

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Mallanganee Public Hall, Mallanganee, on Monday 15 March 2010.

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 and Cr. T. Cooper.

IN ATTENDANCE

The General Manager, the 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.

A scribe for Councillor Janet Wilson Mr Eric Kaiser was also present.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 2.30 p.m.

ITEM 1 APOLOGIES

Councillor Janet Wilson sought in writing leave of absence from the April Ordinary Meeting of Council.

150310/ 1 RESOLVED

Moved Councillor Ernie Bennett, seconded Councillor John O'Reilly.

Councillor Janet Wilson's request for leave of absence for the April meeting was accepted and granted.

CARRIED

FOR VOTE - Unanimous vote

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

Director of Planning & Environmental Services declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 February 2010 - 28 February 2010 - 2007/188
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

General Manager declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 February 2010 - 28 February 2010 - 2009/35
Reason for Declaration – sister involved in preparation of rezoning application.

Cr. Ross Brown declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 February 2010 - 28 February 2010 - 2009/18
Reason for Declaration – adjoining land owner

Cr. Janet Wilson declared a perceived conflict of interest during the following item/s although did not leave the room:

- Item 15E.1 Draft Cultural Strategy 2010
Reason for Declaration – possibly teaching at facilities.

ITEM 5 QUESTION TIME

Nil

ITEM 6 PUBLIC ACCESS

- Mr Rob Carroll - withdrew his request for this Ordinary meeting and asked that he be provided access at the April Ordinary Meeting.
- Mr Tom Fitzgerald representative of the Planning & Development Committee Kyogle Historical Society Museum Project addressed the meeting in relation to the proposed Art Gallery/Museum (Item 15E.2).
Presented 609 signature's supporting the proposed project. Stated that the design sketch prepared by staff, is not a true reflection of community's thoughts and no input was sought from either the Art Gallery or Museum committees. Stated that professional people with expertise in designing Art Galleries and Museums should be commissioned to design the project? Asked again that Council without further procrastination make available the land adjacent to the Library, facing Bloore Street for this project? Tabled - petition and deputation.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE

9.1 MATTERS DETERMINED WITHOUT DEBATE

There were no items identified.

ITEM 10 CONFIRMATION OF MINUTES

10.1 CONFIRMATION OF ORDINARY MINUTES

150310/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Minutes of the Ordinary Meeting held 15 February 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 MAYORAL MINUTE

Nil.

ITEM 12 NOTICES OF MOTION

12.1 NOTICE OF MOTION; CLR LINDSAY PASSFIELD - IMPORTATION BEEF PRODUCTS

150310/ 3 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

That Council register with the Federal Ministers for Trade and Agriculture it's concern about and opposition to, the importation of Beef products from countries with:-

- a) BSE (Bovine spongiform encephalopathy)
- b) Lesser standards of product integrity and traceability and
- c) Subsidies for their producers and/or processors.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 DELEGATES REPORTS

13.1 DEPUTY MAYOR ATTENDANCES

150310/ 4 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the information contained in the Deputy Mayor Attendances for the period 1 February 2010 to 28 February 2010 was received and noted.
2. That the General Manager and the Mayor (or his representative) attend the Annual Conference.
3. That Kyogle Council consider hosting the "A" Division Conference in 2011.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 INFORMATION PAPERS

14.1 MONTHLY FINANCIAL REPORT

The Chair ruled this matter would be dealt with at the April Ordinary Meeting due to attachments not being provided.

14.2 FLASHING LIGHTS IN SCHOOL ZONES

150310/ 5 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the report Flashing Lights in School Zones was received and noted.

CARRIED

FOR VOTE - Unanimous vote

14.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES

150310/ 6 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That the minutes of Local Emergency Management Committee meeting were received and noted.

CARRIED

FOR VOTE - Unanimous vote

14.4 MINUTES OF THE SUMMERLAND WAY PROMOTIONAL MEETING - FEBRUARY 2010

150310/ 7 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Minutes of the Summerland Way Promotional Committee meeting held February 12, 2010, were received and noted.

CARRIED

FOR VOTE - Unanimous vote

14.5 WORKS COMMITTEE MEETING - MARCH

150310/ 8 **RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the minutes of the Works Committee meeting held March 8, 2010 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15 **GENERAL MANAGER 'S REPORT**

ITEM 15A **TECHNICAL SERVICES REPORT**

Nil

ITEM 15B **PLANNING SERVICES REPORT**

15B.1 **DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR PERIOD FEBRUARY 1, 2010 TO FEBRUARY 28, 2010**

150310/ 9 **RESOLVED**

Councillor Tom Cooper, seconded Councillor Robert Dwyer.

1. That, with the exception of the following items in which Councillor Ross Brown The General Manager and Director of Planning & Environmental Services have declared an interest,

- Cr Ross Brown 15B.1 Development Applications Received, Determined and Outstanding DA 2009/18
- The General Manager 15B.1 Development Applications Received, Determined and Outstanding DA 2009/35
- Director of Planning & Environmental Services 15B.1 Development Applications Received, Determined and Outstanding DA 2007/188

The information contained in the report Development Applications Received, Determined and Outstanding for the period February 1, 2010 to February 28, 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

That a report be provided to Council in relation to Multiple Occupancies, including the pros and cons.

The motion was put to the vote and was CARRIED.

150310/ 10 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

That a report be provided to Council in relation to Multiple Occupancies, including the pros and cons.

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 15B.1 Mayor Ross Brown, The General Manager, and the Director of Planning & Environmental Services left the meeting at 2.56 p.m.

Deputy Mayor Councillor Lynette Zito assumed the position of the Chair.

150310/ 11 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

2. That the information contained in the report Development February 1, 2010 to February 28, 2010 only in relation to DA09/18, DA09/35 and DA07/188. In which Councillor Ross Brown, The General Manager and Director of Planning & Environmental Services have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown

Councillor Ross Brown, the General Manager and the Director of Planning & Environmental Services returned to the meeting at 2.57 p.m.

The Mayor Ross Brown resumed the Chair.

**15B.2 VILLAGE MAINTENANCE AGREEMENT RENEWAL -
WOODENBONG & DISTRICT PROGRESS ASSOCIATION INC**

A motion was moved by Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

1. That the report regarding the renewal of the village maintenance agreement with the Woodenbong and District Progress Association Council was received and noted.
2. That the Mayor and General Manager be authorised to sign and affix the Council seal to the Village Maintenance Agreement between Kyogle Council, and the Woodenbong and District Progress Association.

A motion was foreshadowed by Councillor Tom Cooper.

That Council write an acknowledgement letter to all Progress Associations as the contracts fall due and express Council's appreciation for their valuable assistance.

The motion was put to the vote and was CARRIED.

150310/ 12 RESOLVED

Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

1. That the report regarding the renewal of the village maintenance agreement with the Woodenbong and District Progress Association Council was received and noted.
2. That the Mayor and General Manager be authorised to sign and affix the Council seal to the Village Maintenance Agreement between Kyogle Council, and the Woodenbong and District Progress Association.

CARRIED

FOR VOTE - Unanimous vote

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

That Council write an acknowledgement letter to all Progress Associations as the contracts fall due and express Council's appreciation for their valuable assistance.

The motion was put to the vote and was CARRIED.

150310/ 13 RESOLVED

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

That Council write an acknowledgement letter to all Progress Associations as the contracts fall due and express Council's appreciation for their valuable assistance.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 15D CORPORATE SERVICES REPORT

Nil.

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 DRAFT CULTURAL STRATEGY 2010

150310/ 14 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the amended Draft Cultural Strategy 2010 – 2012 be placed on public display for 28 days to enable public comment.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Lynette Zito, seconded Councillor John O'Reilly.

1. That Kyogle Council's "Traditional Lands Acknowledgement" be expanded by the addition of the words "and we acknowledge Elders, both past and present".

The motion was put to the vote and was CARRIED.

150310/ 15 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That Kyogle Council's "Traditional Lands Acknowledgement" be expanded by the addition of the words "and we acknowledge Elders, both past and present".

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Lynette Zito, seconded Councillor John O'Reilly.

2. That under the current service agreement, CTC (now known as Kyogle Together) be engaged to provide a report to Council on the suitability and cost of using the Mallanganee and Grevillea school buildings as cultural facilities.

Following motion no. 2 Councillor Janet Wilson declared a perceived conflict of interest although she would not be leaving the room. Reason for Declaration – future possibility of teaching at facilities.

The motion was put to the vote and was CARRIED.

150310/ 16 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

2. That under the current service agreement, CTC (now known as Kyogle Together) be engaged to provide a report to Council on the suitability and cost of using the Mallanganee and Grevillea school buildings as cultural facilities.

CARRIED

FOR VOTE - Unanimous vote

15E.2 FEASIBILITY PLAN KYOGLE GALLERY AND MUSEUM

A motion was moved by Councillor Robert Dwyer, seconded Councillor Lynette Zito.

1. That Council supports in principle the concept of a combined Art Gallery and Museum co-located with the library.
2. That Council contributes \$5,000 towards an architectural concept design for the combined Art Gallery and museum co-located with the Library subject to the design incorporating a storage area for Council's maintenance tools/equipment and Council's street cleaner.

An amendment was moved by Councillor Lindsay Passfield, seconded Lynette Zito

1. That Council supports in principle the concept of a combined Art Gallery and Museum co-located with the library.
2. That Council contributes \$5,000 towards an architectural concept design for the combined Art Gallery and museum co-located with the Library, subject to;
 - a) the design incorporating a storage area for Council's maintenance tools/equipment and Council's street cleaner,
 - b) the design taking into account Council's parking requirements.

The AMENDMENT was put to the vote and was CARRIED.

The amendment then became the MOTION.

FOR VOTE - Ernie Bennett, Janet Wilson, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Ross Brown

AGAINST VOTE - Robert Leadbeatter, Tom Cooper

150310/ 17 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That Council supports in principle the concept of a combined Art Gallery and Museum co-located with the library.
2. That Council contributes \$5,000 towards an architectural concept design for the combined Art Gallery and museum co-located with the Library, subject to;
 - a) the design incorporating a storage area for Council's maintenance tools/equipment and Council's street cleaner,
 - b) the design taking into account Council's parking requirements.

CARRIED

FOR VOTE - Ernie Bennett, Janet Wilson, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Ross Brown

AGAINST VOTE - Robert Leadbeatter, Tom Cooper

ITEM 15F GENERAL MANAGER'S REPORT

15F.1 CODE OF CONDUCT MATTER

A motion was moved by Councillor Robert Dwyer

That the matter be deferred to the Confidential section of the business paper.

The Mayor ruled that that the motion was out of order and the matter would be dealt within open Council.

A motion was moved by Councillor Ernie Bennett, seconded Councillor Tom Cooper.

1. As per documentation of the reviewer of 26 August 2009, Council notes that Councillor Janet Wilson's actions constitute a breach of the Code of Conduct.
2. Council requires Councillor Janet Wilson to apologise to the Council staff involved, prior to the next Council meeting.

A motion was foreshadowed by Councillor Lynette Zito

That this matter be referred back to the reviewer under the following section of the Kyogle Council Code of Conduct. – Section 14.7 a) and d) due to a lack of procedural fairness.

The motion was put to the vote and was CARRIED.

150310/ 18 RESOLVED

Councillor Ernie Bennett, seconded Councillor Tom Cooper.

1. As per documentation of the reviewer of 26 August 2009, Council notes that Councillor Janet Wilson's actions constitute a breach of the Code of Conduct.
2. Council requires Councillor Janet Wilson to apologise to the Council staff involved, prior to the next Council meeting.

CARRIED

FOR VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Ross Brown, Tom Cooper

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

15F.2 TIMBER INDUSTRY TOUR REPORT

150310/ 19 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

That the Timber Industry Tour report was received and noted.

CARRIED

FOR VOTE - Ernie Bennett, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Ross Brown, Tom Cooper

AGAINST VOTE - John O'Reilly, Robert Dwyer

ITEM 16 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 17 CONFIDENTIAL BUSINESS PAPER

17.01 MOVE INTO CLOSED COUNCIL

On closing the meeting to the public.

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

The matters and information are the following;

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

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 17.1 - Kyogle Flood Modification

This item is classified CONFIDENTIAL under section 10A(2)(a) 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

Agreement details, should they be revealed, may result in commercial disadvantage to parties involved in the process. Some information provided to Council is provided on the basis that Council will treat it as commercial in confidence.

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.

150310/ 20 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Ernie Bennett.

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 3.56 p.m. The public and media left the Chamber.

17.02 MOVE OUT OF CLOSED COUNCIL

150310/ 21 RESOLVED

Moved by Councillor Ernie Bennett, seconded by Councillor Robert Leadbeatter.

That Council move out of Closed Council and into Open Council.

Open Council resumed at 4.02 p.m.

The following resolutions of Council while the meeting was closed to the public were read to the meeting by the Mayor.

CARRIED

FOR VOTE - Unanimous vote

17.1 KYOGLE FLOOD MODIFICATION

1. That the Kyogle Flood Modification Measures report was received and noted.
2. That Council engages the services of the NSW Public Works to project manage the pre-construction activities associated with the Kyogle flood modification measures as per their proposal of February 2010.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 4.03 p.m.

Signature of Chairperson.....

