

## **Kyogle Council**

### **Unconfirmed Minutes of the Ordinary Committee Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 27 February 2012.**

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#### **PRESENT**

Cr. R. Brown (Mayor in the Chair), Cr. E. Bennett, Cr. J. Wilson, Cr. J. O'Reilly, Cr. L. Passfield, Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter (arrived 3.38 pm) and Cr. T. Cooper.

#### **IN ATTENDANCE**

The General Manager, the Acting Director of Technical Services, the Director of Corporate & Community Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

#### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 3.30 p.m.

#### **ITEM 1 APOLOGIES**

Nil

#### **ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

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

The Mayor read the traditional lands acknowledgement.

#### **ITEM 4 DECLARATION OF INTERESTS**

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

- Item 13E.3 – Minutes of Corporate & Community Meeting- Item 5.2 RV Friendly Town

Reason for Declaration - a member of the Kyogle Showground Trust

Cr. Lindsay Passfield declared an interest in the following item/s:

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 December 2011 - 31 January 2012 DA 2011/126  
Reason for Declaration – potential employer

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 December 2011 - 31 January 2012 - 2011/34, 2011/180  
Reason for Declaration – purchasing property with a potential quarry site - these are all quarry developments & Chairman of Past & Futures Committee

## ITEM 5 QUESTION TIME

Mr Phil Gome, Cedar Point addressed Council;

- Since the lodgement of the DA for a quarry at Cedar Point in October 2010, Cedar Point residents have been concerned about Council's compliance auditing system, and their ability to enforce Consent Conditions relating to extractive industries. Council correspondence 25/3/11 states that Council does not maintain a register of Compliance Audits of extractive industries. In March and April 2011, 4 letters have been send to 3 Council staff members seeking information on; compliance audits, audit dates, consent conditions, tonnage reports and council levy payments. On January 27 2012, en email was forwarded to 2 council staff members regarding one of the above items of correspondence. To date there has been no response to any of the hard copy of electronic correspondence to Council staff. Given that Council correspondence 23/3/2011 states that Council has a policy to respond to correspondence with 10 working days, and all matters contained in the above correspondence, should fall within the guidelines of the Government Information Public Act 2009.
- What is the reason for none of the above correspondence being answered?
- When will responses be forthcoming?

The Mayor advised that the Questions would be taken on notice, and a response would be provided within 7 days.

Mrs Tracey Metham, Cedar Point addressed Council;

- When did Council last perform an inspection of the Cedar Point Bridge?
- The Kyogle Council Annual Report 2010/2011 page 34 states that concrete bridges are inspected at 3 year intervals and the Bridge Asset software program is used to determine the cost to bring bridges to a satisfactory condition. What is the cost of bringing the Cedar Point Bridge to a satisfactory condition?
- What is the projected dollar cost of an additional 40 to 80 trucks per day on the maintenance, component replacement or replacement of the Cedar Point Bridge?
- Why has the potential financial burden of increased maintenance bridge costs on the Ratepayers, not been identified by Council as part of the assessing the Development Application for the Cedar Point Quarry?
- Why is this information not regarded as in the Public Interest under GIPA Act 2009?

The Mayor advised that the Questions would be taken on notice and a response would be provided within 7 days.

Mr Peter Ellem, Cedar Point addressed Council;

- Given that Council received notification of Cedar Point resources from Dept. Mineral Resources and NSW Planning in January 1997, Council had been issued a Draft LEP Template Prior to May 2006, Council Manager and Mayor in correspondence (May 2006) had asked questions of Planning NSW regarding buffers surrounding a "regionally significant resource" and who would be the liable parties with regard to payment of compensation.
- Is compensation deemed to be payable?
- Who is liable to pay compensation?
- What was DA 2003/41 for subdivision (with its associated costs and expenditures) granted approval by Council (endorsed by the General Manager) on the 18<sup>th</sup> July 2007, given the fact that Council had been made aware of the situation due to information received in documentation of the Cedar Point Resource and its planning (zoning) buffers and the ensuing implications with regard to potential liabilities for compensation?

The Mayor advised that the Questions would be taken on notice and a response would be provided within 7 days.

Mrs Anne Reardon addressed Council;

- Enquired who made the decision in relation to postponing the Australia Day Celebrations and then putting the event back on ?

The Mayor advised that the Question would be taken on notice, and a response would be provided within 7 days.

## **ITEM 6 PUBLIC ACCESS**

Nil.

## **ITEM 7 CONFIRMATION OF MINUTES**

### **7.1 CONFIRMATION OF ORDINARY MINUTES**

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#### **270212/ 1 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That the Minutes of the Ordinary Meeting held on 19 December, 2011, were adopted.

**CARRIED**

FOR VOTE - Unanimous vote

## **ITEM 8 MAYORAL MINUTE**

### **8.1 MAYORAL MINUTE - NOROC MEETING REPORT**

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#### **270212/ 2 RESOLVED**

Councillor Ross Brown

That the Mayoral Minute - NOROC Meeting report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## **ITEM 9 NOTICES OF MOTION**

### **9.1 NOTICE OF MOTION, CLR ROBERT DWYER - POEO ACT**

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#### **270212/ 3 RESOLVED**

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

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That Council write to the State Minister for the Environment, Robyn Parker, voicing concerns with regards to the NSW Governments move to amend the Protection of the Environment Administration Act 1991.

A copy of the letter also be forwarded to Local State member, Mr Thomas George, and the Minister for local government, Mr Don Page, requesting they take Council's concerns to Parliament.

**CARRIED**

FOR VOTE - Unanimous vote

## **9.2 NOTICE OF MOTION; CLR ROBERT DWYER - CBD SIGNAGE**

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### **270212/ 4 RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That Council undertake an audit of all signage in the local government area and a report be provided to Council.

**CARRIED**

FOR VOTE - Janet Wilson, John O'Reilly, Lynette Zito, Robert Dwyer, Robert Leadbeater

AGAINST VOTE - Ross Brown, Ernie Bennett, Lindsay Passfield, Tom Cooper

## **9.3 NOTICE OF MOTION, CLR ROBERT DWYER - POLICY FOR OVERGROWN ALLOTMENTS**

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### **270212/ 5 RESOLVED**

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That Council look to develop a policy that will enable Council to address the concerns of residents neighbouring onto overgrown, derelict residential blocks of land, whether they be occupied or otherwise.

**CARRIED**

FOR VOTE - Unanimous vote

## **9.4 NOTICE OF MOTION, CLR ROBERT DWYER - INSTALLATION OF CATTLE GRIDS**

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### **270212/ 6 RESOLVED**

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That Council review the policy on the installation of grids in an attempt to overcome a situation that may occur where neighbours are in protracted dispute as to the legality of such structures and conformity to specifications.

**CARRIED**

FOR VOTE - Janet Wilson, John O'Reilly, Lynette Zito, Robert Dwyer, Robert Leadbeater, Tom Cooper

AGAINST VOTE - Ross Brown, Ernie Bennett, Lindsay Passfield

### **ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil

### **ITEM 11 DELEGATES REPORTS**

Nil.

### **ITEM 12 INFORMATION PAPERS**

#### **12.1 OUTSTANDING COUNCIL RESOLUTIONS**

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### **270212/ 7 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeater.

That the Outstanding Council Resolutions report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## **12.2 ON SITE SEWAGE MANAGEMENT SYSTEMS AND REGULATION OF SWIMMING POOLS**

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### **270212/ 8      RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That the report Onsite Sewage Management Systems and Regulation of Swimming Pools was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## **12.3 FINANCIAL REPORTS -JANUARY 2012**

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### **270212/ 9      RESOLVED**

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

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

**CARRIED**

FOR VOTE - Unanimous vote

## **12.4 DWELLING ENTITLEMENTS**

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A motion was moved by Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

1. That the Dwelling Entitlements report was received and noted.

A motion was foreshadowed by Councillor Lindsay Passfield,

2. That the issue of dwelling entitlements be discussed as a part of the Draft LEP Workshop.

The motion was put to the vote and was CARRIED.

**270212/ 10      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

1. That the Dwelling Entitlements report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Tom Cooper

2. That the issue of dwelling entitlements be discussed as a part of the Draft LEP Workshop.

The motion was put to the vote and was CARRIED.

**270212/ 11      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

2. That the issue of dwelling entitlements be discussed as a part of the Draft LEP Workshop.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13            GENERAL MANAGER 'S REPORT**

**ITEM 13A        TECHNICAL SERVICES REPORT**

**13A.1            TECHNICAL SERVICES COMMITTEE MEETING FEBRUARY 2012**

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**270212/ 12      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the minutes of the Technical Services Committee Meeting (13/02/12) were received and noted.



2. That Council adopt the Draft Drinking Water Quality Policy presented to Councils Ordinary Meeting of December 19, 2011 for the purposes of placing on public exhibition and advertising for submissions from the public.
3. That, under section 162 of the Roads Act 1993, Council adopts the proposed road name shown below and serve notice of this name on Australia Post, the Registrar-General and the Surveyor General as required under Section 7 of the Roads (General) Regulation 2000, prior to Gazettal.

<b>Road No.</b>	304
<b>Description of Route</b>	The un-named road near the village of Woodenbong starting from Lindsay Creek Road and running in a westerly direction through Lot 7016 DP 1072312 and immediately to the north of the adjoining Lot 7005 DP 1055056 then through to the western most boundary of Lot 7 DP 751059
<b>Proposed Road Name</b>	Recreation Road
<b>Reason</b>	Un-named road

4. That Council obtain quotes for headworks associated with the bridges identified in the budget as a single contract.

**CARRIED**

FOR VOTE - Unanimous vote

## **13A.2            WOODENBONG GOLF CLUB WATER AND SEWERAGE**

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### **270212/ 13        RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

1. That the report on the Woodenbong Golf Club Water and Sewerage was received and noted
2. That Council undertake works required to relocate the water meter to the Woodenbong Golf Club so that it is within Lot 124 DP 751059 within the current financial year.
3. That Council undertake the works required to relocate the septic pump out line for the Woodenbong Golf Club to within the public road reserve and connect the line to the sewerage system at the same time as the new water service is installed, with the costs of any materials being billed to the Woodenbong Golf Club.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 NOVEMBER 2011 TO 31 JANUARY 2012**

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**270212/ 14 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That, with the exception of the following items in which Councillors Tom Cooper and Councillor Lindsay Passfield have declared an interest,

- Cr Tom Cooper 13B.1 Development Applications Received, Determined and Outstanding DA 2011/34, 2011/180
- Cr Lindsay Passfield 13B.1 Development Applications Received, Determined and Outstanding DA 2011/126

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 December 2011 to 31 January 2012 was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

Having declared an interest in Item 13B.1 Councillor Tom Cooper and Councillor Lindsay Passfield left the meeting at 4.48 p.m.

**270212/ 15 RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 December 2011 to 31 January 2012 only in relation to DA.11/34,11/180 and DA.11/126, in which Councillors Lindsay Passfield and Tom Cooper have declared an interest was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Tom Cooper; Lindsay Passfield

Councillor Tom Cooper and Councillor Lindsay Passfield returned to the meeting at 4.49 p.m.

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**ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil

**ITEM 13D CORPORATE SERVICES REPORT**

**13D.1 FINANCIAL MANAGEMENT POLICY**

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**270212/ 16 RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the Financial Management Policy, as amended be presented to Council's March Ordinary Meeting.

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Ross Brown, seconded Councillor Lynette Zito

2. That Council provides a further report detailing the methodology by which surplus funds from the previous year's results are reallocated to the current budget and or reserves.

The motion was put to the vote and was CARRIED.

**270212/ 17 RESOLVED**

Councillor Ross Brown, seconded Councillor Lynette Zito.

2. That Council provides a further report detailing the methodology by which surplus funds from the previous year's results are reallocated to the current budget and or reserves.

**CARRIED**

FOR VOTE - Unanimous vote

**13D.2 DECEMBER QUARTER BUDGET/MANAGEMENT PLAN REVIEW**

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**270212/ 18 RESOLVED**

Councillor Lynette Zito, seconded Councillor Tom Cooper.

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1. That the December 2011, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained therein.

**CARRIED**

FOR VOTE - Unanimous vote

### **13D.3 MINUTES OF INTERNAL AUDIT COMMITTEE**

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#### **270212/ 19 RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

1. That the Minutes of the Internal Audit Committee were received and noted.
2. That a written report be submitted with the Quarterly Budget Review when year to date Actuals vary from Original Budget by 10% or more.
3. That all Financial Reports presented to Council show:
  - a. the Original Budget figure as including revotes;
  - b. both Original and amended Budget figures; and
  - c. variances, both by period and cumulative, to Original Budget.
4. That responses to the advertisement for the internal audit services come to the next Internal Audit Committee meeting.

**CARRIED**

FOR VOTE - Unanimous vote

### **ITEM 13E COMMUNITY SERVICES REPORT**

#### **13E.1 REQUEST FOR SPONSORSHIP - KYOGLE CINEMA**

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#### **270212/ 20 RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Janet Wilson.

That the request for sponsorship for the Kyogle Cinema was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## **13E.2 MINUTES OF CORPORATE & COMMUNITY MEETING**

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Having declared an interest in item 13E.2 Councillor Janet Wilson left the meeting at 5.22 p.m.

### **270212/ 21 RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

1. That the Minutes of the Corporate & Community Services committee are received and noted.
2. That Council proceed with an application to register Kyogle as "RV Friendly".

**CARRIED**

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

Councillor Janet Wilson returned to the meeting at 5.33 p.m.

## **ITEM 13F GENERAL MANAGER'S REPORT**

### **13F.1 2012 LOCAL GOVERNMENT ELECTIONS**

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### **270212/ 22 RESOLVED**

Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the 2012 Local Government Elections report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

**13F.2                    INQUIRY INTO THE AUSTRALIAN FORESTRY INDUSTRY**

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**270212/ 23        RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the Inquiry Into the Australian Forestry Industry Report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

**13F.3                    CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

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**270212/ 24        RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That Council will factor into its 2012/2013 and subsequent two year budgets, total funding of \$13,960.14 plus GST for contribution towards the constitutional recognition of local government.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 14                URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 15                        QUESTIONS FOR NEXT ORDINARY MEETING**

Councillor Robert Dwyer

- Requested Council staff provides an update on a green waste policy.

**ITEM 16            CONFIDENTIAL BUSINESS PAPER**

**16.01            MOVE INTO CLOSED COUNCIL**

**Item 16.1 External Audit Tender**

These items are classified CONFIDENTIAL under section 10A(2) (i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following;

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

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

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

**270212/ 25        RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

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

**CARRIED**

FOR VOTE - Unanimous vote

Council closed its meeting at 5.26 p.m. The public and media left the Chamber.

**16.02            OPEN COUNCIL RESUMES**

**270212/ 26        RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

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

Open Council resumed at 5.36 p.m.

**CARRIED**

FOR VOTE - Unanimous vote

#### **16.1 EXTERNAL AUDIT TENDER**

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1. That the Council interview panel comprises of the Mayor, Deputy Mayor, Councillors Zito and Wilson.
2. That the interview be conducted on 12 March, 2012 and be followed by an Extraordinary meeting on the same day to make the determination.

**CARRIED**

FOR VOTE - Unanimous vote

#### **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5.37 p.m.



