

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 25 October 2010.

PRESENT

Cr. E. Bennett, (Mayor in the Chair), Cr R Brown (arrived at 3.41 p.m.), 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 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 Ross Brown that he would be arriving late for the meeting.

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

251010/ 1 RESOLVED

Moved Councillor Lindsay Passfield seconded Councillor Lynette Zito.

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

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Ross Brown

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

- Item 15D.2 – Community Cultural & Economic Committee Minutes 11 October 2010
Reason for Declaration – (Junior) Vice President RSL Kyogle Sub-branch

Cr. Janet Wilson declared a perceived conflict of interest in the following item/s:

- Item 15D.2 – Community Cultural & Economic Committee Minutes 11 October 2010
Reason for Declaration – Temporary board member of Kyogle Together.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September 2010 - 30 September 2010 - 2011/12 & 2011/07
Reason for Declaration - property owner and sister involved in preparation.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September 2010 - 30 September 2010 - 2007/188
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

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

- Item 15B.1 Development Applications Received, Determined and Outstanding for the period 1 September - 30 September 2010 - 2009/18
Reason for Declaration – adjoining land owner

ITEM 5 QUESTION TIME

- Ms Kylie Thomas addressed the meeting in relation to Item 15B.3 Recreational Dirt Bike Riding in the Kyogle Local Government Area (LGA), and referred to the following;
 - Dirt Bike Meeting held 16 August, at Grove House, where multiple parties were represented (12). Stated only 2 negative points, 8 positive points were raised.
 - Enquired if a further follow-up meeting would occur and will the same attendees be invited to such a meeting?

The Director of Planning & Environmental Services advised there will be a further follow up meeting, with discussions based on Council's resolution from Item 15B.3.

The General Manager advised that if Council resolves to prepare a policy, previous stakeholders will be invited to be part of a working party as well as the general public.

- In relation to Council preparing a policy "for the location and operation of off-road motorcycle facilities within the LGA", can Council define what the local government facilities are to be in this area?

The Director of Planning & Environmental Services advised the focus is predominately on Crown Lands. Council is seeking a consistent approach from other local government areas, and will then determine the private land aspect of this.

- When is Council going to determine the process of the policy, and how will the public know this is occurring?

The Director of Planning & Environmental Services advised following Council's resolution, Council will look to form a working party to assist in the formulation of the policy.

- Could Council view the Dirt Bike activity as an important economic development aspect for the local area?

The Mayor acknowledged this could be the case but also advised that additional information would need to be provided to Councillors supporting this.

ITEM 6 PUBLIC ACCESS

- Ms Danielle Mulholland addressed Council in relation to Development Application 2010-0039 Multiple Occupancy and the development consent. Requested a Section 94 contribution reduction be given, and outlined reasoning behind this (provided a detailed submission to Councillors on the reasoning)

The Director of Planning & Environmental Services advised in order to formally reassess the request for a Section 94 discount, Council requires the submission of a Section 82 review in accordance with the provisions of the Environmental Planning & Assessment Act.

- Ms Carol Beavis, representing the development application applicant, addressed Council in relation to Item 15B.2 Development Application 2010-0104 Tabulam Bottle Shop and expressed support for the application. Advised the proposed bottle shop would be situated on Bruxner Highway within a 50 km zone. Advised there is already other established outlets selling alcohol. Studies undertaken for the proposed development indicate that there will be no additional social or criminal activities associated with the proposed bottle shop.
- Sergeant Grant Martin of Tabulam representing NSW Police, addressed Council in relation to Item 15B.2 Development Application 2010-0104 Tabulam Bottle

Shop. Advised that the NSW Police have formally opposed the proposed bottle shop. Advised that it is the Police's view that crime and domestic issues will increase.

ITEM 7 DEPUTATIONS

Nil.

ITEM 8 MATTERS DETERMINED WITHOUT FURTHER DEBATE

8.1 MATTERS DETERMINED WITHOUT DEBATE

There were no items identified.

ITEM 9 CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF ORDINARY MINUTES - 27 SEPTEMBER 2010

251010/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

That the Minutes of the Ordinary Meeting held 27 September 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 10 MAYORAL MINUTE

10.1 MAYORAL MINUTE - TELECOMMUNICATION SERVICES

251010/ 3 RESOLVED

Councillor Ernie Bennett, seconded Councillor Ross Brown.

That Council:

1. Write to Telstra expressing concern over the decision to close the Grafton call centre and seeking assurance that the Lismore Call Centre will be maintained.
2. Support a proposed recommendation by Clarence Valley Council to the next meeting of NOROC encouraging NOROC members to review their telecommunication accounts.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 NOTICES OF MOTION

11.1 NOTICE OF MOTION, COUNCILLOR LINDSAY PASSFIELD - SOLAR INSTALLATION

251010/ 4 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That Council investigate the feasibility of installing solar electric panels on one of Council's larger buildings with a view to offsetting energy costs.
2. This initiative would provide community leadership in renewable energy and could ultimately result in Council's buildings becoming carbon neutral.

CARRIED

FOR VOTE - Unanimous vote

11.2 NOTICE OF MOTION, COUNCILLOR JANET WILSON - MINISTER FOR REGIONAL AUSTRALIA SIMON CREAN

251010/ 5 **RESOLVED**

Councillor Janet Wilson, seconded Councillor Lynette Zito.

1. That council set up a working party to include expertise from within the community and external expertise to develop a sustainable events policy and plan which is inclusive of good environmental practice. That the terms of reference for this working party be returned to the Community, Cultural & Economic Committee for deliberation before the work is carried out.

CARRIED

FOR VOTE - Unanimous vote

251010/ 6 **RESOLVED**

Councillor Janet Wilson, seconded Councillor John O'Reilly.

2. That council convene a working party of people with expertise in broadband technology to provide council with a report on how this technology can be used to support the economic development of this LGA. That the terms of reference that are established for this working party be returned to the Community, Cultural & Economic Committee for deliberation before further work is carried out.

CARRIED

FOR VOTE - Unanimous vote

251010/ 7 **RESOLVED**

Councillor Janet Wilson, seconded Councillor Lynette Zito.

3. That Council prepares a forward planning document which outlines opportunities for funding under the Regional budget approach of current Federal Government policy and which reflects the sentiments outlined in Minister Crean's address: "We don't want wish-lists. We want communities to be able to take responsibility for charting their economic, social and environmental well-being and devise a way forward that stacks up against sound socio-economic principles."

CARRIED

FOR VOTE - Unanimous vote

ITEM 12 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 13 DELEGATES REPORTS

13.1 DEPUTY MAYOR ATTENDANCES - SEPTEMBER 2010

251010/ 8 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the information contained in the Deputy Mayor Attendances for the period 1 September to 30 September 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 INFORMATION PAPERS

14.1 WORKS PROGRAM REPORT

251010/ 9 RESOLVED

Councillor Ross Brown, seconded Councillor Tom Cooper.

That the Works Program report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

14.2 QUARRIES REPORT

251010/ 10 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer.

That the Quarries report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

14.3 PLANT BUDGET REPORT - SEPTEMBER 2010

251010/ 11 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

14.4 MONTHLY FINANCIAL REPORT

251010/ 12 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Monthly Finance Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15 GENERAL MANAGER 'S REPORT

ITEM 15A TECHNICAL SERVICES REPORT

Nil.

ITEM 15B PLANNING SERVICES REPORT

**15B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND
OUTSTANDING FOR THE PERIOD SEPTEMBER 1, 2010 TO
SEPTEMBER 30, 2010**

251010/ 13 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

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

- Cr Ross Brown 15B.1 Development Applications Received, Determined and Outstanding DA 2009/18
- General Manager 15B.1 Development Applications Received, Determined and Outstanding DA 2011/12 & 2011/07
- 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 1 September 2010 to 30 September 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 15B.1 Councillor Ross Brown, the General Manager, The Director Planning & Environmental Services left the meeting at 4.49 p.m.

251010/ 14 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

2. That the information contained in the report Development 1 September 2010 to 30 September 2010 only in relation to DA.09/18, DA 2011/12, DA2011/07 & DA 07/188. in which Councillor Ross Brown, the General Manager, and the Director of

Planning & Environmental Services have declared an interest were received and noted.

CARRIED

FOR VOTE - Unanimous vote

Councillor Ross Brown, the General Manager and the Director of Planning & Environmental Services returned to the meeting at 4.51 p.m.

15B.2 CONFIRMATION OF PLANNING & ENVIRONMENT COMMITTEE MINUTES

251010/ 15 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the Planning and Environment Committee Meeting Minutes of 11 October 2010, was received and noted.
2. Development Application – 2010-104 – Bottle Shop
That Council refuses the development application by Clarence Investment Holdings Pty. Ltd to establish a Bottle Shop outlet at 8608 Bruxner Highway. The reasons for refusal are :-
 - a) It is considered that a Bottle Shop outlet at the proposed location is not in the overall public interest.
 - b) That upon consideration of a substantial number and substantiated grounds for objection Council has determined in favour of the objections.
3. Development Application 2010-122 – Rural Subdivision
That a further report be provided to the Planning & Environment Committee inclusive of legal advice which covers the following issues, but not restricted to those issues.
 - a) The issue of the unsigned s88B instrument.
 - b) The issue of the previous resolution of Council of 21 February 2010.
 - c) The legal position with regard to the granting of right of carriageway to more than one lot, specific to this development.
 - d) This issue is to be given high priority and the report provided within sixty (60) days.

CARRIED

Councillor Lindsay Passfield and Councillor Lynette Zito 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 Tom Cooper	
Cr Janet Wilson	

CARRIED

FOR VOTE - Unanimous vote

15B.3 RECREATIONAL DIRT BIKE RIDING IN KYOGLE LOCAL GOVERNMENT AREA

251010/ 16 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

1. That Council develop a policy for the location and operation of off road motorcycle facilities within the LGA.
2. That Council request Forests NSW to review their multiple land use policy and its application, particularly with respect to managing user conflicts; environmental issues; compliance mechanisms; and the generation of commercial returns.
3. That Kyogle Council request Forests NSW to introduce Recreational Dirt Bike Permits as a means of regulating this activity and generating an income stream to pay for enforcement.
4. That Council implement the accepted recommendation of the Sense of Place Community Advisory Committee regarding the development and printing of an on road motorcycle touring brochure.

5. That Council implement motorcycle education / awareness initiatives, including the use of licensed event organisers such as Australian Dirt Bike Adventures and request all Crown land managers to follow suit.
6. That Council actively participates in any future off road motorcycle compliance initiatives.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15C ENVIRONMENT SERVICES REPORT

15C.1 STATE OF THE ENVIRONMENT REPORT 2010

251010/ 17 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the State of the Environment Annual Supplementary Report 2010 be adopted, as amended.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15D CORPORATE SERVICES REPORT

15D.1 DRAFT ECONOMIC DEVELOPMENT POLICY

251010/ 18 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Draft Economic Development Policy as amended be placed on public exhibition for a period of 28 days.
2. That the logos for Growing Kyogle and Industry & Investment are included within the document.

CARRIED

FOR VOTE - Unanimous vote

**15D.2 COMMUNITY CULTURAL & ECONOMIC COMMITTEE MINUTES 11
OCTOBER 2010**

Having declared an interest in the Item 15D.2, Councillor Janet Wilson (Kyogle Together) left the meeting at 5.50 p.m.

251010/ 19 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. The Community Cultural & Economic Committee meeting minutes were received and noted.

CARRIED

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

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

2. That Council fund the following Futures Funding applications:
 - a) Kyogle Care Connections \$7,000 (\$3,500 from the Woodenbong/Urbenville fund and \$3,500 from the Bonalbo Old Bonalbo fund)
 - b) Tabulam Chamber of Commerce \$3,500 (from the Mummulgum / Mallanganee / Tabulam fund).
 - c) Kyogle Together Incorporated \$13,000 (from the whole of LGA fund)

An amendment was moved by Councillor Lindsay Passfield, seconded by Councilor Tom Cooper

2. That Council fund the following Futures Funding applications:
 - a) Tabulam Chamber of Commerce \$3,500 (from the Mummulgum / Mallanganee / Tabulam fund).
 - b) Kyogle Together Incorporated \$13,000 (from the whole of LGA fund)

The amendment was put to the vote and was CARRIED.

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

The amendment then became the MOTION.

The motion was put to the vote and was CARRIED.

251010/ 20 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Tom Cooper.

2. That Council fund the following Futures Funding applications:
 - a) Tabulam Chamber of Commerce \$3,500 (from the Mummulgum / Mallanganee / Tabulam fund).
 - b) Kyogle Together Incorporated \$13,000 (from the whole of LGA fund)

FOR VOTE - Ernie Bennett, John O'Reilly, Lindsay Passfield, Lynette Zito, Robert Dwyer, Tom Cooper

AGAINST VOTE - Robert Leadbeatter, Ross Brown

ABSENT. DID NOT VOTE - Janet Wilson

CARRIED

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

3. That Council consult with the Woodenbong/Bonalbo communities in relation to the available Futures Funding to ascertain where those communities would like the funding to be expended including the current application from Care Connections.

The motion was put to the vote and was CARRIED.

251010/ 21 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

3. That Council consult with the Woodenbong/Bonalbo communities in relation to the available Futures Funding to ascertain where those communities would like the funding to be expended including the current application from Care Connections.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Janet Wilson returned to the meeting at 5.55 p.m.

Having declared an interest in item 15D.2 Councillor Lynette Zito (RSL) left the meeting at 5.58 p.m.

251010/ 22 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

4. That the report on the Kyogle Memorial Institute Foyer was received and noted.

CARRIED

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

251010/ 23 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

5. That the Foyer shop be made available to the RSL for "one off" use consistent with the current use by community groups.

CARRIED

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

Councillor Lynette Zito returned to the meeting at 6.08 p.m.

251010/ 24 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

6. That possible grant funding sources be investigated to restore the shop back to the original foyer entry concept.

CARRIED

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

15D.3 SEPTEMBER QUARTER BUDGET/MANAGEMENT PLAN REVIEW

251010/ 25 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the September 2010, Quarterly Budget/Management Plan Review Statement was received and noted.
2. That Council approve the variation of estimates contained therein.

CARRIED

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

AGAINST VOTE - Tom Cooper

ITEM 15E COMMUNITY SERVICES REPORT

15E.1 CHRISTMAS/NEW YEAR CLOSEDOWN

251010/ 26 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

That the report Christmas/New Year Closures was received and noted.

CARRIED

FOR VOTE - Unanimous vote

15E.2 PECUNIARY INTEREST RETURNS

251010/ 27 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

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

Councillor Ross Brown departed the meeting at 6.33 p.m.

ITEM 15F GENERAL MANAGER'S REPORT

Nil.

ITEM 16 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 17 QUESTIONS FOR NEXT ORDINARY MEETING

• **Councillor Lynette Zito**

1. That Council seek a report regarding the impact of the aged community on land use planning and how to build these needs in the local environmental plan, and
2. The impact on Council's rates base.

• **Councillor Lindsay Passfield**

Provided a verbal report to the meeting on the National Local Roads Congress conference held in Bunbury, Perth, Western Australia in October 2010.

Councillor Janet Wilson departed the meeting at 6.40 p.m.

• **Councillor Janet Wilson**

1. What efficiencies were achieved through the savings made in the last management planning process?
2. Will the eco-tourism policy be drafted into the new Local Environmental Plan?

ITEM 18 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.55 p.m.

Signature of Chairperson.....

