

## **Kyogle Council**

**Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 24 October 2011.**

---

### **PRESENT**

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

### **MEETING COMMENCEMENT**

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

### **ITEM 1 APOLOGIES**

Nil

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2011 DA 2011/84, 2011/126  
Reason for Declaration – employed by the owner of properties

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2011 - 2011/169  
Reason for Declaration - Kyogle Showground Trust Member

- Item 13D.1 – Pension Concession Policy  
Reason for Declaration – In receipt of pension
- Item 13E.1 – Request for Funding Support  
Reason for Declaration – is board member of Regional Development Australia Northern Rivers.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2011 - 2011/169  
Reason for Declaration - Kyogle Showground Trust Member
- Item 13D.1 - Pension Concession Policy  
Reason for Declaration – In receipt of pension

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2011 - 2011/30, 2011/34  
Reason for Declaration – purchasing property with a potential quarry site - these are all quarry developments.
- Item 13B.2 Development application 2011/34 - Proposed Extractive Industry at Cedar Point.  
Reason for Declaration – purchasing property with a potential quarry site.

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 September - 30 September 2011 - 2007/188  
Reason for Declaration - previous preparation of SOE prior to being employed by Kyogle Council.

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

- Item 9.1 Rescission Motion  
Reason for Declaration - not a Union member

## **ITEM 5 QUESTION TIME**

- Ms Kylie Thomas addressed the meeting and enquired if within the Draft Financial Statements being presented at today's meeting, have any specific recommendations identified by the Auditors and asked if the financials will be available to the public for viewing and comment prior to adoption?

The General Manager advised Council is receiving a presentation from Council's Auditors at today's meeting. Following this presentation, an advertisement will be placed in The Northern Star on Saturday seeking public comment. Should there be any queries regarding the financials, Council's Director of Corporate & Community Services will be able to answer those questions.

- Mr Phil Gome, Cedar Point, addressed the meeting and asked the following questions;

In relation to the Council DMP who handled the Development Application for the Cedar Point Quarry from lodgement with Council in October 2010, until 15 July 2011, when the assessment report was submitted to JRPP,

1. What are the professional qualifications of the Council's DMP Panel?
2. What clause prevents the professional qualifications being released?
3. When can I expect a response and will that response be included in the Council minutes?

With reference to LEP meeting 20 September at Kyogle Memorial Hall

The General Manager advised he would take the questions on notice and a response would be provided within 5 working days.

In response to a resident's question, regarding LEP zonings addressed to a Council staff member, the response was quote "that he was trying to get it changed".

1. What is the role of Council staff in "getting it changed?"
2. Would it not be prudent, to ensure that these or any other similar changes, be made publicly transparent, by providing information in an itemised format, readily available to Councillors and Residents in the Revised Draft LEP documents scheduled for 2012?
3. Would Councillors be willing to collectively draft a motion, "instructing the General Manager to ensure that staff provide information detailing changes, i.e. zoning changes and adjustments in a timely, transparent and understandable format for benefit of Councillors and residents?"

The Mayor advised Councillors will be voting on the revised LEP prior to it being provided to the public for comment.

- Mrs Anne Reardon, advised of the dangerous state of a Jacaranda tree in Anzac Drive and enquired when it would be removed?

The Director of Technical Services advised a contractor has been commissioned to remove the tree, and he advised this will occur later this week.

## **ITEM 6 PUBLIC ACCESS**

Ms Alison Treanor, Northern Rivers Regional Equestrian Centre addressed Council. Asked that Council support the proposal for the Indoor Equestrian Arena to be built at Kyogle Showground, by providing a letter of support. Outlined that the facility would be of great benefit to the community and meets a number of the Strategic plans for the area.

## **ITEM 7 CONFIRMATION OF MINUTES**

### **7.1 CONFIRMATION OF ORDINARY MINUTES**

---

#### **241011/ 1 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Minutes of the Ordinary Meeting held on 26 September, 2011, were adopted.

**CARRIED**

FOR VOTE - Unanimous vote

## **ITEM 8 MAYORAL MINUTE**

Nil.

## **ITEM 9 NOTICES OF MOTION**

### **9.1 RESCISSION MOTION; ORDINARY MEETING 26 SEPTEMBER 2011**

---

#### **241011/ 2 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That Council rescind its decision to pass the motion, Item 14D.4 Union Picnic Day (No. 2) at Council's Ordinary Meeting 26 September 2011.

1. The Union Picnic Day shall be regarded as a holiday for all Council employees.

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Lindsay Passfield, Cllr Robert Leadbeatter.

2. That the designation of Tuesday 1 November 2011, as the Union Picnic Day be subject to the agreement of the Union in accordance with Clause 19B of the Local Government State Award 2010.

The motion was put to the vote and was CARRIED.

**241011/ 3      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

2. That the designation of Tuesday 1 November 2011, as the Union Picnic Day be subject to the agreement of the Union in accordance with Clause 19B of the Local Government State Award 2010.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 10      QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil.

**ITEM 11      PRESENTATION FROM AUDITORS**

**11.1 PRESENTATION FROM AUDITORS ON 2010/2011 FINANCIAL STATEMENTS**

---

**241011/ 4      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Presentation from Council's Auditors Thomas, Noble & Russell on the 2010/2011 Financial Reports were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

**11.2 2010/2011 FINANCIAL STATEMENTS**

---

**241011/ 5      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That Council:

---

1. Adopts the 2010/2011 General Purpose Financial Report;
2. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Financial Statement to the General Purpose Financial Report;
3. Adopts the 2010/2011 Special Purpose Financial Report;
4. Authorises the Mayor, Deputy Mayor, General Manager and Manager Financial Services (Responsible Accounting Officer) to sign the Financial Statement to the Special Purpose Financial Report.

**CARRIED**

FOR VOTE - Unanimous vote

## **ITEM 12            INFORMATION PAPERS**

### **12.1 FINANCIAL REPORTS - SEPTEMBER 2011**

---

#### **241011/ 6            RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

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

**CARRIED**

FOR VOTE - Unanimous vote

### **12.2 PECUNIARY INTEREST RETURNS**

---

#### **241011/ 7            RESOLVED**

Councillor Robert Leadbeater, seconded Councillor Robert Dwyer.

1. That the information contained in the report "Pecuniary Interest Returns" was received and noted.
2. That the tabled "Kyogle Council Register of Disclosures" was received.

**CARRIED**

FOR VOTE - Unanimous vote

## **12.3 EMPLOYEE LEAVE ENTITLEMENTS**

---

### **241011/ 8      RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the Employee Leave Entitlements report were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## **12.4 OUTSTANDING COUNCIL RESOLUTIONS**

---

### **241011/ 9      RESOLVED**

Councillor Lynette Zito, seconded Councillor Janet Wilson.

That the Outstanding Council Resolutions report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

### **ITEM 13      GENERAL MANAGER 'S REPORT**

### **ITEM 13A      TECHNICAL SERVICES REPORT**

### **13A.1      TECHNICAL SERVICES COMMITTEE**

---

### **241011/ 10      RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

1. That the report on the Technical Services Committee was received and noted.
2. That the Terms of Reference for the Technical Services Committee was adopted.

3. That Council contribute \$12,000 towards the relocation of the donation boxes from its existing capital works allocation to the Lions Road culvert replacement program.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD SEPTEMBER 1, 2011 TO SEPTEMBER 30, 2011**

---

**241011/ 11 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

1. That, with the exception of the following items in which Councillors Janet Wilson, Robert Dwyer, Tom Cooper, Lindsay Passfield and Director of Planning & Environmental Services have declared an interest,
  - Cr Janet Wilson 13B.1 Development Applications Received, Determined and Outstanding DA 2011/169
  - Cr Robert Dwyer 13B.1 Development Applications Received, Determined and Outstanding DA 2011/169
  - Cr Tom Cooper 14B.1 Development Applications Received, Determined and Outstanding DA 2011/30, 2011/34
  - Cr Lindsay Passfield 14B.1 Development Applications Received, Determined and Outstanding DA 2011/84, 2011/126
  - Director of Planning & Environmental Services 14B.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 1 September 2011 to 30 September 2011 was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Ross Brown

---



2. The Development Application 2011/122 and the conditions of consent be presented to Council's next Ordinary meeting.

The motion was put to the vote and was CARRIED.

**241011/ 12      RESOLVED**

Councillor Ross Brown

2. The Development Application 2011/122 and the conditions of consent be presented to Council's next Ordinary meeting.

**CARRIED**

FOR VOTE - Unanimous vote

Having declared an interest in Item 13B.1 Councillor Janet Wilson, Robert Dwyer, Tom Cooper, Councillor Lindsay Passfield and the Director of Planning & Environmental Services left the meeting at 4.35 p.m.

**241011/ 13      RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

3. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2011 only in relation to DA's 2011/169, 2011/30, 2011/34, 2011/84, 2011/126, 2007/188, in which Councillors Janet Wilson, Robert Dwyer, Tom Cooper, Lindsay Passfield and the Director of Planning & Environmental Services have declared an interest was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Robert Dwyer, Tom Cooper, Lindsay Passfield

Councillor Janet Wilson, Robert Dwyer, Tom Cooper, Councillor Lindsay Passfield and the Director of Planning & Environmental Services returned to the meeting at 4.40 p.m.

**13B.2 DEVELOPMENT APPLICATION 2011.34 - PROPOSED EXTRACTIVE INDUSTRY AT CEDAR POINT**

---

Having declared an interest in item 13B.2 Councillor Tom Cooper left the meeting at 4.41 p.m.

The Mayor asked that any staff involved in the Development application process to remove themselves from the meeting to enable discussions.

The General Manager, the Director of Technical Services, and the Director of Planning & Environmental Services left the meeting at 4.42 pm.

**241011/ 14 RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor John O'Reilly.

That the Development Application 2011.34 update report proposed Extractive Industry at Cedar Point report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Tom Cooper

Councillor Lindsay Passfield and Councillor John O'Reilly called for a Division.

<b>For</b>	<b>Against</b>
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Lynette Zito	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	
Cr Janet Wilson	
Cr John O'Reilly	

Councillor Tom Cooper, The General Manager, the Director of Technical Services, and the Director of Planning & Environmental Services returned to the meeting at 4.45 p.m.

**241011/ 15      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That Council issue Development Consent Notice 2011/109 for the development of a subdivision cancelling Lots 22,23,48 & 49 on Deposited Plan 751069, Parish of Lindsay, to create three (3) lots being Lot 1 (47.4 hectares), Lot 2 (56.5 hectares) and Lot 3 (40 hectares) as subject to survey and the following conditions of consent:

1. The development shall be in accordance with development application number 2011-109 submitted by the Applicant on 8 April 2011, and in accordance with the following:

Statement of Environmental Effects entitled "Statement of Environmental Effects For Proposed Rural Subdivision at 18110 Clarence Way, Woodenbong" as prepared by Newton Denny Chapelle on behalf of B & H Hill.

Subdivision Plan prepared by Newton Denny Chapelle

Reference No:            11/0572

Revision:                To be revised to amend road frontage of Lot 2 to extend to the south /paper road boundary

Name of Plan:           Plan 3 - Proposed Subdivision

Scale:                    1:5000 @ A3

Date:                      17 May 2011

except where otherwise provided by the conditions of this development consent.

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
3. Prior to the issue of a Subdivision Certificate the Proponent must submit to the Council a report addressing compliance with all relevant conditions of this consent.
4. This development consent is limited to a period of five (5) years in accordance with Section 95(1) of the *Environmental Planning and Assessment Act 1979*. Following the expiration of this period the consent will lapse unless work relating to the subdivision is physically commenced before the date on which the consent would otherwise lapse.
5. Apart from developer funded works, no improvements to existing roads, access and services will be provided by Council or any other utility authority.
6. The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, light, traffic generation or otherwise.

7. All works must accord with the Kyogle Council *Development Control Plan No 1 – Subdivision* current at time of works.
8. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
9. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
10. Telephone services must be provided to each proposed lot and a Telecommunications Infrastructure Provisioning Confirmation certificate from Telstra Australia must be supplied to Council prior to the issue of the Subdivision Certificate.
11. Prior to the issue of the Subdivision Certificate Council must be supplied with written advice from EssentialEnergy or an authorised provider stating that each proposed lot has been provisioned with electrical power, including the full length of any battle-axe handles where applicable, and that easements for electricity purposes satisfactory to Country Energy are supplied on the linen plan over existing and proposed electricity lines pursuant to Section 88B of the *Conveyancing Act 1919*.
12. That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
13. Prior to carrying out any works within a public road reserve, the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs shall be the responsibility of the proponent.
14. Where the existing physical road encroaches on the subject land, this area must be surveyed out and dedicated as public road. If the existing road is not contained within a public road reserve, the area is to be dedicated as public road with a suitable width. This must be done for the full area of the site at no cost to Council. A registered surveyor must provide confirmation in writing that this condition has been met, and no further encroachments exist.
15. The road frontage of the proposed allotments is to be fenced out completely to the standard required by Council's Road Reserve Management Plan.

16. The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access on each proposed subdivision allotment or part of any allotment separated by a constructed public road. Council shall not certify the final plan of subdivision until the applicant has received written approval for, and constructed in accordance with Council's approval an access on each allotment. No other accesses may be constructed or opened onto a Council road without the prior written approval of Council. (Refer to Council's Property Access and Addressing Management Plan).
17. All allotments shall have a sealed vehicular access from the existing roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.
18. If the proposed vehicular access to the development encroaches upon any land, other than the subject land, the vehicular access is to be either relocated solely onto the subject land or a legal right of carriageway must be created over this land to which the access encroaches.
19. Measures shall be put in place to control stormwater runoff. These control measures shall be in place prior to the commencement of works and shall prevent soil erosion and the transport of sediment from the development site into either:
  - adjoining land
  - natural drainage courses
  - constructed drainage systems, or
  - waterways
  - public road reserve

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation wherever possible.

20. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
21. Payment of contributions levied under Section 94 of the *Environmental Planning and Assessment Act 1979* and the Kyogle Council *Section 94 Development Contributions Plan 2008, Section 94 Contributions Plan Urban & Rural Roads (as amended)* and *Section 94 Contributions Plan 1992 (as amended)* are required. Kyogle Council levies these contributions for the provision of public amenities and services in such a manner as will meet the increased demand for those amenities and services arising from this development.

The rate and amount to be paid as at the date of this notice is \$2076.80, as described in the Schedule. This amount remains valid for a period of three (3) months from date of issue. Following this period any unpaid contributions will be subject to annual indexation in line with Consumer Price Index (CPI) Brisbane as published by the Australian Bureau of Statistics. Indexation adjustments must be included in the final calculation of the contribution amount and paid to Council.

All contributions must be paid prior to the release of the subdivision certificate. Where the total contribution payable exceeds \$10,000, payment to Council must be by bank cheque or cash (personal cheques are not acceptable).

Proponents of Development may be entitled to a discounted rate of contribution. Eligibility and discount amounts are specified in Section 4 of Council's *Section 94 Contributions Plan Urban & Rural Roads (as amended)*.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Development applications for subdivision - payment required prior to release of the subdivision certificate.

Development applications for buildings - payment required prior to the release of the Construction Certificate.

Development applications for land use or works - payment required prior to the commencement of the land use or works.

### **Advice to Applicant or any party acting upon this consent**

Council, in determining the subject application, requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants.

1. The proponent must apply for an Aboriginal Heritage Impact Permit in accordance with the *National Parks & Wildlife Act 1974* (NPW Act) prior to disturbing, damaging or destroying Aboriginal objects that occur on the land.

If Aboriginal cultural objects are uncovered due to development activities, all works should halt in the immediate area to prevent any further impacts to the find or finds, to resume only in accordance with the requirements of the Office of Environment & Heritage and the NPW Act.

2. Clearing native vegetation may require a clearing consent from the Northern Rivers Catchment Management Authority under the *Native Vegetation Act 2003* prior to the conduct of works.
3. Approval under the *Threatened Species Conservation Act 1995* may be required to clear native vegetation consisting only of groundcover.
4. Any dams constructed on the subject land must not exceed the Maximum Harvestable Right Dam Capacity without a licence being issued by the NSW Office of Water.

Water extracted under Basic Landholder Rights in the *Water Management Act 2000* cannot be used for commercial purposes and the NSW Office of Water should be contacted prior to undertaking any such extraction.

**CARRIED**

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield and Councillor Robert Leadbeater called for a Division.

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

**ITEM 13C ENVIRONMENT SERVICES REPORT**

**13C.1 NORTHERN RIVERS CLIMATE CHANGE COLLABORATION AGREEMENT**

---

**241011/ 16 RESOLVED**

Councillor Lynette Zito, seconded Councillor Janet Wilson.

1. That Council enter into the "Northern Rivers Climate Change Collaboration Agreement".

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Lindsay Passfield, seconded Councillor John O'Reilly

2. That Councillor Janet Wilson be nominated as Council's representative the on Northern Rivers Climate Change Collaboration Agreement Committee.

The motion was put to the vote and was CARRIED.

**241011/ 17 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

2. That Councillor Janet Wilson be nominated as Council's representative the on Northern Rivers Climate Change Collaboration Agreement Committee.

**CARRIED**

FOR VOTE - Unanimous vote



**ITEM 13D      CORPORATE SERVICES REPORT**

**13D.1          PENSION CONCESSION POLICY**

---

Having declared an interest in Item 13D.1 Councillor Robert Dwyer and Councillor Janet Wilson left the meeting at 4.49 p.m.

**241011/ 18      RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Lindsay Passfield.

That the Draft Pension Concession Policy be adopted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Robert Dwyer

Councillor Robert Dwyer and Councillor Janet Wilson returned to the meeting at 4.50 p.m.

**13D.2          CORPORATE & COMMUNITY COMMITTEE MINUTES**

---

**241011/ 19      RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

1. That the Corporate & Community Services Minutes report was received and noted.
2. That the Corporate & Community Services Committee Terms of reference was adopted.
3. That the Transport Working Group review the terms of reference for this group to;
  - Examine the relationship with the Regional Transport plans and initiatives,
  - Examine the role of the group in developing policy and planning advice for Council in relation to transport issues.
4. The Committee appoints Mr Colin Cooper and Mr Gary Faulks as Code of Conduct Committee members/reviewers up to and including 31 December 2012.

**CARRIED**

FOR VOTE - Unanimous vote

---

**ITEM 13E      COMMUNITY SERVICES REPORT**

**13E.1          REQUEST FOR FUNDING SUPPORT**

---

Having declared an interest in Item 13E.1 Councillor Janet Wilson left the meeting at 4.54 p.m.

**241011/ 20      RESOLVED**

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

1. That Council develops policy, procedures and protocols for assessing the requests that come from regional and local groups in relation to the Regional Development Australia fund.

**CARRIED**

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

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

2. That Council provide a letter of support to EnviTE Incorporated and the Northern Rivers Regional Indoor Equestrian Association supporting their applications.

The motion was put to the vote and was CARRIED.

**241011/ 21      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

2. That Council provide a letter of support to EnviTE Incorporated and the Northern Rivers Regional Indoor Equestrian Association supporting their applications.

**CARRIED**

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

Councillor Janet Wilson returned to the meeting at 5.01 p.m.

**ITEM 13F      GENERAL MANAGER'S REPORT**

**13F.1            CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

---

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

1. That the Constitutional Recognition of Local Government report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

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

2. That the General Manager and Mayor be delegated authority to lodge a submission the Constitutional Recognition of Local Government on Council's behalf to be consistent with Council's previous deliberations.

The motion was put to the vote and was CARRIED.

**241011/ 22      RESOLVED**

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

2. That the General Manager and Mayor be delegated authority to lodge a submission the Constitutional Recognition of Local Government on Council's behalf to be consistent with Council's previous deliberations.

**CARRIED**

FOR VOTE - Unanimous vote

**13F.2            DESTINATION 2036**

---

**241011/ 23      RESOLVED**

Councillor John O'Reilly, seconded Councillor Janet Wilson.

That the Mayor and General Manager be delegated authority to lodge a submission on Council's behalf, generally supportive of the draft vision with no changes.

**CARRIED**

FOR VOTE - Unanimous vote

---

**ITEM 14            URGENT BUSINESS WITHOUT NOTICE**

**14.01            URGENT BUSINESS WITHOUT NOTICE**

**241011/ 24        RESOLVED**

Moved Councillor Ross Brown, seconded Councillor Lindsay Passfield

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

- Kyogle Australia Day Committee

**CARRIED**

FOR VOTE - Unanimous vote

The Mayor then ruled the matter of great urgency.

**14.1 KYOGLE AUSTRALIA DAY COMMITTEE**

**241011/ 25        RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor John O'Reilly.

1. That the Kyogle Australia Day Committee report was received and noted.
2. That Council appoints Councillor Robert Leadbeater as its delegate on the Kyogle Australia Day Committee.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 15            QUESTIONS FOR NEXT ORDINARY MEETING**

Councillor Robert Dwyer

- Asked if Council staff could investigate the erection of a stop or give way sign at the intersection of Roxy Lane and Anzac Drive.

The Director of Technical Services advised the matter will be investigated. If warranted, the installation of the sign will need the concurrence of the Traffic Committee.

- Cost of painting the Bloore Street House, asked again for the costing?

The General Manager advised a costing was provided at the August Ordinary Meeting. See copy of item response provided at the September meeting -

"A formal quotation has not been obtained however estimates have been provided which indicate the cost of painting the exterior is approximately \$8,000 and the interior \$5,000."

Councillor Robert Leadbeatter

- Enquired what is happening with the Kyogle Pool Canteen, as many residents are concerned regarding its non-operation.

The Director of Planning & Environmental Services advised Council recently appointed a new Manager of the pool. The canteen will be restocked and operational soon and stocked with less extensive lines and better quality foods and drinks.

Councillor Lynette Zito

- Enquired when the lighting at the Kyogle Pool lighting would be fixed?

Councillor Tom Cooper

- Referred to the floods in January 2010, and some areas not being declared by the State government as being in a natural disaster status. This caused some residents angst as they were ineligible to claim assistance. How can Council assist in the matter to ensure that all areas, are able to claim assistance, when necessary?

Councillor John O'Reilly

- Asked if an itemised report could be provided in relation to Flood Damage Funding monies received indicating what works were approved and what works have been completed to date.

**ITEM 16            CONFIDENTIAL BUSINESS PAPER**

**16.01                MOVE INTO CLOSED COUNCIL**

**Item 16.1 - Stormwater and Flood Management**

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.

**241011/ 26        RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

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

**16.02                OPEN COUNCIL RESUMES**

**241011/ 27        RESOLVED**

Councillor Ernie Bennett, seconded Councillor John O'Reilly.

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

Open Council resumed at 5.30 p.m.

**CARRIED**

FOR VOTE - Unanimous vote

## **16.1 STORMWATER AND FLOOD MANAGEMENT**

---

1. The Stormwater and Flood Management report be received and noted.
2. That Council authorises the General Manager to negotiate for the purchase of Lots 1 and 2 DP 781670, and Lots 1 to 9 Section 1 DP 4973 within the price range identified in this report, subject to receipt of confirmation of funding from the NSW Government under the Flood Mitigation program.
3. That subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the purchase and transfer of Lots 1 and 2 DP 781670, and Lots 1 to 9 Section 1 DP 4973.

## **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5.30 p.m.

Signature of Chairperson.....

