

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 22 August 2011.

PRESENT

Cr. E. Bennett, (Mayor in the Chair), Cr. R. Brown, Cr. J. Wilson, Cr. J. O'Reilly, Cr. L. Passfield , 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.

MEETING COMMENCEMENT

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

ITEM 1 APOLOGIES

An apology was received from Councillor Lynette Zito.

220811/ 1 RESOLVED

Moved Councillor Robert Leadbeatter, seconded Councillor Ross Brown.

That the apology be accepted and the leave of absence be granted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July - 31 July 2011 - 2011/30, 2011/34
Reason for Declaration – purchasing property with a potential quarry site - these are all quarry developments.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July - 31 July 2011 DA 2011/84, 2011/126 & 2011/145
Reason for Declaration – employed by the owner of properties and relative of property owner respectively.
- 13E.1 – Australia Day Celebrations
Reason for Declaration - Deputy Chairman of East of Range Committee

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July - 31 July 2011 - 2007/188
Reason for Declaration - previous preparation of SOE affects prior to being employed by Kyogle Council.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 July - 31 July 2011 - 2011/138
Reason for Declaration – relative of owner

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

- Item 16.1 Contractual Conditions of Senior Staff
Reason for Declaration - relates to employment contract

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

- 13E.1 – Australia Day Celebrations
Reason for Declaration - Chairman of East of Range Committee

ITEM 5 QUESTION TIME

Mr Brian Creedy, Collins Creek addressed Council in relation to;

- Draft Local Environmental Plan (LEP) – stated he believed there has been a lack of communication to residents. Website mapping is not user friendly. The LEP attempt to restrict freehold land. Council should write to landholders advising of what is occurring. Stated many property owners have approached Council and have come away with little information. The LEP also devalues property values.

Question - "As the Minister for Planning the Hon Brad Hazzard has begun an enquiry into the State Planning laws regarding the LEPs will the Council call a halt to further progress on this LEP until the recommendations from this enquiry are

known and will the Council be prepared to hold a public hearing (as provided for in the government guidelines for preparing an LEP) so that the residents and ratepayers who have so far been kept in the dark will be able to contribute as well as find out how their properties and livelihoods will be affected?"

"The starting point for further action on this LEP must be RU1 on any farmland capable of being used for primary production. No RU2 and definitely no E3."

ITEM 6 PUBLIC ACCESS

- Rev Jim Nightingale addressed Council in relation to the social and religious aspects/impact of the Draft Local LEP upon the citizens of Kyogle and advised there were 3 major elements;
 - a) *Philosophy behind the document, through prohibition, taking away rights of property owners. Devaluing property and people*
 - b) *Social elements, taking away freedom, the Draft LEP indicates that it is illegal if permission is not granted, to worship God.*
 - c) *LEP devalues this Council, turns elected administrators to dictators, decisions which have been forged is replaced with a State government legislation control.*

Kyogle Council have rights which are expected by residents who do not want the Draft LEP.

- Dr Ian Fielding addressed Council in relation to the current Draft Local Environmental Plan (LEP).

Stated that the majority of the community have been unable to understand the information distributed i.e. mapping, verbal information provided at meetings etc. Asked how do families farm their land in the future, with this draft LEP? Not enough consultation has been provided; no individuals or groups have been spoken too.

Given that the Environmental Defenders office had input into the LEP and that the plan lacks accuracy, transparency and clarity, will Council overhaul or delete the subject plan?

- *Question - "Given that the Environmental Defenders Office (EDO) had a huge input into the LEP and (Legal Advisors not Planners) and that the plan lacks accuracy, clarity and transparency will the Council re-submit the Draft LEP to the responsible Ministers and State Planning Authority for complete remake and overhaul or preferably complete deletion?"*

The Mayor thanked all speakers and the large gallery for attending today's Council meeting and asked everyone to write to Council with concerns and suggestions to ensure that the LEP is tailored to suit this Council area.

Also suggested any persons needing clarification on the Draft LEP should contact Council.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

220811/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the Minutes of the Ordinary Meeting held on 25 July 2011 were adopted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; CLR ROBERT DWYER CLARIFICATION OF LODGEMENT OF DRAFT LEP

A motion was moved by Councillor Robert Dwyer, seconded Councillor John O'Reilly.

1. That Council extends the exhibition period for the draft Kyogle Local Environmental Plan (LEP) 2011 by an additional 30 days.
2. That Council undertake an engagement process with residents that allows Council to gather information that can be used in further drafting of a LEP for this local government area.

A motion was foreshadowed by Councillor Ross Brown

3. That Council advises the NSW Planning Department and the community of its intent to redisplay a modified LEP after its initial review.
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4. That a plain English version of the redraft LEP be included in the Council newsletter, during the re-display period, with an expanded background explanation.
5. That Council writes to the NSW Planning Department and the LEP review panel in support of boundary adjustments in rural lands which do not create additional dwelling entitlements and allow the dwelling entitlements block to be below minimum lot size of that zone.

The motion was put to the vote and was CARRIED.

220811/ 3 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

1. That Council extends the exhibition period for the draft Kyogle Local Environmental Plan (LEP) 2011 by an additional 30 days.
2. That Council undertake an engagement process with residents that allows Council to gather information that can be used in further drafting of a LEP for this local government area.

CARRIED

FOR VOTE - Unanimous vote
 ABSENT. DID NOT VOTE - Lynette Zito

Councillor Lindsay Passfield and Councillor Ross Brown called for a Division.

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

A motion was moved by Councillor Ross Brown, seconded Councillor Lindsay Passfield

3. That Council advises the NSW Planning Department and the community of its intent to redisplay a modified LEP after its initial review.
4. That a plain English version of the redraft LEP be included in the Council newsletter, during the re-display period, with an expanded background explanation.

5. That Council writes to the NSW Planning Department and the LEP review panel in support of boundary adjustments in rural lands which do not create additional dwelling entitlements and allow the dwelling entitlements block to be below minimum lot size of that zone.

The motion was put to the vote and was CARRIED.

220811/ 4 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

3. That Council advises the NSW Planning Department and the community of its intent to redisplay a modified LEP after its initial review.
4. That a plain English version of the redraft LEP be included in the Council newsletter, during the re-display period, with an expanded background explanation.
5. That Council writes to the NSW Planning Department and the LEP review panel in support of boundary adjustments in rural lands which do not create additional dwelling entitlements and allow the dwelling entitlements block to be below minimum lot size of that zone.

CARRIED

FOR VOTE - Unanimous vote
 ABSENT. DID NOT VOTE - Lynette Zito

Councillor Ross Brown and Councillor Robert Leadbeatter called for a Division.

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

9.2 NOTICE OF MOTION, CLR ROBERT DWYER - KYOGLE DRAFT LEP STOP PROCEEDING

Councillor Robert Dwyer withdrew the motion.

9.3 NOTICE OF MOTION; CLR TOM COOPER - LEP WORKSHOPS

220811/ 5 RESOLVED

Councillor Tom Cooper, seconded Councillor Ross Brown.

That Council write to Minister Hazzard requesting funding to complete both the hydrology study and a minerals and petroleum register of the known and potential deposits including mining leases and exploration licenses held in the Kyogle LGA

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

Councillor Ross Brown and Councillor Robert Leadbeatter called for a Division.

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

9.4 NOTICE OF MOTION; CLR TOM COOPER - EXTENSION OF LEP

220811/ 6 RESOLVED

Councillor Tom Cooper, seconded Councillor John O'Reilly.

To extend the exhibition time of the current proposed LEP by 30 days to enable Council to write to all affected ratepayers in relation to the heritage register to advise them of any potential changes to current zonings of land uses of both rural and residential in the proposed LEP.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

Councillor Ross Brown and Councillor John O'Reilly called for a Division.

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

9.5 ADJOURNMENT OF MEETING

That the meeting be adjourned at 4.40 pm. to allow the gallery to disperse and Councillors to have a short break of 10 minutes.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM JULY ORDINARY MEETING

220811/ 7 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Questions from July Ordinary Meeting report were received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING, MAY 2011

220811/ 8 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

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

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.2 WORKS PROGRAM REPORT

220811/ 9 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the Works Program Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.3 QUARRIES REPORT

220811/ 10 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

That the Quarries Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.4 SOLAR INSTALLATION ON COUNCIL BUILDINGS

220811/ 11 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

1. That Solar installation on Council buildings report was received and noted.
2. That council obtain quotes for solar power to the Kyogle Visitor Information Centre and consider this matter further in the next quarterly budget review.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.5 VEHICLE POLICY SUNSET COMMITTEE

220811/ 12 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the report on the review of the Vehicle Policy was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.6 PLANT BUDGET REPORT - JULY 2011

220811/ 13 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.7 FINANCIAL REPORTS - JULY 2011

220811/ 14 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the information contained in the Monthly Finance Report – July 2011 was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.8 OUTSTANDING COUNCIL RESOLUTIONS

220811/ 15 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Outstanding Council Resolutions report were received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.9 DESTINATION 2036

220811/ 16 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

That the Destination 2036 report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

12.10 CONDUCT OF ILLEGAL DISPOSAL OF BULK WASTE ITEMS

220811/ 17 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

1. That the Waste Management Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

220811/ 18 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

2. Council notes that the previous resolution;

“That a further report brought to Council which addresses the potential of Council to act as a receivable centre of concrete slabs and dry fill for reuse by Council.”

has not been finalised.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 ROADS TO RECOVERY PROGRAM

220811/ 19 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

1. That the report on the Roads to Recovery Program be received and noted.
2. That Council calls on the Federal Government to;
 - Recognise the successful delivery of the Roads to Recovery Program by local government since 2000
 - Continue the Roads to Recovery Program on a permanent basis to assist local government to meet its responsibilities of providing access for its communities
 - Continue the Roads to Recovery Program with the current administrative arrangements
 - Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.
 - Provide additional funding to address replacement cost of timber bridges.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

13A.2 WASTE & WATER COMMITTEE MEETING, AUGUST 2011

220811/ 20 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer.

1. That the minutes of the Waste & Water Committee meeting held August 8, 2011 was received and noted.
 2. That a report be prepared on the possibility of Council recycling agricultural silage wrap.
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3. That Council commence a waste auditing program to quantify the amount of green waste currently being collected in the domestic waste service and the proportion collected from each service area.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 JULY 2011 TO 31 JULY 2011

220811/ 21 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

1. That, with the exception of the following items in which Councillors Tom Cooper, Lindsay Passfield, Director of Corporate & Community Services and Director of Planning & Environmental Services have declared an interest,
 - Cr Tom Cooper 13B.1 Development Applications Received, Determined and Outstanding DA 2011/30, 2011/34
 - Cr Lindsay Passfield 13B.1 Development Applications Received, Determined and Outstanding DA 2011/84, 2011/126, 2011/145
 - Director of Corporate & Community Services 13B.1 Development Applications Received, Determined and Outstanding DA 2011/138
 - Director of Planning & Environmental Services 13B.1 Development Applications Received, Determined and Outstanding DA 2007/188

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

Having declared an interest in Item 13B.1 Councillor Tom Cooper, Councillor Lindsay Passfield, the Director of Corporate & Community Services and the Director of Planning & Environmental Services left the meeting at 5.34 p.m.

220811/ 22 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 July 2011 to 31 July 2011 only in relation to DA's 2011/30, 2011/34, 2011/84, 2011/126, 2011/145, 2011/138 2007/188, in which Councillors Tom Cooper, Lindsay Passfield, the Director of Corporate & Community Services and the Director of Planning & Environmental Services have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito, Tom Cooper, Lindsay Passfield

Councillor Tom Cooper, Councillor Lindsay Passfield, the Director of Corporate & Community Services and the Director of Planning & Environmental Services returned to the meeting at 5.35 p.m.

13B.2 LOCAL ENVIRONMENTAL PLAN 18

220811/ 23 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That the Local Environmental Plan 18 report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito

A motion was moved by Councillor Janet Wilson

2. That Council ensure that the Tabulam timber truss bridge is retained by the Roads & Traffic Authority (RTA) and Council write to the NSW State Government to seek their commitment to observing State Heritage legislation.

A motion was foreshadowed by Councillor Lindsay Passfield

3. That Council make a submission to the Roads & Traffic Authority (RTA) requesting that consideration be given to preserving the heritage values inherent in the Tabulam Bridge for the benefit of the community and that they provide a reply to council which outlines the options for achieving that objective.

Councillor Janet Wilson withdrew her motion.

The foreshadowed motion became the motion.

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Ross Brown

3. That Council make a submission to the Roads & Traffic Authority (RTA) requesting that consideration be given to preserving the heritage values inherent in the Tabulam Bridge for the benefit of the community and that they provide a reply to council which outlines the options for achieving that objective.

The foreshadowed motion was put to the vote and was LOST on the Mayor's casting vote.

FOR VOTE - Janet Wilson, Lindsay Passfield, Robert Dwyer, Ross Brown
AGAINST VOTE - Ernie Bennett, John O'Reilly, Robert Leadbeatter, Tom Cooper
ABSENT. DID NOT VOTE - Lynette Zito

13B.3 DRAFT KYOGLE LOCAL ENVIRONMENTAL PLAN 2011

As the matter had already been dealt with during this meeting, this item was withdrawn.

13B.4 KYOGLE LOCAL GROWTH MANAGEMENT STRATEGY

220811/ 24 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That the Kyogle Local Government Management Strategy report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

13B.5 DEVELOPMENT APPLICATION 2011-22 - ART GALLERY/MUSEUM

220811/ 25 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the report Development Application 2011-122 - Art Gallery/Museum was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 MINUTES OF GOVERNANCE COMMITTEE MEETING 8 AUGUST 2011

220811/ 26 RESOLVED

Councillor Robert Dwyer, seconded Councillor Ross Brown.

1. That the Minutes of the Governance Committee meeting held 8 August 2011 were received and noted.
2. At Council's Ordinary meeting in September 2011, Council considers expanding the Governance Committee responsibility to include financial aspects of Council.
3. That council staff prepare a Financial Management Policy to be reported to the above Committee.
4. That a report on Council staff profile be provided to the September Ordinary Meeting.
5. That a report on Council Committee Structure that focuses on three (3) committees based on the existing directorates are provided to the September Ordinary Meeting.
6. That Council approaches the two individuals identified in the report as having local government experience, to ascertain their availability to become conduct committee members/reviewers.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

**13D.2 NOTES OF COMMUNITY, CULTURAL & ECONOMIC MEETING 8
AUGUST 2011**

220811/ 27 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

1. That the Minutes of the Kyogle Transport Working Group were received and noted.
2. The Community Safety Audit report was received and noted.
3. That the Community Safety Audit recommendations be taken into consideration when developing the Kyogle LGA Crime Prevention Plan.
4. That the Event Management Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

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

5. That Council suggests to the organisers of Kyogle Bazaar that they may like to consider scheduling their event on a date that does not conflict with the Woodenbong Yowie Market day being the last Saturday of the month.

The motion was put to the vote and was CARRIED.

220811/ 28 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

5. That Council suggests to the organisers of Kyogle Bazaar that they may like to consider scheduling their event on a date that does not conflict with the Woodenbong Yowie Market day being the last Saturday of the month.

CARRIED

FOR VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Ross Brown, Tom Cooper
AGAINST VOTE - Janet Wilson, John O'Reilly, Robert Dwyer
ABSENT. DID NOT VOTE - Lynette Zito

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 AUSTRALA DAY CELEBRATIONS

Having declared an interest in item 13E.1 Councillor Robert Dwyer and Councillor Lindsay Passfield left the meeting at 6.13 p.m.

A motion was moved by Councillor Tom Cooper, seconded Councillor Robert Leadbeatter.

That the East of the Range Australia Day Committee be advised that approval is given to hold separate Australia Day celebrations in Kyogle and Woodenbong, however funding levels are to remain as follows:

- \$3,914 for East of Range Australia Day celebrations
- \$3,914 for West of Range Australia Day celebrations

A motion was foreshadowed by Ross Brown

That the East of the Range Australia Day Committee be advised that approval is given to hold separate Australia Day celebrations in Kyogle and Woodenbong, however funding levels are to be;

- \$3,914 for West of Range Australia Day celebrations
- \$3,000 for Woodenbong Australia Day celebrations
- \$3,000 for Kyogle Australia Day celebrations

and that this budget variation be brought to the September budget review.

Councillor Tom Cooper withdrew his motion.

A motion was moved by Ross Brown, seconded Councillor Janet Wilson

That the East of the Range Australia Day Committee be advised that approval is given to hold separate Australia Day celebrations in Kyogle and Woodenbong, however funding levels are to be;

- \$3,914 for West of Range Australia Day celebrations
- \$3,000 for Woodenbong Australia Day celebrations

- \$3,000 for Kyogle Australia Day celebrations

and that this budget variation be brought to the September budget review.

The motion was put to the vote and was CARRIED.

220811/ 29 RESOLVED

Councillor Ross Brown, seconded Councillor Janet Wilson,

That the East of the Range Australia Day Committee be advised that approval is given to hold separate Australia Day celebrations in Kyogle and Woodenbong, however funding levels are to be;

- \$3,914 for West of Range Australia Day celebrations
- \$3,000 for Woodenbong Australia Day celebrations
- \$3,000 for Kyogle Australia Day celebrations

and that this budget variation be brought to the September budget review.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield, Lynette Zito, Robert Dwyer

Councillor Robert Dwyer and Councillor Lindsay Passfield returned to the meeting at 6.19 p.m.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 TERMS OF REFERENCE - ORGANISATIONAL REVIEW

220811/ 30 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That the Terms of Reference – Organisational Review report was received and noted.
2. That the Terms of Reference were adopted.
3. That management seek quotations from suitable individuals and/or organisations.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

14.1 URGENT BUSINESS WITHOUT NOTICE

220811/ 31 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That the following report be considered and determined by Council at this Ordinary Meeting;

- June Quarter Budget/Management Plan Review

The Mayor then ruled the matter of great urgency.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

14.2 JUNE QUARTER BUDGET MANAGEMENT PLAN REVIEW

220811/ 32 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

1. That the June 2011, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That the funds identified as revotes in the June 2011 budget review be incorporated into the 2011/2012 budget.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito

ITEM 15

QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Tom Cooper,

- Enquired if a response has been received from the Minister following the motion put forward at the recent Shires Association Conference on unpaid rates from the failed Management Investment Schemes (MIS)?
- What is the Council's position as far as liabilities are on products that we produce? e.g. water?
- Asked if all Local Environmental Planning (LEP) submissions (including generic ones) will be counted and acted upon?

Councillor Robert Dwyer

- Asked if Council could obtain a quote for painting the storage house in Bloore Street?
- Also requested a report be provided to the next Council meeting, on how the proposed flood mitigation works would reduce the extent of flood prone land in the Kyogle CBD?

Councillor John O'Reilly

- Requested information is provided on costing to Council on the recent sealing of two driveway entrances off Summerland Way, outside the Brown & Hurley complex.
- Requested a letter of congratulations be provided to Woodenbong Central School on winning prizes at the recent Royal Queensland Show (Brisbane Ekka).
- Requested that in future, any information pertaining to Council meetings be provided prior to the day of the meeting.

Councillor Lindsay Passfield

- Requested a report be provided on what grants Council has applied for and what grants have been received in the 2010/2011 financial year?
- Requested a report from the Technical Services Department on the best option for improving the bitumen section of Tunglebung Road?

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVE INTO CLOSED COUNCIL

Item 16.1 Contractual Conditions for Senior Staff

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:

- (a) personnel matters concerning particular individuals

This matter is confidential because it may contain personnel matters in relation to an individual.

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 16.2 - Stormwater and Flood Management

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.

220811/ 33 RESOLVED

Councillor Ross Brown, seconded Councillor Tom Cooper.

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
ABSENT. DID NOT VOTE - Lynette Zito

Council closed its meeting at 6.32 p.m. The public and media left the Chamber.

Councillor Janet Wilson departed the meeting at 6.38 pm and did not return.

Prior to Item 16.1 being discussed the Director of Planning & Environmental Services, The Director of Corporate & Community Services, the Acting Director of Technical Services and the Personal Assistant to the General Manager and Corporate Services departed the meeting at 6.40 p.m. and did not return.

Having declared an interest in Item 16.1 Contractual Conditions of Senior Staff the General Manager left the meeting at 7.04 p.m. and did not return.

16.02 OPEN COUNCIL RESUMES

220811/ 34 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

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

Open Council resumed at 7.14 p.m.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lynette Zito, Janet Wilson

16.02.1 CHANGE ORDER OF BUSINESS

220811/ 35 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

That the order of Business be amended to allow Item 16.2 to be brought forward.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lynette Zito

16.2 STORMWATER AND FLOOD MANAGEMENT

1. That the report on Stormwater and Flood Management was received and noted.
2. That the General Manager and Mayor be authorised to hold without prejudice discussions with the owners of Lot 350 DP 1006091, and Lot 1 DP 547341 and Lot 2 DP 572171 and their legal representatives with a view to reaching an in principle agreement with them over the acquisition of an interest in the abovementioned land for the purposes of stormwater management.
3. That a further report be presented to Councils September Ordinary Meeting in relation to the progress of the negotiations with the owners of Lot 350 DP 1006091, and Lot 1 DP 547341 and Lot 2 DP 572171 and their legal representatives to acquire an interest in the abovementioned land for the purposes of stormwater management.
4. That funds revoted from the 2010/11 financial year be allocated as per the table provided with this report.
5. That the \$120,600 for stormwater capital works improvements in the 2011/12 budget be allocated to Kyogle and the other villages in direct proportion to the flood damage restoration funds approved for each area.
8. That the General Manager and Mayor be authorised to hold without prejudice discussions with the owner of Lot 8 DP 19080 with a view to reaching an in principle agreement for the price of acquiring the land offered for sale by the owner.
9. That a further report be presented to Council on the progress of the without prejudice discussions with the owner of Lot 8 DP 19080 in relation to the land offered for sale by the owner.

16.1 CONTRACTUAL CONDITIONS OF SENIOR STAFF

That the Contractual Conditions of Senior Staff report was received and noted.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.15 p.m.

Signature of Chairperson.....