

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 19 April 2010.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, 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 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

It was noted that Councillor Janet Wilson was granted leave of absence for this meeting at the March 2010 Ordinary meeting.

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

Council acknowledges that this meeting is being held on the Traditional Lands of the Bundjalung people and we acknowledge Elders, both past and present.

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 March 2010 - 31 March 2010 - 2007/188
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

Cr. Lynette Zito declared an interest in the following item/s:

- Item 15F.4 Request for Financial Assistance – Kyogle Chamber of Commerce
Reason for Declaration – Past President and current member.

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

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

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

- Item 15F.4 Request for Financial Assistance – Kyogle Chamber of Commerce
Reason for Declaration – financial member of the Chamber.

ITEM 5 QUESTION TIME

Mr Alan Roberts addressed the meeting in relation to:-

- Being denied public access for a fourth time.
- Questioned Code of Councillor Conduct and referred to Council's Ordinary Meeting held 21 December 2009, and the proposal to limit public access to once per year per person. Also referred to a media article stating the Mayor made facial gestures to Council staff during Mr Roberts address to Council at this meeting.

The Mayor stated that the comments were incorrect.

- Repco Rally Event and stated that Kyogle LGA has the greatest diversity of species, also the most extensive sub-tropical rainforest in the world. Referred to the re-establishment of roads in environmentally sensitive areas in State Forests and National Parks, such the Duck Creek to Afterlee Road and Peacock Creek Road carried out for the Repco Rally Event.

The Mayor advised the only road which was re-established for the purpose of the Repco Rally Event was though private property in the Toonumbar area. Further advised that the crossings placed in the Peacock Creek area were made by private contractors and paid for by Repco Rally Australia. State forests are responsible for that road.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 QUESTIONS WITH NOTICE FROM COUNCILLORS

8.1 QUESTIONS WITH NOTICE; COUNCILLOR JANET WILSON

190410/ 1 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That the Questions with Notice; Councillor Janet Wilson was received and noted.

CARRIED

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

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

190410/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

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

CARRIED

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

10.2 CONFIRMATION OF EXTRAORDINARY MINUTES

190410/ 3 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the Minutes of the Extraordinary Meeting held 29 March 2010 were adopted.

CARRIED

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

ITEM 11 MAYORAL MINUTE

11.1 MAYORAL REPORT - TIMBER INDUSTRY REPORT

A motion was moved by Councillor Ross Brown, seconded Councillor Robert Dwyer.

1. That Council acknowledges the Councillors and Staff involved in the Timber Industry tour and the positive results that have shown to date.
2. That The Timber Industry Working Group maintain funding of \$4,000 approximately as working capital for future activities.
3. That \$5,000 of the unexpended funds be re-allocated to cover Councils contribution to the combined museum/art gallery design as per council resolution 150310/17.

A motion was foreshadowed by Councillor Tom Cooper.

4. That Council contact Deloitte, Administrators for FEA Australia in regards to concerns about potential fires and the maintenance of fire breaks.

The motion was put to the vote and was CARRIED.

190410/ 4 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer.

1. That Council acknowledges the Councillors and Staff involved in the Timber Industry tour and the positive results that have shown to date.
2. That The Timber Industry Working Group maintain funding of \$4,000 approximately as working capital for future activities.
3. That \$5,000 of the unexpended funds be re-allocated to cover Councils contribution to the combined museum/art gallery design as per council resolution 150310/17.

CARRIED

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

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

ABSENT. DID NOT VOTE - Janet Wilson

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

4. That Council contact Deloitte, Administrators for FEA Australia in regards to concerns about potential fires and the maintenance of fire breaks.

The motion was put to the vote and was CARRIED.

190410/ 5 RESOLVED

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

4. That Council contact Deloitte, Administrators for FEA Australia in regards to concerns about potential fires and the maintenance of fire breaks.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 12 NOTICES OF MOTION

12.1 NOTICE OF MOTION; CLR JANET WILSON - IMPROVING CONDITIONS FOR THE HEARING IMPAIRED

The Mayor ruled that the matter be deferred until the May Ordinary Meeting, as Councillor Janet Wilson was not present.

12.2 NOTICE OF MOTION; CLR LINDSAY PASSFIELD - WOODENBONG CENTRAL SCHOOL SUCCESS

190410/ 6 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

1. That Kyogle Council write to the Woodenbong Central School congratulating it on its recent success at the Sydney Royal Easter Show.
2. That Kyogle Council write to the Northern Districts Exhibits Committee congratulating it on its success at the Sydney Royal Easter Show.

CARRIED

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

ITEM 13 DELEGATES REPORTS

Nil.

ITEM 14 INFORMATION PAPERS

14.1 MONTHLY FINANCIAL REPORT - FEBRUARY

190410/ 7 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the Monthly Finance Report was received and noted.

CARRIED

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

14.2 MONTHLY FINANCIAL REPORT - MARCH

190410/ 8 RESOLVED

Councillor Ernie Bennett, seconded Councillor John O'Reilly.

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

CARRIED

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

ITEM 15 GENERAL MANAGER 'S REPORT

ITEM 15A TECHNICAL SERVICES REPORT

15A.1 WORKS COMMITTEE MEETING - APRIL 2010

190410/ 9 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the minutes of the Works Committee meeting held April 12, 2010 were received and noted.
2. That Council seek formal agreement with Forests NSW that all costs associated with the closure are to be borne by the applicant.
3. That Council seek formal agreement with Forests NSW to allow Forests NSW to take over responsibility and accept all liability for the section of Connells Road, including indemnifying Council against any claims, until such time as the road closure and transfer are completed.
4. That Council proceeds to lodge a Road Closure Application once agreement has been obtained for the costs associated with the application to be borne by Forests NSW.
5. That Council in association with Forests NSW undertake discussion with residents of Connells Road with regard to the proposed closure of Connells Road and seek their views which are to be the subject of a separate report to Council.
6. 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

closing of the portion of Public Road through Lot 1 DP 751073, Lot 45 DP 751073, Lot 8 DP 751073, Lot 1 DP 566612 and Lot 2 DP 751073 and adjoining Lot 8A DP 6128, and Lot 8 DP 6128 within Yabbra State Forest at Urbenville.

7. That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the transfer of the portion of Public Road through Lot 1 DP 751073, Lot 45 DP 751073, Lot 8 DP 751073, Lot 1 DP 566612 and Lot 2 DP 75107.3 and adjoining Lot 8A DP 6128, and Lot 8 DP 6128 within Yabbra State Forest at Urbenville

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 15B PLANNING SERVICES REPORT

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

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

1. That Development Application 2010/104 be referred to the Planning Committee and following this be determined by full Council.

The motion was put to the vote and was CARRIED.

190410/ 10 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. That Development Application 2010/104 be referred to the Planning Committee and following this be determined by full Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

190410/ 11 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

2. 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 March 1, 2010 to March 31, 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

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 4.20 p.m.

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

190410/ 12 RESOLVED

Councillor John O'Reilly, seconded Councillor Ernie Bennett.

3. That the information contained in the report Development March 1, 2010 to March 31, 2010 only in relation to 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 - Janet Wilson, Ross Brown

Councillor Ross Brown, the General Manager and the Director of Planning & Environmental Services returned to the meeting at 4.22 p.m.

The Mayor Ross Brown resumed the Chair.

15B.2 KYOGLE LOCAL GROWTH MANAGEMENT STRATEGY

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

1. That Council adopts the Kyogle Local Growth Management Strategy – April 2010.
2. That Council, as required by the Far North Coast Regional Strategy, send the Local Growth Management Strategy to the Department of Planning for endorsement.

A motion was foreshadowed by Councillor Tom Cooper

3. That Council identify all Council owned residential blocks of land which are available for sale/subdivision in the local government area and report back to Council.

The motion was put to the vote and was CARRIED.

190410/ 13 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That Council adopts the Kyogle Local Growth Management Strategy – April 2010.
2. That Council, as required by the Far North Coast Regional Strategy, send the Local Growth Management Strategy to the Department of Planning for endorsement.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Ross Brown called for a division

For	Against
Cr Lindsay Passfield	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr John O'Reilly	
Cr Lynette Zito	
Cr Ross Brown	
Cr Tom Cooper	

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

3. That Council identify all Council owned residential blocks of land which are available for sale/subdivision in the local government area and report back to Council.

The motion was put to the vote and was CARRIED.

190410/ 14 RESOLVED

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

3. That Council identify all Council owned residential blocks of land which are available for sale/subdivision in the local government area and report back to Council.

CARRIED

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

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

4. That Council in consultation with the users of the Kyogle Rifle Range investigate possibilities of relocation to other suitable Crown Land.

The motion was put to the vote and was CARRIED.

190410/ 15 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

4. That Council in consultation with the users of the Kyogle Rifle Range investigate possibilities of relocation to other suitable Crown Land.

CARRIED

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

15B.3 ALCOHOL FREE ZONES

190410/ 16 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

- 1) That the report concerning Alcohol Free Zones in the Kyogle area was received and noted.
- 2) That the proposed re-establishment of Alcohol Free Zones in the town of Kyogle and the villages of Woodenbong and Tabulam for the period of July 1, 2010 to June 30, 2013 be advertised, and public submissions be invited in accordance with Sections 644 - 644B of the Local Government Act 1993, after further discussions with local Police.

CARRIED

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

ITEM 15C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 15D CORPORATE SERVICES REPORT

15D.1 MARCH QUARTER BUDGET/MANAGEMENT PLAN REVIEW

190410/ 17 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the March 2010, Quarterly Budget/Management Plan Review Statement was received and noted and Council approved the variation of estimates contained therein.

CARRIED

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

15D.2 GOODS AND SERVICES TAX (GST) CERTIFICATE

190410/ 18 RESOLVED

Councillor Ernie Bennett, seconded Councillor John O'Reilly.

That Council endorses the signing of the Goods and Services Certificate – Payment of Voluntary GST 1 May, 2009 to 30 April, 2010.

CARRIED

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

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 CREATIVE INDUSTRIES AND TOURISM IN KYOGLE LGA

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

1. That the Creative Industries and Tourism in the Kyogle LGA report was received and noted.

A motion was foreshadowed by Councillor Lynette Zito

2. That the Gallery Co-ordinator and the Visitor Information Centre Coordinator together with all Volunteers be provided with a letter acknowledging their contribution to the community.

The motion was put to the vote and was CARRIED.

190410/ 19 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Creative Industries and Tourism in the Kyogle LGA report was received and noted.

CARRIED

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

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

2. That the Gallery Co-ordinator and the Visitor Information Centre Coordinator together with all Volunteers be provided with a letter acknowledging their contribution to the community.

The motion was put to the vote and was CARRIED.

190410/ 20 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

2. That the Gallery Co-ordinator and the Visitor Information Centre Coordinator together with all Volunteers be provided with a letter acknowledging their contribution to the community.

CARRIED

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

ITEM 15F GENERAL MANAGER'S REPORT

15F.1 COUNTY COUNCIL STRUCTURAL REFORM

190410/ 21 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

- 1) That the Structural Reform – County Councils report was received and noted.
- 2) That Council advises Rous Water as follows:
 - (i) Council's position in relation to the Report of the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW is;
 - a) Council would consider entering into a "Binding Alliance" with the Councils of Ballina, Byron, Lismore, Richmond Valley and ROUS County Council, as per Appendix 6: Option 1 – Regional Aggregation (32 Groups), after the Binding Alliance Model has been trialled by LWUs in another region, and the Binding Alliance Model has been evaluated in terms of its efficiency and effectiveness in achieving the required outcomes, including consistent compliance with water quality and environmental standards, higher incidence of integrated water cycle management planning amongst local water utilities and improved financial position to fund future capital works, and
 - b) That the recommendations of the Report of the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW should be implemented in stages as follows;

Stage 1 – "Cut Red Tape"
Recommendation 5 to be completed by state government as soon as possible

Stage 2 – "Mandate Best Practice"

Recommendations 3, 4, and 6 implemented once state government agencies roles and responsibilities have been streamlined

Stage 3 – “Regional Aggregation”

Recommendations 1 and 2 to be implemented by LWUs on a voluntary basis.

(ii) Council's position in relation to the proposed business case to investigate the structural reform of Rous Water, Richmond River County Council and Far North Coast Weeds is that;

- (a) Kyogle Council is only a member of one of the three County Councils (Far North Coast Weeds).
- (b) Any proposed structural reform would therefore need to demonstrate that a reduction in cost or an increase in service would be achieved in relation to weed control in order for Kyogle Council to consider being part of that structural reform.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

15F.2 VEHICLE POLICY

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

That Council forms a Vehicle Policy Sunset Committee consisting of:

Councillors Lynette Zito, Robert Leadbeatter and Ernie Bennett.
General Manager
Director Corporate and Community Services
Manager Plant and Depots
2 Staff representatives

An amendment was moved by Councillor Robert Dwyer

That the Vehicle Policy Committee consists of all Councillors

General Manager
Director Corporate and Community Services
Manager Plant and Depots
2 Staff representatives

The amendment was seconded by Councillor John O'Reilly.

Councillor Robert Dwyer withdrew his amendment.

An amendment was moved by Councillor Robert Dwyer

That Council forms a Vehicle Policy Sunset Committee consisting of:

Councillors Robert Dwyer, Lynette Zito, Robert Leadbeatter and Ernie Bennett.
General Manager
Director Corporate and Community Services
Manager Plant and Depots
2 Staff representatives

The amendment was seconded by Councillor Lynette Zito.

The amendment was put to the vote and was CARRIED.

The amendment became the motion.

The motion was put to the vote and was CARRIED.

190410/ 22 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That Council forms a Vehicle Policy Sunset Committee consisting of:

Councillors Robert Dwyer, Lynette Zito, Robert Leadbeatter and Ernie Bennett.
General Manager
Director Corporate and Community Services
Manager Plant and Depots
2 Staff representatives

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

15F.3 UNION PICNIC DAY

190410/ 23 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That Council designate Tuesday 2 November, 2010 as the Union Picnic Day holiday.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

15F.4 REQUEST FOR FINANCIAL ASSISTANCE - KYOGLE CHAMBER OF COMMERCE

Having declared an interest in Item 15F.4 Councillor Lynette Zito and Councillor Robert Leadbeater left the meeting at 5.19 p.m.

190410/ 24 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

The Council rejects the application from the Kyogle & District Chamber of Commerce for additional financial assistance for costs associated with the 2009 Fringe Festival.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Lynette Zito, Robert Leadbeater

Councillor Lynette Zito and Councillor Robert Leadbeater returned to the meeting at 5.21 p.m.

15F.5 DOWNS TO RIVERS ACTION COMMITTEE

190410/ 25 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That Council nominates Councillor Robert Leadbeater as Council's second delegate (along with Councillor Lindsay Passfield) on the Downs To Rivers Action Committee.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

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 5.25 p.m.

Signature of Chairperson.....

