

Kyogle Council

**Confirmed Minutes of the Ordinary Meeting held in the Council Chambers,
Stratheden Street, Kyogle, on Monday 9 September 2013.**

PRESENT

Cr. Ross Brown (Mayor in the Chair), Cr Janet Wilson, Cr Chris Simpson, Cr John Burley, Cr Robert Dwyer, Cr Maggie Creedy, Cr Danielle Mulholland, 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 Infrastructure Works, the Acting Executive Manager Planning and Environment and the Personal Assistant to the General Manager and Corporate Services.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5.00 pm.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

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

ITEM 4 DECLARATION OF INTERESTS

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2013 to 31 July 2013 – 2011/181

Reason for Declaration – neighbour of the property owner.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2013 to 31 July 2013 – 2012/39

Reason for Declaration – neighbour of the property owner.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 April 2013 to 30 April 2013 – 2013/11

Reason for Declaration – neighbour of the property owner.

ITEM 5 ANNUAL APPOINTMENTS

5.1 ELECTION OF MAYOR

Councillor Ross Brown vacated the position of Chair.

The Returning Officer (being the General Manager) advised:

- “As required by the Local Government Act 1993, Section 227, the election of Mayor was to be by the Councillors from among their numbers”.
- “The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2005”.
- “The Local Government Act appoints the General Manager (or a person appointed by the General Manager) as the Returning Officer. “I will be the Returning Officer. Mrs Carol O'Neill, Director Corporate & Community Services, has been appointed Assistant Returning Officer.”
- “Council is required to determine whether the election is to be by ordinary ballot or open voting or preferential voting. This will require a resolution of Council”.

090913/01 RESOLVED

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

That the Returning Officer (being the General Manager) conduct the election of the Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer asked if there were any nominations without notice for the position of Mayor.

Nil were received.

The Returning Officer advised that he had received one nomination for the position of Mayor –

- Councillor Danielle Mulholland

The Returning Officer then declared Cr Danielle Mulholland elected as mayor.

5.2 ELECTION OF DEPUTY MAYOR

090913/02 RESOLVED

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

1. That a Deputy Mayor be elected by the Councillors from among their numbers.
2. That the Returning Officer (being the General Manager) conduct the election of the Deputy Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer asked if there were any late nominations without notice for the position of Deputy Mayor.

None were received.

The Returning Officer advised that he had received two (2) nominations for the position of Deputy Mayor –

- Councillor Maggie Creedy
- Councillor John Burley

A draw was then conducted by the Returning Officer for positions on the ballot paper. Councillor Maggie Creedy drew first position on the ballot paper and Councillor John Burley drew position number two on the ballot paper.

Ballot papers were distributed to each Councillor by the Assistant Returning Officer.

The Returning Officer removed the ballot papers, and counted the ballot papers. The counting was checked by the Assistant Returning Officer.

The vote was as follows:

Councillor Maggie Creedy four (4) votes

Councillor John Burley four (4) votes

Informal one (1) vote

With each of the candidates receiving four votes, the returning officer announced the position would have to be chosen by lot.

A draw was conducted by the Returning Officer. Councillor Maggie Creedy's name was drawn and the Returning Officer declared Councillor Creedy elected Deputy Mayor.

Councillor Danielle Mulholland assumed the position of Chair.

5.3 COUNCIL COMMITTEES

090913/03 RESOLVED

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

That the Council Committees report be received and noted;

CARRIED

FOR VOTE - Unanimous vote

090913/04 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Maggie Creedy:

That the following Committee List and Councillor memberships be adopted:

| Committee | Councillor Member(s) |
|--------------------------------------|--|
| Traffic Committee | Councillor Chris Simpson |
| Internal Audit Committee | Councillor Maggie Creedy Councillor Chris Simpson |
| LGA Cultural Committee | Councillor Janet Wilson |
| Local Emergency Management Committee | Mayor |

CARRIED

FOR VOTE - Unanimous vote

090913/05 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

That the General Manager's Review Committee consist of the Mayor, Deputy Mayor and Councillor John Burley.

CARRIED

FOR VOTE - Unanimous vote

090913/06 RESOLVED

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

That Council do away with the Technical Services, Administration and Community and Planning and Environment Committees and that the fourth Monday of each month be set aside for informal workshops and/or discussions on Council related business (as well as Extraordinary Council Meeting where necessary).

CARRIED

FOR VOTE - Unanimous vote

5.4 COUNCIL DELEGATES

090913/07 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Chris Simpson:

That the current Delegates list and memberships be received and noted;

CARRIED

FOR VOTE - Unanimous vote

090913/08 RESOLVED

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

That Council adopts the following Delegates List and memberships:

| Organisation | Delegate(s) |
|---|------------------------------|
| Australia Day Committee – Kyogle | Councillor Janet Wilson |
| Australia Day Committee – Woodenbong | Councillor Lindsay Passfield |

| | |
|---|--|
| Australia Day Committee – West of the Range | Councillor Michael Reardon |
| Kyogle Chamber of Commerce | Councillor Robert Dwyer |
| NSW Rural Fire Service “Service Level Agreement” | Mayor |
| NOROC (Northern Rivers Regional Organisation of Councils) | Mayor |
| Downs to Rivers Action Committee | Councillor Lindsay Passfield Councillor Danielle Mulholland |
| Summerland Way Promotional Committee | Councillor Lindsay Passfield |
| Kyogle Bushfire Management Committee | Councillor Chris Simpson |
| Far North Coast Weeds | Councillor Ross Brown Alternate Councillor John Burley |
| Shires Association of New South Wales “A” Division | Mayor |
| National Timber Councils Association | Councillor Lindsay Passfield Councillor Robert Dwyer |
| Police Accountability Community Team (PACT) | Mayor |
| Area Health Board Community Engagement Committee | Councillor Danielle Mulholland |
| Kyogle Tidy Towns | Councillor Robert Dwyer |
| Joint Regional Planning Panel | Mayor Deputy Mayor |

CARRIED

FOR VOTE - Unanimous vote

5.5 ORDINARY MEETINGS CYCLE 2013-14

090913/09 RESOLVED

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

1. That Council amend clause 2.2 of its Code of Meeting Practice to read as follows:

At a Council Meeting held in September each year, Council decides on the dates and times for meetings of Council and Committees for the ensuing twelve month period.

2. That Council is of the opinion that this amendment is not substantial and in accordance with section 362(2) of the Local Government Act 1993, the Code of Meeting Practice be amended without public exhibition.

3. That Council adopt the following Ordinary Council meeting dates and times:

| Ordinary Meetings |
|--|
| Monday, 14 October 2013, 5:00 p.m. |
| Monday, 11 November 2013, 5:00 p.m. |
| Monday, 9 December 2013, 5:00 p.m. |
| Monday, 10 February 2014, 5:00 p.m. |
| Monday, 10 March 2014, 5:00 p.m. |
| Monday, 14 April 2014, 5:00 p.m. |
| Monday, 12 May 2014, 5:00 p.m. |
| Tuesday, 10 June 2014, 5:00 p.m. (9 June – Queens Birthday Holiday) |
| Monday, 14 July 2014, 5:00 p.m. |
| Monday, 11 August 2014, 5:00 p.m. |
| Monday, 8 September 2014, 5:00 p.m. |

CARRIED

FOR VOTE - Unanimous vote

ITEM 6 QUESTION TIME

Rick Wagner, of Homeleigh, addressed the Council and posed the following questions:

1. Do the Mayor and the Councillors accept the findings in the Records NSW Assessment report and will they ensure that all recommendations are implemented?
2. At the December meeting the following question was asked: "Is council staff under Legislation or Council policy, required to maintain notes, file notes, records of discussion, or minutes of informal or formal meetings with Community Groups and developers and Government Agencies and Departments". The response given to that question was "No". Do the Mayor and Councillors still agree with this response?

3. My Final question concerns the new procedure related to questions taken on notice and the inclusion of the written response for the next meeting where a vote is taken to “receive and note” by unanimous agreement. Does this also mean that there is unanimous agreement that the answer is correct?

The Mayor advised Mr Wagner that Councillors would respond individually, should they choose.

Elizabeth Thomas asked the following question:

1. Is Council aware that there are a couple of lights in the Kyogle Memorial Institute Hall not working which will need to be fixed?
2. Can Council look at a particular ceiling beam at the KMI hall the next time it undertakes a risk assessment at the hall?

The Executive Manager Urban and Assets advised Ms Thomas that the best way to alert Council to problems at the hall was to contact him directly. He said he would follow up the issues of the broken lights and problem beam.

ITEM 7 PUBLIC ACCESS

Eric Kaiser, Chairperson of Kyogle Together, addressed the Council in relation to the restructure of Kyogle Together, it's role in the community as well as its aims and objectives.

He told the Council meeting:

“Kyogle Together is an incorporated not for profit dedicated to community development. The organisation is governed by a Board of volunteer directors.

Our purpose is to provide governance, management and administrative support to new community initiatives, as well as existing groups who wish to join a new organisational structure; manage new community projects to benefit communities throughout the Kyogle LGA and complement the work of existing community organisations; manage Grove House as a community centre, a central place for a range of community groups and projects to meet, as well as providing a venue for visiting community services.

Kyogle Together is comprised of Kyogle Youth Action, Kyogle Youth Ventures, Kyogle Community Gymnasium, Kyogle Community Centre and Kyogle Community Technology Centre.

Kyogle Youth Action provides early intervention and prevention programs targeting risky behaviour, suicide and dropping out of school.

We provide case management, information provision and referral, brokerage of professional counselling, life skills programs and drug and alcohol free recreational activities.

Kyogle Youth Ventures is a school/community partnership providing mentoring to young people transitioning to high school. High School students are trained as youth leaders and participate in excursions and camps throughout the year.

Kyogle Together has recently completed the delivery of a three year preventative health initiative known as Active Kyogle. This involved a diverse range of preventative health activities for all members of the community and was strongly supported by the local health services.

The most important long term outcome from this program was the establishment of the Kyogle Community Gymnasium. The Gym has a large membership and is so successful we need to find larger premises and we have directly pursued partnership with Council to explore ways to achieve this.

The Kyogle Community Centre is located at Grove House. We provide meeting rooms and conference facilities, training for community based organisations, TAFE computer classes and other programs.

The building houses the Community Technology Centre which provides on line access, computer clubs and computer support services, most of which are delivered by volunteers. The Community Centre provides office space to job network providers, Council's Community Development Officer, and is soon to house Interrelate, a federal government relationship counselling service. We also have a volunteer run community garden.

Many of the services we deliver assist Council in delivering on key aspects of the Social Plan. The youth support services and youth activities and facilities are integral to the objectives of the Social Plan.

The preventative health services we continue to deliver through the Community Gymnasium deliver benefits to many of the target groups identified in the Social Plan. Our tenancy of Grove House allows us to provide community based social services to people of the Kyogle LGA.

Not for profit organisations face many challenges. Funding to meet operational costs is almost impossible to secure. The grants climate is very tough at the moment. Costs associated with legal compliance, auditing, acquittals and insurance are onerous.

At Kyogle Together we are working hard to make our organisation financially viable for the long term. We have just undertaken a management restructure and have reduced our overheads and work constantly to increase our income streams.

Recently representatives of the Board met with Council's General Manager, Arthur Piggott seeking a closer partnership with Council.

We delivered a letter to Arthur asking for financial support and will make an application for funding in the current round of Futures Funding. We will provide Councillors and staff a detailed application with an explanation of our plans for achieving long term financial viability. If permitted we would like to make another presentation at the October meeting of Council in support of this application.

We have also requested that Council reconsider reducing the rental we pay for the use of Grove House which is presently \$550 per month. This is a considerable cost on top of the other costs that we meet in operating the facilities. Given that we deliver positive social outcomes and community development in our operation of the Community Centre at Grove House we request a peppercorn rental arrangement with Council.

Kyogle Together has proven that it can deliver important social and community initiatives. We have moved from the establishment phase to one of consolidation and look forward to further developing a mutually supportive partnership with Kyogle Council.”

Councillor Chris Simpson asked Kyogle Together, in its submission to Council for funding and rent relief, to outline measures Kyogle Together has taken to be self-sustaining and how the community gym fitted into Kyogle Together’s not for profit structure.

ITEM 8 CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF 12 AUGUST 2013 ORDINARY MEETING

090913/10 RESOLVED

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

That the Minutes of the Ordinary Meeting held on 12 August, 2013 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 9 MAYORAL MINUTE

Nil.

ITEM 10 NOTICES OF MOTION

10.1 NOTICE OF MOTION -- COUNCILLOR ROSS BROWN QUESTIONS TO COUNCIL MEETINGS

090913/11 RESOLVED

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

That any questions requiring more than a simple answer or questions received in writing at a Council Meeting be preferably taken on notice and answered in writing. Both questions and answers are to be attached to the Adopted Minutes for that particular meeting when the question was raised.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 QUESTIONS WITH NOTICE FROM COUNCILLORS

11.1 QUESTIONS FROM LAST COUNCIL MEETING

090913/12 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 12 DELEGATES REPORTS

Nil.

ITEM 13 INFORMATION PAPERS

13.1 RESPONSE TO QUESTIONS RAISED BY HARMONY WALSH

090913/13 RESOLVED

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

That Council receive and note the response provided by the Mayor to Ms Harmony Walsh in regard to questions she raised during Public Access at the 12 August 2013 ordinary Council Meeting.

CARRIED

FOR VOTE - Unanimous vote

13.2 RESPONSE TO QUESTIONS FROM MR PHIL GOME AT 12 AUGUST 2013 ORDINARY COUNCIL MEETING

090913/14 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Maggie Creedy:

That Council receive and note the response provided by the General Manager to Mr Phillip Gome in regard to his questions at the 12 August 2013 Ordinary Council Meeting.

CARRIED

FOR VOTE - Unanimous vote

13.3 FINANCIAL REPORT AUGUST 2013

090913/15 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

13.4 COUNCIL RESOLUTIONS REQUIRING ACTION

090913/16 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

13.5 QUARRIES REPORT

090913/17 RESOLVED

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

That the quarries report be received and noted.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Maggie Creedy, Bob Dwyer.

AGAINST VOTE - Michael Reardon, Chris Simpson.

13.6 WORKS REPORT

090913/18 RESOLVED

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

That the Works Report be received and noted.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Maggie Creedy, Bob Dwyer.

AGAINST VOTE - Michael Reardon, Chris Simpson.

ITEM 14 GENERAL MANAGER 'S REPORT

ITEM 14A TECHNICAL SERVICES REPORT

Nil

ITEM 14B PLANNING SERVICES REPORT

14B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED & OUTSTANDING FOR THE PERIOD 1 AUGUST 2013 TO 31 AUGUST 2013

090913/19 RESOLVED

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

That, with the exception of the following items in which Councillors Danielle Mulholland and Chris Simpson and 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 Property
- Cr Chris Simpson 10B.1 Development Applications Received, Determined and Outstanding DA 2012/39 - Reason for Declaration – Neighbour of Property
- Executive Manager Administration and Community Carol O'Neill 10B.1 Development Applications Received, Determined and Outstanding DA 2013/11 - Reason for Declaration – Neighbour of Property

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

CARRIED

FOR VOTE - Unanimous vote

Councillors Danielle Mulholland and Chris Simpson and the Executive Manager Administration and Community Carol O'Neill left the meeting at 6pm after Cr Mulholland handed the chair over to Cr Maggie Creedy.

090913/20 RESOLVED

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

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 August to 31 August 2013 only in relation to DA 2011/181, DA 2012/39 and DA 2012/11 in which Councillors Danielle Mulholland and Chris Simpson and 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 – Councillor Danielle Mulholland, Councillor Chris Simpson.

Councillors Danielle Mulholland and Chris Simpson and Executive Manager Administration and Community Carol O'Neill returned to the meeting at 6.01 pm.

Councillor Danielle Mulholland resumed the chair.

14B.2 DEVELOPMENT APPLICATION 2013-41 - BUILDING LINE VARIATION FOR A CARPORT

090913/21 RESOLVED

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

1. That the Development Application 2013-41- building line variation for a carport report be received and noted.
2. That pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979* Council approve the application for a carport subject to the following conditions:
 - (1) *The development shall be in accordance with development application number 2013/41 submitted on 8 July, 2013, and in accordance with the following:*

Statement of Environmental Effects as prepared by Stephen P McElroy and Associates Pty Ltd on behalf of Mr G K Duley.

Plan(s) prepared by Stephen P McElroy & Associates Pty Ltd

| <i>Reference No.</i> | <i>Revision</i> | <i>Name of Plans</i> | <i>Date</i> |
|----------------------|-----------------|--|--------------------------------|
| <i>12/28</i> | <i>1</i> | <i>Drawings 01-07, 04-07 & 07-07</i> | <i>08/07/13 (received)</i> |

except where otherwise provided by the conditions of this development consent.

- (2) *In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.*
- (3) *Prior to the issue of a Construction Certificate, the proponent must submit to the Council a report addressing compliance with all relevant conditions of this consent.*
- (4) *This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the Environmental Planning and Assessment Act 1979. Following the expiration of this period the consent will lapse unless work relating to the subdivision is physically commenced before the date on which the consent would otherwise lapse.*
- (5) *Appropriate signage must be provided on the work site and in a prominent position visible to the public:*
 - a) *stating that unauthorised access to the work site is not permitted; and*
 - b) *showing the name of the builder or person responsible for the site and a telephone number at which that person can be contacted outside working hours.*
- (6) *Burning of site refuse and materials is not permitted and all such materials shall be prevented from escaping onto adjoining land and shall be maintained in a tidy manner on site at all times.*
- (7) *Footings and/or slabs must be in accordance with AS 2870 – 1996, “Residential Slabs and Footings”.*
- (8) *All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.*
- (9) *All plumbing, drainage and stormwater work must be in accordance with AS3500 and National Code of Practice and the work must be carried out by a licensed person.*
- (10) *Roofwater drains must be connected to the street water tables.*
- (11) *All timber posts and timber stair stringers are to be kept a minimum of 75 mm clear of finished ground level, to facilitate for visual termite inspection.*

Alternatively, treated timber may be used or the timber suitably protected by stainless steel mesh, graded stone or chemical barriers. Where a method other than the provision for visual inspection is utilised, certification of the protection method employed must be provided to Council prior to occupation of the building.
- (12) *The timber frame used in the structure shall be in compliance with AS 1684 – 2006, Residential Timber Framed Construction.*

(13) *The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.*

NOTE: All roof capping and flashing to be scribed on a Dwelling.

(14) *If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;*

- prior to pouring any in-situ reinforced concrete building element.*
- prior to covering of the framework for any floor, wall, roof or other building element.*
- after the building work has been completed and prior to any occupation certificate being issued in relation to the building.*

(15) *All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.*

(16) *The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access to the dwelling and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.*

(17) *All allotments where access is obtained from a sealed road shall have a sealed vehicular access from the roadway to the boundary of private property in accordance with Councils Property Access and Addressing Management Plan.*

CARRIED

FOR VOTE - Unanimous vote

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

| For | Against |
|---------------------|----------------|
| Ross Brown | |
| John Burley, | |
| Maggie Creedy | |
| Bob Dwyer | |
| Danielle Mulholland | |
| Lindsay Passfield | |
| Chris Simpson | |
| Michael Reardon | |
| Janet Wilson | |

090913/22 RESOLVED

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

That the report be received and noted.

CARRIED

FOR VOTE - Unanimous vote

090913/23 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Chris Simpson:

1. That the Development Application 2013-54 for construction of a shed and awning at Kyogle Council Bonalbo Depot report be received and noted.
2. That pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979* Council approve the application subject to the following conditions:
3. *The development being carried out substantially in accordance with the plans received by Council on 14 August, 2013, except where amended by the following conditions of consent.*
4. *The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 13/54 on 14 August, 2013 and that any alteration, variation or extension to the use for which approval has been given would require further development approval.*
5. *This development consent is limited to a period of five (5) years in accordance with the Environmental Planning and Assessment Amendment (Development Consents) Act 2010. Following the expiration of this period the consent will lapse unless work relating to the development is physically commenced before the date on which the consent would otherwise lapse.*
6. *The building must be clad in low-reflective material.*
7. *The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, light, waste water, waste products, grit or oil, traffic generation or otherwise.*
8. *The proposal to comply with the requirements of the Work Cover Authority of NSW.*

9. *Drainage is to be provided to divert surface water clear of the building and dispose of such water in a way that avoids the likelihood of damage or nuisance to any other property.*
10. *The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.*

NOTE: All roof capping and flashing to be scribed on a Dwelling.

11. *All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.*
12. *If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;*
 - *after excavation for, and prior to the placement of, any footings.*
 - *after the building work has been completed and prior to any occupation certificate being issued in relation to the building.*
13. *Waste from the workshop area must not be conveyed to any stormwater drainage system. Under no circumstances must the car repair station be hosed or washed down to drain to the stormwater drainage system.*
14. *All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.*
15. *Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:*
 - *adjoining land*
 - *natural drainage courses*
 - *constructed drainage systems, or*
 - *waterways.*

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Details of sediment control measures and revegetation works shall be submitted to Council for approval prior to commencement of any works upon the site.

16. *All fill imported onto the site must be clean fill and free from any contamination, within the meaning of the Managing Land Contamination – Planning Guidelines – SEPP55 – Remediation of Land document published in 1998 by the NSW Government. All fill must be Virgin Excavated Natural Material as defined in the Protection of the Environment Operations Act, 1997.*

17. *All plumbing, drainage and stormwater work must be in accordance with AS3500 and National Code of Practice and the work must be carried out by a licensed person.*

CARRIED

FOR VOTE - Janet Wilson, John Burley, Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, Lindsay Passfield

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

| For | Against |
|---------------------|-------------------|
| John Burley | Ross Brown |
| Maggie Creedy | Lindsay Passfield |
| Bob Dwyer | |
| Danielle Mulholland | |
| Chris Simpson | |
| Michael Reardon | |
| Janet Wilson | |

14B.4 PROPOSAL TO CHANGE STRATHEDEN STREET REGULATED PARKING

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

1. That Council support in principle the request to remove the regulated parking on the northern side of Stratheden Street between the Summerland Way and Roxy Lane between 8.30am-12.30pm on Saturdays for use by the Kyogle farmer's markets.
2. That surrounding businesses be notified of the development application and the associated proposal to remove regulated parking and that Council consider any submissions received.
3. That subject to the Traffic Committee raising no objection a further report be prepared for Council's determination of the development application.

Councillor Lindsay Passfield moved an amendment:

1. That Council receive and note the request.
2. That surrounding businesses be notified of the development application and the associated proposal to remove regulated parking and that Council consider any submissions received.
3. That subject to the Traffic Committee raising no objection a further report be prepared for Council's determination of the development application.

The amendment lapsed for want of a seconder.

090913/24 RESOLVED

1. That Council support in principle the request to remove the regulated parking on the northern side of Stratheden Street between the Summerland Way and Roxy Lane between 8.30am-12.30pm on Saturdays for use by the Kyogle farmer's markets.
2. That surrounding businesses be notified of the development application and the associated proposal to remove regulated parking and that Council consider any submissions received.
3. That subject to the Traffic Committee raising no objection a further report be prepared for Council's determination of the development application.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer.

AGAINST VOTE - Lindsay Passfield.

ITEM 14C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 14D CORPORATE SERVICES REPORT

14D.1 GATEWAY TO THE RAIN FOREST RESERVE TRUST

Moved by Councillor Janet Wilson, seconded by Councillor Robert Dwyer:

That the Gateway to the Rainforest Reserve Trust – Draft Terms of Reference be adopted.

LOST

AGAINST VOTE - Unanimous vote

090913/25 RESOLVED

Moved by Councillor Danielle Mulholland, seconded Councillor Lindsay Passfield that the Gateway to the Rainforest Reserve Trust Draft Terms of Reference be deferred until the matter of the extent of liability against Councillors and Council is resolved.

CARRIED

FOR VOTE - Unanimous vote

14D.2 REVIEW OF WARD BOUNDARIES

090913/26 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Maggie Creedy:

That Council receives and notes the report on Changes to Ward Boundaries.

CARRIED

FOR VOTE - Unanimous vote

14D.3 RECORDS MANAGEMENT POLICY

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

That the Records Management Policy be adopted.

Councillor Janet Wilson foreshadowed a motion that the policy be sent to NSW Records for review.

090913/27 RESOLVED

That the Records Management Policy be adopted.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Lindsay Passfield, Danielle Mulholland, Chris Simpson

Councillor Janet Wilson withdrew her foreshadowed motion.

ITEM 14E COMMUNITY SERVICES REPORT

Nil.

ITEM 14F GENERAL MANAGER'S REPORT

14F.1 ECONOMIC VALUE OF THE BORDER RANGES RALLY

090913/28 RESOLVED

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

That the Economic Value of the Border Ranges Rally report be received and noted.

CARRIED

FOR VOTE - Unanimous vote

Moved Councillor Danielle Mulholland, seconded Councillor Maggie Creedy:

That a further report be provided to council with a triple bottom line assessment with the economic aspect to be an economic analysis involving a range of stakeholders including the community, participating organisations such as the Showground Trust and Chamber of Commerce, and Council assessment of damage to infrastructure.

LOST

FOR VOTE - Lindsay Passfield, Danielle Mulholland.

AGAINST VOTE - Ross Brown, Janet Wilson, John Burley, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

ITEM 15 URGENT BUSINESS WITHOUT NOTICE

090913/29 RESOLVED

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

That the following report be considered and determined by Council at this Ordinary Meeting;

- Union Picnic Day 2013

CARRIED

FOR VOTE - Unanimous vote

The Mayor then ruled the matter of great urgency.

15.1 UNION PICNIC DAY 2013

090913/30 RESOLVED

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

That Council designate Tuesday 5 November, 2013 as a Union Picnic Day holiday.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Chris Simpson advised he had formally applied for leave from the October Ordinary Meeting of Council.

Cr Danielle Mulholland:

1. When will the next Kyogle Council resident survey be undertaken? Aim is for annual surveys to be undertaken.
2. What was the cost of the last survey?
3. Will Councillors have an opportunity to have input to the questions to be asked in the survey and can controversial and critical issues be included in the survey? This is the most democratic way for Council to inform its decision making.

ITEM 17 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.55 p.m.

Signature of Chairperson.....