

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 16 August 2010.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, Cr. J. Wilson, Cr. L. Passfield , Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter 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

An apology was received from Councillor John O'Reilly.

It was noted that Councillor John O'Reilly was granted leave of absence for this meeting at the July 2010 Ordinary meeting.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2010 - 31 July 2010 - 2009/18
Reason for Declaration – adjoining land owner

Director of Corporate & Community Services declared an interest in the following item/s:

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2010 - 31 July 2010 - 2010/149 & 2011/07
Reason for Declaration - Relative of property owner and property owner.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 July 2010 - 31 July 2010 - 2011/12 and 2011/07
Reason for Declaration - property owner and sister involved in preparation.

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 July 2010 - 31 July 2010 - 2007/188
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.
- Item 15F.1 Acting General Manager
Reason for Declaration – named in report

Cr. Ernie Bennett declared an interest in the following item/s:

- Item 15B.3 Principal Local Environmental Plan
Reason for Declaration – ability to subdivide will be affected by proposed changes.

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

- Item 15B.3 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

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

- Item 15B.3 Principal Local Environmental Plan
Reason for Declaration - ability to subdivide will be affected by proposed changes.

Cr. Robert Dwyer declared an interest in the following item/s:

- Item 15B.3 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

Cr. Robert Leadbeatter declared an interest in the following item/s:

- Item 15B.3 Principal Local Environmental Plan
Reason for Declaration - ability to subdivide will be affected by proposed changes.

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

- Item 15B.3 Principal Local Environmental Plan
Reason for Declaration – Member of showground trust.

ITEM 5 QUESTION TIME

Mrs Anne Reardon addressed the meeting in relation to:

- Keep Australia Beautiful judging to be held tomorrow, 17 August 2010, and thanked Council for their assistance in assisting with the beautification of the town.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 MATTERS DETERMINED WITHOUT FURTHER DEBATE

There were no items identified.

ITEM 9 CONFIRMATION OF MINUTES

10.1 CONFIRMATION OF ORDINARY MINUTES - 19 JULY 2010

160810/ 1 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Minutes of the Ordinary Meeting held 19 July 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

10.2 CONFIRMATION OF EXTRAORDINARY MEETING - 27 JULY 2010

160810/ 2 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That the Minutes of the Extraordinary Meeting held 27 July 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

ITEM 10 MAYORAL MINUTE

Nil.

ITEM 11 NOTICES OF MOTION

Nil.

ITEM 12 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 13 DELEGATES REPORTS

13.1 DEPUTY MAYOR ATTENDANCES

160810/ 3 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the information contained in the Deputy Mayor Attendances for the period 1 July to 31 July 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

ITEM 14 INFORMATION PAPERS

Nil.

ITEM 15 GENERAL MANAGER 'S REPORT

ITEM 15A TECHNICAL SERVICES REPORT

15A.1 WORKS COMMITTEE MEETING - JULY

160810/ 4 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

1. That the minutes of the Works Committee Meeting held July 19, 2010 were received and noted.
2. That in light of the dangerous condition of the intersection of the Bruxner Highway and the Clarence Way (MR 150), Council approach candidates in the run up to the next state election seeking a guarantee of funding for this project.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

15A.2 RURAL FIRE SERVICE ZONING PROPOSAL

160810/ 5 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

1. That the Rural Fire Service Zoning Proposal report was received and noted.
2. That Council hold a workshop to further consider the Rural Fire Service Zoning proposal.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

ITEM 15B PLANNING SERVICES REPORT

**15B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND
OUTSTANDING FOR THE PERIOD JULY 1, 2010 TO JULY 31, 2010**

160810/ 6 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

1. That, with the exception of the following items in which Councillor Ross Brown, the Director of Planning & Environmental Services, the Director of Corporate & Community Services and the General Manager have declared an interest,
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- Cr Ross Brown 15B.1 Development Applications Received, Determined and Outstanding DA 2009/18
- Director of Planning & Environmental Services 15B.1 Development Applications Received, Determined and Outstanding DA 2007/188
- Director of Corporate & Community Services 15B.1 Development Applications Received, Determined and Outstanding DA 2010/149 & 2011/07
- General Manager 15B.1 Development Applications Received, Determined and Outstanding DA 2011/12 & 2011/07

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July 2010 to 31 July, 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote
 ABSENT. DID NOT VOTE - John O'Reilly

Having declared an interest in Item 15B.1 Councillor Ross Brown, the Director of Corporate & Community Services and the General Manager left the meeting at 3.40 p.m.

The Director of Planning & Environmental Services was asked to remain in order to answer questions in relation to DA 2011/07.

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

160810/ 7 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July 2010 to 31 July 2010 only in relation to DA11/07 in which the Director of Corporate & Community Services has declared an interest was received and noted.

FOR VOTE - Unanimous vote
 ABSENT. DID NOT VOTE - John O'Reilly, Ross Brown

Having declared an interest Item 15B.1 DA07/188 the Director of Planning & Environmental Services left the meeting at 3.44 p.m.

160810/ 8 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

3. That the information contained in the report Development 1 July 2010 to 31 July 2010 only in relation to DA09/18, DA07/188, DA10/149, DA11/12 in which Councillor Ross Brown, the Director of Planning & Environmental Services, Director of Corporate & Community Services and the General Manager in which have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - John O'Reilly, Ross Brown

Councillor Ross Brown, the Director of Planning & Environmental Services, the Director of Corporate & Community Services and the General Manager returned to the meeting at 3.49 p.m.

The Mayor Ross Brown resumed the Chair.

15B.2 CERTIFICATE OF IDENTIFICATION

160810/ 9 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lynette Zito.

- 1) That the report *Certificate of Identification* was received and noted.
- 2) That the Mayor and the General Manager be authorised to place Council's seal on the Swimming Pool Certificate of Identification for the relevant regulatory officers in accordance with Section 27 of the Swimming Pools Act 1992, and Schedule 1 of the Swimming Pools Regulation 2008.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - John O'Reilly

15B.3 PRINCIPAL LOCAL ENVIRONMENTAL PLAN

Declarations of interest in Item 15B.2 were received from Councillors Robert Leadbeater, Ernie Bennett, Lindsay Passfield, Tom Cooper, Janet Wilson and Robert Dwyer.

The General Manager advised an exemption from the Minister of Planning for the Local Environmental Plan has been sought and Council is awaiting a response.

Therefore the matter was unable to be discussed, due to a lack of a quorum.

**15B.4 VILLAGE MAINTENANCE AGREEMENT RENEWAL -
MALLANGANEE & DISTRICT PROGRESS ASSOCIATION**

160810/ 10 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the report regarding the renewal of the village maintenance agreement with the Mallanganee 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 Mallanganee and District Progress Association.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

**15B.5 VILLAGE MAINTENANCE AGREEMENT RENEWAL - WIANGAREE &
DISTRICT PROGRESS ASSOCIATION**

160810/ 11 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

1. That the report regarding the renewal of the village maintenance agreement with the Wiangaree 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 Wiangaree and District Progress Association.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

15B.6 VILLAGE MAINTENANCE AGREEMENT RENEWAL - BONALBO & DISTRICT DEVELOPMENT ASSOCIATION

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

1. That the report regarding the renewal of the village maintenance agreements with the Bonalbo and District Development 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 Bonalbo and District Development Association.

The motion was withdrawn.

A motion was moved by Councillor Tom Cooper

That Council extend the current village agreement with the Bonalbo and District Development Association for an additional month, whilst Council liaises with the Association and a further report be provided back to Council once discussions are held regarding maintenance of McNamee Park.

The motion was put to the vote and was CARRIED.

160810/ 12 RESOLVED

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

That Council extend the current village agreement with the Bonalbo and District Development Association for an additional month, whilst Council liaises with the Association and a further report be provided back to Council once discussions are held regarding maintenance of McNamee Park.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

ITEM 15C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 15D CORPORATE SERVICES REPORT

15D.1 CONFIRMATION OF GOVERNANCE COMMITTEE MEETING - 9 AUGUST 2010

160810/ 13 RESOLVED

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That the Governance Committee Meeting report was received and noted.
2. That Council advertise for expressions of interest from members of the public interested in becoming a member of the Code of Conduct Panel.
3. That Council forms a panel consisting of the Mayor, Deputy Mayor and the General Manager to consider applications and interview prospective Conduct Review Committee members.
4. That if insufficient suitable applications are received that the General Manager compile a list of those people who are already providing this service for other Councils and are available to provide the same service for Kyogle Council.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

15D.2 STAFF MOTOR VEHICLE CONTRIBUTIONS

160810/ 14 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the amended staff motor vehicle contribution rates be adopted effectively immediately.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

15D.3 COMMUNITY STRATEGIC PLAN.

160810/ 15 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the Community Strategic Plan was adopted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 ECONOMIC DEVELOPMENT POLICY

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Draft Economic Development Policy be placed on public exhibition for a period of 28 days.
2. That Growing Kyogle (Kyogle Community Economic Development Committee Inc.) be thanked for their contribution in facilitating the development of the Draft Economic Development Policy.

A motion was foreshadowed by Councillor Janet Wilson

That Council seek a report on how the Draft Economic Development Policy can be implemented and prioritised over a timeframe that fits with the integrated planning process.

Councillor Lindsay Passfield and Councillor Lynette Zito withdrew the motion.

A further motion was foreshadowed by Councillor Lindsay Passfield

- 1) That Growing Kyogle (Kyogle Community Economic Development Committee Inc.) be thanked for their contribution in facilitating the development of the Draft Economic Development Policy.
- 2) That the report Economic Development Policy was received and noted.
- 3) That Council workshop the Draft Economic Development Policy before placing a document on public exhibition.

A motion was moved by Councillor Janet Wilson, seconded by Councillor Robert Dwyer.

That Council seek a report on how the Draft Economic Development Policy can be implemented and prioritised over a timeframe that fits with the integrated planning process.

The motion was put to the vote and was CARRIED.

160810/ 16 RESOLVED

Councillor Janet Wilson, seconded Councillor Robert Dwyer.

1. That Council seek a report on how the Draft Economic Development Policy can be implemented and prioritised over a timeframe that fits with the integrated planning process.

CARRIED

FOR VOTE - Janet Wilson, Lynette Zito, Robert Dwyer, Ross Brown (Mayor's Casting Vote)

AGAINST VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Tom Cooper

ABSENT. DID NOT VOTE - John O'Reilly

A motion was moved by Councillor Lindsay Passfield, seconded by Councillor Lynette Zito.

2. That Growing Kyogle (Kyogle Community Economic Development Committee Inc.) be thanked for their contribution in facilitating the development of the Draft Economic Development Policy.
3. That the report Economic Development Policy was received and noted.
4. That Council workshop the Draft Economic Development Policy before placing a document on public exhibition.

The motion was put to the vote and was CARRIED.

160810/ 17 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

2. That Growing Kyogle (Kyogle Community Economic Development Committee Inc.) be thanked for their contribution in facilitating the development of the Draft Economic Development Policy.
3. That the report Economic Development Policy was received and noted.
4. That Council workshop the Draft Economic Development Policy before placing a document on public exhibition.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - John O'Reilly

15E.2 MONTHLY FINANCIAL REPORT - JULY

160810/ 18 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That the Monthly Finance Report – July was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

15E.3 JUNE QUARTER BUDGET/MANAGEMENT PLAN REVIEW

160810/ 19 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

1. That the June 2010, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That the funds identified as revotes in the June 2010 budget review were incorporated into the 2010/11 budget.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

ITEM 15F GENERAL MANAGER'S REPORT

15F.1 ACTING GENERAL MANAGER

Having declared an interest in Item 15F.1 the Director of Planning & Environmental Services left the meeting at 4.41 p.m.

160810/ 20 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

That the Director of Planning & Environmental Services, Mr. John Hession was appointed Acting General Manager for the period from 27 August, 2010 to 6 September, 2010 inclusive.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - John O'Reilly

The Director of Planning & Environmental Services returned to the meeting at 4.42 p.m.

ITEM 16 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 17 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 4.43 p.m.

Signature of Chairperson.....

