

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

### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 5.09 pm

### **ITEM 1 APOLOGIES**

Apologies were received from Councillor Danielle Mulholland and Councillor Robert Dwyer.

### **300614/01 RESOLVED**

Moved Councillor Ross Brown, seconded Councillor Chris Simpson:

That the apologies be accepted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

### **ITEM 2 OPENING PRAYER**

The Deputy Mayor read the opening prayer.

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

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

## **ITEM 4      DECLARATION OF INTERESTS**

Nil

## **ITEM 5      GENERAL MANAGER'S REPORT**

### **5.1    ADOPTION OF 2014/2015 DELIVERY PROGRAM/OPERATIONAL PLAN**

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

1. That Council adopt the amended Final Draft Delivery Program 2014/2018 and Operational Plan 2014/2015 incorporating any editing changes, alterations to strategies, budget estimates or fees and charges, as necessary to take affect to resolutions made during the consideration of this report;
2. That a Farmland Rate, to be known as the "Farmland Rate" of 0.287459 cents in the dollar on the Land Value be now made for the rating year 1 July, 2014 to 30 June, 2015 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$184.00 which is expected to yield 13.9% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
3. That a Residential Rate, to be known as the "Residential Rate" of 0.585896 cents in the dollar on the Land Value be now made for the rating year 1 July, 2014 to 30 June, 2015 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Residential in accordance with Section 516 of the Local Government Act 1993, subject to a base amount of \$184.00 which is expected to yield 41.2% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
4. That a Residential Rate, to be known as the "Residential – Kyogle" Rate of 0.768857 cents in the dollar on the Land Value be now made for the rating year 1 July, 2014 to 30 June, 2015 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential - Kyogle (being all rateable land (other than business) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$217.00 which is expected to yield 23.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;

5. That a Residential Rate, to be known as the “Rural Residential Rate” of 0.412532 cents in the dollar on the Land Value be now made for the rating year 1 July, 2014 to 30 June, 2015 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential Rural (being parcels of residential land that are the site of a dwelling and are between 2 and 40 hectares in area, or which do not have a significant and substantial commercial purpose or character) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$184.00 which is expected to yield 20.8% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
  
6. That a Business Rate, to be known as the “Business Rate” of 0.403421 cents in the dollar on the Land Value be now made for the rating year 1 July, 2014 to 30 June, 2015 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Business in accordance with Section 518 of the Local Government Act 1993, subject to a base amount of \$184.00 which is expected to yield 39.7% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
  
7. That a Business Rate, to be known as the “Business – Kyogle” Rate of 0.727872 cents in the dollar on the Land Value be now made for the rating year 1 July, 2014 to 30 June, 2015 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Business - Kyogle (being all rateable land (other than residential) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 518 and 529 of the Local Government Act 1993, subject to a base amount of \$217.00 which is expected to yield 15.6% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
  
8. That the following Water Supply Charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

Access Charges

• Vacant Property	\$100.00
• 20mm Connection	\$340.00
• 25mm Connection	\$531.00
• 32mm Connection	\$870.00
• 40mm Connection	\$1,360.00
• 50mm Connection	\$2,125.00
• 80mm Connection	\$5,440.00
• 100mm Connection	\$8,500.00
• Fire Service Connection	\$340.00

Consumption Charges

Consumption up to 200kL usage	\$1.30 per kL
Consumption above 200kL usage	\$1.80per kL
Home Dialysis allocation first 100 kL	no charge

9. That the following Residential Sewerage Charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

Sewerage Annual Charge	\$643.00
Vacant Annual Sewerage Charge	\$100.00

10. That the following Non Residential Sewerage Charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993; subject to a minimum amount of \$606.00 in accordance with Section 542 of the Local Government Act 1993;

(a) Non-Residential Sewerage

Access Charges

• Vacant property	\$100.00
• 20mm Connection	\$254.00
• 25mm Connection	\$396.00
• 32mm Connection	\$650.00
• 40mm Connection	\$1,016.00
• 50mm Connection	\$1,588.00
• 80mm Connection	\$4,064.00
• 100mm Connection	\$6,350.00

Consumption Charges

\$1.00 per kl

11. That the following Trade Waste Charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

(a) Trade Waste – Dischargers requiring nil or minimal pre-treatment

Annual Trade Waste Fee	\$84.00
Re-inspection Fee	\$68.00

(b) Trade Waste – Dischargers requiring prescribed pre-treatment

Annual Trade Waste Fee	\$84.00
Re-inspection Fee	\$68.00
Consumption Charge	\$1.00/kL

(c) Trade Waste – Large dischargers (over 20kl/d)

Annual Trade Waste Fee	\$480.00
Re-inspection Fee	\$68.00
Excess mass charges	(detailed in Fees and Charges)

(d) Trade Waste – Discharges with a sewerage dump point

Annual Trade Waste Fee	\$588.00
Re-inspection Fee	\$68.00

12. That the following Domestic Waste Management charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Section 496 and Sections 501, 502 and 503 of the Local Government Act 1993;
- Waste Management Service availability charge \$50.00  
(all rateable properties within the Kyogle LGA garbage collection service area)
  - Occupied Premises \$450.00
  - Additional Domestic Waste Service \$400.00
13. That the following Commercial and Other Waste charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Section 501 of the Local Government Act 1993;
- Commercial Properties \$450.00
  - Additional Commercial Waste Service \$400.00
14. That the following On Site Sewerage Management charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Section 501 of the Local Government Act 1993;
- OSMS Annual Charge \$38.00
15. That Council set the Rate of Interest, to apply for the rating year 1 July, 2014 to 30 June, 2015, on rates, charges, and debtor accounts which remain unpaid after they become due and payable, at 8.5% per annum, accruing on a daily basis, in accordance with Section 566 of the Local Government Act 1993;
16. That Council adopt the Schedule of Fees and Charges contained in the Final Draft 2014/2015 Fees and Charges in accordance with Sections 608, 609 and 610 of the Local Government Act 1993;
17. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

Cr Ross Brown moved an amendment, seconded by Cr Janet Wilson:

1. That Council adopt the amended Final Draft Delivery Program 2014/2018 and Operational Plan 2014/2015 incorporating any editing changes, alterations to strategies, budget estimates or fees and charges, as necessary to take affect to resolutions made during the consideration of this report;
2. That a Farmland Rate, to be known as the “Farmland Rate” of 0.287459 cents in the dollar on the Land Value be now made for the rating year 1 July, 2014 to 30 June, 2015 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$184.00 which is expected to yield 13.9% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
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• Fire Service Connection	\$340.00
<u>Consumption Charges</u>	
Consumption up to 200kL usage	\$1.30 per kL
Consumption above 200kL usage	\$1.80per kL
Home Dialysis allocation first 100 kL	no charge

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Consumption Charges

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(b) Trade Waste – Dischargers requiring prescribed pre-treatment

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Consumption Charge	\$1.00/kL



(c) Trade Waste – Large dischargers (over 20kl/d)

Annual Trade Waste Fee	\$480.00
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Excess mass charges	(detailed in Fees and Charges)

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(all rateable properties within the Kyogle LGA garbage collection service area)
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17. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

The amendment was put to the vote and was carried

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

AGAINST VOTE - Michael Reardon, Chris Simpson, Maggie Creedy

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

The amendment became the motion and was put to the vote.

### **300614/02 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Janet Wilson.

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Consumption Charge	\$1.00/kL

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(all rateable properties within the Kyogle LGA garbage collection service area)
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13. That the following Commercial and Other Waste charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Section 501 of the Local Government Act 1993;
- Commercial Properties \$450.00
  - Additional Commercial Waste Service \$400.00
  - Landfill Management Charge \$37.00  
(all rateable properties outside the garbage collection area and that all ratepayers who are charged the fee be given one voucher for construction, industry or domestic waste up to 300kg)
14. That the following On Site Sewerage Management charges be made for the rating year 1 July, 2014 to 30 June, 2015, in accordance with Section 501 of the Local Government Act 1993;
- OSMS Annual Charge \$38.00
15. That Council set the Rate of Interest, to apply for the rating year 1 July, 2014 to 30 June, 2015, on rates, charges, and debtor accounts which remain unpaid after they become due and payable, at 8.5% per annum, accruing on a daily basis, in accordance with Section 566 of the Local Government Act 1993;
16. That Council adopt the Schedule of Fees and Charges contained in the Final Draft 2014/2015 Fees and Charges in accordance with Sections 608, 609 and 610 of the Local Government Act 1993;

17. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

**CARRIED**

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

AGAINST VOTE - Michael Reardon, Chris Simpson, Maggie Creedy

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

## **5.2 NORTHERN COUNCILS E-ZONE REVIEW SUBMISSION**

**REPORT BY: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT**

**CONTACT: GREG MEYERS**

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

1. That Council receive and note the report on the Northern Councils E-Zone Review submission.
2. That Council confirm the content of its submission to the Department of Planning and Environment on the Review of the Northern Councils E-Zones.

Councillor Ross Brown moved an amendment, seconded by Councillor Janet Wilson:

1. That Council receive and note the report on the Northern Councils E-Zone Review submission.
2. That Council reinstates the use of the environmental overlays and associated Clauses as discussed in this report in the LEP as they are a useful planning tool to “flag” land which may have ecological values in the situations where a development application is made on that land.
3. That subject to any agreed amendments made during the consideration of this matter, Council confirm the content of its submission to the Department of Planning and Environment on the Review of the Northern Councils E-Zones.

The amendment was put to the vote and was carried.

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

AGAINST VOTE - Michael Reardon, Chris Simpson, Maggie Creedy

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

The amendment then became the motion.

### **300614/03 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Janet Wilson:

1. That Council receive and note the report on the Northern Councils E-Zone Review submission.
2. That Council reinstates the use of the environmental overlays and associated Clauses as discussed in this report in the LEP as they are a useful planning tool to “flag” land which may have ecological values in the situations where a development application is made on that land.
3. That subject to any agreed amendments made during the consideration of this matter, Council confirm the content of its submission to the Department of Planning and Environment on the Review of the Northern Councils E-Zones.

**CARRIED**

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

AGAINST VOTE - Michael Reardon, Chris Simpson, Maggie Creedy

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

### **ITEM 6 CONFIDENTIAL BUSINESS PAPER**

#### **ITEM 6.01 MOVED INTO CLOSED COMMITTEE**

#### **ITEM 6.1 TENDER EVALUATION WEIGHBRIDGE KYOGLE LANDFILL**

This item is classified **CONFIDENTIAL** under Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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.

### **300614/04 RESOLVED**

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

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

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

Council closed its meeting at 6.10.pm. The public and media left the Chamber.

## **ITEM 6.02 OPEN COUNCIL RESUMES**

### **300614/05 RESOLVED**

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

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

Open Council resumed at 6.19 pm.

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

## **ITEM 6.1 TENDER EVALUATION WEIGHBRIDGE KYOGLE LANDFILL**

### **RESOLVED**

That Council receive and note the confidential report on the Tender Evaluation for the Kyogle Landfill Weighbridge.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

### **RESOLVED**

1. That Council accept the recommendation from the Tender Evaluation Committee and award the Design and Construction contract to Aussie Weighbridge Systems Pty Ltd.
2. That the Mayor and the General Manager be authorised to sign, seal and finalise the contract documents for the design and construction of the Kyogle Landfill Weighbridge.

**CARRIED**



FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Danielle Mulholland, Bob Dwyer

**MEETING CLOSURE**

There being no further business the Deputy Mayor declared the meeting closed at 6.20pm.

Signature of Chairperson.....