

Kyogle Council

Confirmed Minutes of the Extraordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 9 May 2011.

PRESENT

Cr. E. Bennett, (Mayor in the Chair), Cr. J. Wilson, Cr R. Brown (arrived 3.43 pm) Cr. J. O'Reilly, Cr. L. Passfield , Cr. R. Dwyer and Cr. T. Cooper.

IN ATTENDANCE

The General Manager, the Director of Technical Services, the Director of Planning & Environmental Services, the Manager Asset 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

An apology was received from Councillor Robert Leadbeatter, Councillor Lynette Zito and Councillor Ross Brown (arriving late).

090511/ 1 RESOLVED

Moved Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the apologies be accepted and the leave of absences were granted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito, Robert Leadbeatter, Ross Brown

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

Nil

ITEM 5 GENERAL MANAGER'S REPORT

5.1 RELEASE OF STORMWATER EASEMENT

090511/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That the report on Release of Stormwater Easement was received and noted.
2. That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the release of the easement to drain water over Lot 11 DP 854721.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito, Robert Leadbeatter, Ross Brown

ITEM 6 CONFIDENTIAL BUSINESS PAPER

6.01 MOVE INTO CLOSED COUNCIL

Item 6.1 - Tenders for replacement of Boomi Creek Bridge - Clarence Way

This item is 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.

**Item 6.2 Stormwater Easement and
Item 6.3 Stormwater and Flood Management**

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.

090511/ 3 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

Council Closed its meeting at 3.40 p.m. The public and media left the Chamber.

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito, Robert Leadbeatter, Ross Brown

6.02 RESOLUTIONS FROM THE CLOSED MEETING

090511/ 4 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the following resolutions of Council while the meeting was closed to the public were read to the meeting by the General Manager.

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito, Robert Leadbeatter

6.1 TENDERS FOR REPLACEMENT OF BOOMI CREEK BRIDGE - CLARENCE WAY

1. That the tender of \$622,595 plus GST from E K Sanderson Engineering and Contracting be accepted.
2. That the Mayor and General Manager be authorised to execute the contract documents for the construction of the Boomi Creek bridge under Council seal.
3. That additional funding of \$71,298 be included in the 2011/12 budget for the completion of this project.

6.2 STORMWATER EASEMENT

Councillor Ross Brown joined the meeting at 3.43 pm.

1. That the report on Stormwater Easement was received and noted.
2. That Council authorises the General Manager to negotiate for the acquisition of easements over Lot 350 DP 1006091, and Lot 1 DP 547341 and Lot 2 DP 572171 as per the proposed agreement outlined in this report.
3. That, subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the formal Agreement for the acquisition of easements with the land owners of Lot 350 DP 1006091, and Lot 1 DP 547341 and Lot 2 DP 572171.

6.3 STORMWATER AND FLOOD MANAGEMENT

1. That the report on Stormwater and Flood Management was received and noted.
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2. That Council defers any voluntary house purchases until negotiations relating to the acquisition of an easement for stormwater, has been concluded.
3. That at the earliest appropriate time, Council convenes a workshop to discuss the issues in the Confidential Business Paper today.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 4.15 p.m.

Signature of Chairperson.....

