

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 27 June 2011.

PRESENT

Cr. E. Bennett, (Mayor in the Chair), Cr. R. Brown, Cr. J. Wilson, Cr L. Zito, 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 Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.32 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. Robert Dwyer declared an interest in the following item/s, but advised he would not be leaving the room:

- Item 13D.2 East of the Range Australia Day Celebrations
Reason for Declaration - Member of Committee

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

- Item 13D.1 Grove House Occupation Certificate
Reason for Declaration - Chairperson of organisation

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 May - 31 May 2011 - 2011/30, 2011/34, 2011/59
Reason for Declaration – purchasing property with a potential quarry site - these are all quarry developments.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 May - 31 May 2011 - 2011/107
Reason for Declaration - sister is property owner

Personal Assistant to the General Manager & Corporate Services declared an interest in the following item/s:

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 May - 31 May 2011 - 2011/59
Reason for Declaration – relative of property owner.

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 May - 31 May 2011 - 2007/188
Reason for Declaration - previous preparation of SOE affects prior to being employed by Kyogle Council.

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 May - 31 May 2011 DA 2011/84, 2011/126
Reason for Declaration – employed by the owner of property

Cr. Lindsay Passfield declared an interest in the following item/s, but advised he would not be leaving the room:

- Item 13D.2 East of the Range Australia Day Celebrations
Reason for Declaration - Member of Committee

The General Manager advised that the Minister for Local Government had provided written advice allowing dispensation from pecuniary interest responsibilities in relation to the Kyogle Local Environmental Plan 2011 to the following Councillors:-

Councillors Tom Cooper, Robert Dwyer, Robert Leadbeatter, John O'Reilly, Ernest Bennett and Lindsay Passfield.

ITEM 5 QUESTION TIME

Nil.

ITEM 6 PUBLIC ACCESS

- Mr Peter Carlill addressed Council in relation to Item 13B.4 Joint Regional Planning Panel (JRPP) Request.
Advised that the Cedar Point Quarry matter has been in Council's hands for 9 months. The matter was provided to JRPP in February 2011. There has been considerable work undertaken including site inspections, a public meeting and submissions collated. Concerned that the JRPP have now asked for an independent review. Should this review occur he asks that it include a site inspection. Stated that the proposed quarry has high quality material content, and sought Council's positive decision on the matter.
- Mr Phil Gome addressed Council in relation to Item 13B.4 Joint Regional Planning Panel Request
Speaking on behalf of 7th Generation/Cedar Point Residents and acknowledged that long approval times are normal for development applications of this magnitude.
Reasons for the delay of the development application include; the initial public notice was found to be invalid so it had to be readvertised, Council referred the development application (designated development), to the JRPP and there were Environmental Impact Statement (EIS) deficiencies. Request that Council seek an independent review by JRPP prior to determination and that all documents are forwarded to the independent review.

6.1 AMEND ORDER OF BUSINESS

Having declared an interest in Item 13B.4 Councillor Tom Cooper left the meeting at 3.57 p.m.

270611/ 1 RESOLVED

Councillor Janet Wilson, seconded Councillor Ross Brown.

That the order of Business be amended to allow Item 13B.4 to be brought forward.

CARRIED

FOR VOTE - Unanimous vote

13B.4 JOINT REGIONAL PLANNING PANEL REQUEST

A motion was moved by Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That the Joint Regional Planning Panel Request report was received and noted.
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A motion was foreshadowed by Councillor Ross Brown.

2. That Council refuses the Joint Regional Planning Panel request to conduct a peer review of the staff assessment when it is completed.

The motion was put to the vote and was CARRIED.

270611/ 2 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That the Joint Regional Planning Panel Request report was received and noted.

CARRIED

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

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

2. That Council refuses the Joint Regional Planning Panel request to conduct a peer review of the staff assessment when it is completed.

A motion was foreshadowed by Councillor Lindsay Passfield.

3. That Council request JRPP to provide at least 30 days notice on the JRPP website before making this determination.

The motion was put to the vote and was CARRIED.

270611/ 3 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

2. That Council refuses the Joint Regional Planning Panel request to conduct a peer review of the staff assessment when it is completed.

CARRIED

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

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

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

A motion was moved by Councillor Lindsay Passfield, Councillor Robert Dwyer

3. That Council request JRPP to provide at least 30 days notice on the JRPP website before making this determination.

An amendment was moved by Councillor Ross Brown.

3. That Council request JRPP to provide at least 45 days of display on the JRPP website prior to calling a determination meeting.

Councillor Lindsay Passfield withdrew his motion.

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

3. That Council request JRPP to provide at least 45 days of display on the JRPP website prior to calling a determination meeting.

The motion was put to the vote and was CARRIED.

270611/ 4 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

3. That Council request JRPP to provide at least 45 days of display on the JRPP website prior to calling a determination meeting.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Tom Cooper

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 Lynette Zito	
Cr Janet Wilson	

Councillor Tom Cooper returned to the meeting at 4.08 p.m.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

270611/ 5 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the Minutes of the Ordinary Meeting held on 23 May 2011, were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; COUNCILLOR LINDSAY PASSFIELD - PLANT RESERVE FUNDS

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

That the matter be deferred and considered in conjunction with Item 13D.3 2011-12 Management Plan.

270611/ 6 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That the matter be deferred and considered in conjunction with Item 13D.3 2011-12 Management Plan.

CARRIED

FOR VOTE - Unanimous vote

Note: Councillor Lindsay Passfield withdrew this Notice of motion whilst in discussion in Item 13D.3 2011-12 Management Plan.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS WITH NOTICE FROM MAY ORDINARY MEETING

270611/ 7 RESOLVED

Councillor Robert Dwyer, seconded Councillor Ross Brown.

The Questions with Notice from the May Ordinary meeting were received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 FINANCIAL REPORTS - MAY 2011

270611/ 8 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer.

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

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM REPORT

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

1. That the Works Program Report was received and noted.

A motion was foreshadowed by Councillor Janet Wilson

2. That Council refer the matter of human resources and management of human resources and Committee structure to the Governance Committee for a further report to Council.

The motion was put to the vote and was CARRIED.

270611/ 9 RESOLVED

Councillor John O'Reilly, seconded Councillor Robert Leadbeater.

1. That the Works Program Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

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

2. That Council refer the matter of human resources and management of human resources and committee structure to the Governance Committee for a further report to Council.

The motion was put to the vote and was CARRIED.

270611/ 10 RESOLVED

Councillor Janet Wilson, seconded Councillor Ross Brown.

2. That Council refer the matter of human resources and management of human resources and committee structure to the Governance Committee for a further report to Council.

CARRIED

FOR VOTE - Unanimous vote

12.3 PLANT BUDGET REPORT - MAY 2011

270611/ 11 RESOLVED

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

That the Plant Budget Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.4 QUARRIES REPORT

270611/ 12 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

That the Quarries report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.5 DLG REVIEW OF CODE OF CONDUCT

270611/ 13 **RESOLVED**

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

1. That the Division Local Government review of the Model Code of Conduct report was received and noted.
2. That the General Manager and Mayor be authorised to prepare a submission on behalf of Council if considered necessary.
3. That any Councillor wishing to raise an issue for inclusion in Councils submission provide the relevant details to the General Manager by 8 July 2011.

CARRIED

FOR VOTE - Unanimous vote

12.6 UPDATE REPORT CONSTITUTIONAL REFERENDUM

270611/ 14 **RESOLVED**

Councillor Lynette Zito, seconded Councillor Tom Cooper.

1. That the Update Report Constitutional Referendum was received and noted.
2. That a further report be presented to the July Ordinary Meeting following the meeting with the Electoral Commission.

CARRIED

FOR VOTE - Unanimous vote

12.7 OUTSTANDING COUNCIL RESOLUTIONS

270611/ 15 **RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Outstanding Council Resolutions report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.8 SAFER SUBURBS GRANT

270611/ 16 **RESOLVED**

Councillor Robert Dwyer, seconded Councillor John O'Reilly.

1. That the information regarding the \$70,000 received through the Safer Suburbs Program was received and noted.
2. That Council authorises the common seal to be affixed in the presence of the Mayor and General Manager to the funding agreement in relation to funding under the Safer Suburbs Program for the Safer Memorial Park Project.
3. That Council authorises the Mayor and General Manager to sign the funding agreement in relation to funding under the Safer Suburbs Program for the Safer Memorial Park Project

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 **GENERAL MANAGER 'S REPORT**

ITEM 13A **TECHNICAL SERVICES REPORT**

13A.1 **ADOPTION OF ROAD NAMES**

270611/ 17 **RESOLVED**

Councillor Tom Cooper, seconded Councillor Lindsay Passfield.

1. That the name Goanna Creek Road be adopted for the unnamed section of Road from the intersection with Duck Creek Road running in a south easterly direction through Lot 14 DP 751047, Lot 1 DP 747578, Lot 2 DP 747578, Lot 7 DP 751047, lot 10 DP 751047 through to a point approximately 40 m past the point where the road meets the northern most boundary of Lot 6 DP 751047. (Total length 1.3 km)
2. That the name Hoare Street was adopted for the unnamed road within the village of Tabulam commencing at Lawrence Street near the south west corner of Lot 7300 DP 1146195 and running in an easterly direction for approximately 330 metres and terminates as a no through road at the north east boundary of Lot 7302 DP 1146238.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13B PLANNING SERVICES REPORT

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

270611/ 18 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

1. That, with the exception of the following items in which Councillors Tom Cooper, Lindsay Passfield, the General Manager, Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services have declared an interest,

- Cr Tom Cooper 13B.1 Development Applications Received, Determined and Outstanding DA 2011/30, 2011/34 & 2011/59
- Cr Lindsay Passfield 13B.1 Development Applications Received, Determined and Outstanding DA 2011/84, 2011/126
- General Manager 13B.1 Development Applications Received, Determined and Outstanding DA 2011/107
- Director of Planning & Environmental Services 13B.1 Development Applications Received, Determined and Outstanding DA 2007/188
- Personal Assistant to the General Manager & Corporate Services 13B.1 Development Applications Received, Determined and Outstanding DA 2011/59

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 May 2011 to 31 May 2011 was received and noted.

2. That a report be presented to the July Ordinary meeting outlining actions to finalise long standing applications.

CARRIED

FOR VOTE - Unanimous vote

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 Lynette Zito	
Cr Tom Cooper	
Cr Janet Wilson	

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

3. That Development Application 2011/105 be brought for the Planning Committee.

The motion was put to the vote and was CARRIED.

270611/ 19 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

3. That Development Application 2011/105 be brought for the Planning Committee.

CARRIED

FOR VOTE - Unanimous vote

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 Lynette Zito	
Cr Tom Cooper	
Cr Janet Wilson	

Having declared an interest in Item 13B.1 Councillors Tom Cooper, Lindsay Passfield, the General Manager, Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services left the meeting at 4.45 p.m.

270611/ 20 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer.

4. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 May 2011 to 31 May 2011 only in relation to 11/30, 11/34, 11/59, 11/84, 11/126, 07/188, 11/107 & 11/59 in which Councillors Tom Cooper, Lindsay Passfield, the General Manager, Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services have declared an interest was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield, Tom Cooper

Councillors Tom Cooper, Lindsay Passfield, the General Manager, Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services returned to the meeting at 4.47 p.m.

13B.2 KYOGLE LOCAL ENVIRONMENTAL PLAN 2011

270611/ 21 RESOLVED

Councillor John O'Reilly, seconded Councillor Robert Dwyer.

1. That the report Kyogle Local Environmental Plan 2011 be received and noted.
2. That draft Kyogle Local Environmental Plan 2011 is exhibited for a period of sixty (60) days.

CARRIED

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

AGAINST VOTE - Tom Cooper

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

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

13B.3 DEVELOPMENT APPLICATION 2011/116 - BUILDING LINE VARIATION FOR A RURAL SHED

270611/ 22 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That Council issue Development Consent Notice 2011-116 for the construction of a Rural shed and a building line variation to 2 metres from 18 metres.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

- 1) The development shall be in accordance with development application number 2011-116 submitted on April 20, 2011, and in accordance with the following:
 - **Statement of Environmental Effects as prepared by DW & KA Gibson**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) 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.

- 4) Apart from developer funded works, no improvements to existing roads, access and services will be provided by Council or any other utility authority.
- 5) The use of the land must not interfere with legitimate rural and agricultural uses on adjoining land.
- 6) The proposed landuse shall not result in the emission of offensive noise.

Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:

- a) be harmful to,
- b) be offensive to,
- c) interfere unreasonably with the comfort or repose of,

a person who is:

- (i) if the offensive noise is made in premises that are not a public place - outside those premises,

or

- (ii) if the offensive noise is made in premises that are a public place - within or outside those premises.

- 7) All building waste is to be removed from the site to an approved waste disposal facility.
- 8) Burning of site refuse and materials is not permitted and all such materials shall be prevented from escaping onto adjoining land and shall be maintained in a tidy manner on site at all times.
- 9) Erosion and sediment control measures must be properly maintained at all times and shall remain in proper operation until all development activities have been completed and the site fully stabilised and vegetated.
- 10) The installation and operation of all external and security lighting, must comply at all times with the requirements of AS 4282 – *Control of the Obtrusive Effects of Outdoor Lighting*.
- 11) That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
- 12) 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.

- 13) All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
- 14) The applicant is to make written application to Council (accompanied by a location plan) for a vehicular access to the rural shed and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.
- 15) All allotments where access is obtained from a sealed road shall have a sealed vehicular access from the roadway to the boundary of private property in accordance with Council's Property Access and Addressing Management Plan.
- 16) All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
- 17) Footings and/or slabs must be in accordance with AS 2870 – 1996, "Residential Slabs and Footings".
- 18) All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.
- 19) The metal roof and wall cladding is to be installed in accordance with AS 1562 – 1992, Design and Installation of Sheet Roof and Wall Cladding.
- 20) All metal framing to comply with approved engineering specifications and AS 3623-Domestic Metal Framing.
- 21) If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;
 - a) prior to pouring any in-situ reinforced concrete building element.
 - b) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

CARRIED

FOR VOTE - Unanimous vote

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

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 GROVE HOUSE OCCUPATION AGREEMENT

Having declared an interest in Item 13D.1 Councillor Janet Wilson left the meeting at 5.07 p.m.

270611/ 23 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Occupation Agreement for Grove House report was received and noted.
2. That the conditions of the existing Occupation Agreement continue until 31 July 2011.

CARRIED

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

Councillor Janet Wilson returned to the meeting at 5.10 p.m.

13D.2 EAST OF THE RANGE AUSTRALIA DAY CELEBRATIONS

Councillor Robert Dwyer and Councillor Lindsay Passfield although they have declared an interest, they would not be leaving the room.

270611/ 24 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the East of the Range Australia Day Celebrations Report was received and noted.
2. That correspondence be sent to the members of the Australia Day Committees seek their feedback on the suggested change to the celebration format and on how the total allocation should be distributed.
3. That a report detailing the responses be provided to the August 2011 Council meeting.

CARRIED

FOR VOTE - Unanimous vote

13D.3 2011-2012 MANAGEMENT PLAN

A motion was moved by Councillor Ross Brown, seconded Councillor Lynette Zito

That Council defers Item 13D.3, until after consideration of the Confidential Business Paper.

270611/ 25 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

That Council defers Item 13D.3, until after consideration of the Confidential Business Paper.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13E COMMUNITY SERVICES REPORT

Nil

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 JULY ORDINARY COUNCIL MEETING DATE

A motion was moved by Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

That Council change the scheduled date for its July Ordinary Meeting from Monday 25 July, 2011 to Tuesday 26 July, 2011.

The motion was put to the vote and was LOST.

AGAINST VOTE - Unanimous vote

13F.2 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

270611/ 26 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Tom Cooper.

That Council adopts the following Councillor and Mayoral fees for 2011/20121:

- Councillor Annual Fee - \$9,970
- Mayoral Fee - \$21,770

CARRIED

FOR VOTE - Unanimous vote

13F.3 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

270611/ 27 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Janet Wilson.

That Council declares its support for financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for the inclusion of Local Government in any new preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Lindsay Passfield

- Referred to a document launched at the National General Assembly "Best practice guide for Councils when dealing with NBNco" and tabled the document. Asked if staff could review the documentation and provide a report outlining the opportunities and implications for Kyogle Council.

Councillor Robert Dwyer

- Requested a report be provided to Council on the cost of repairs to Kyogle Skate Park/Carpark area including a new fence.
- Request Council officers investigate the matter of Council's Records/Storage house located in Bloore Street being frequented by persons at night.

Councillor Tom Cooper

- Provided a letter from Dr Trevor Tierney a long term Doctor for Bonalbo advising of his impending retirement. The letter seeks Council's support in endeavouring to apply for a Federal Grant for GP Super Clinics which will attract suitable replacement doctor/s.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVE INTO CLOSED COUNCIL

Item 16.1 - Annual Tenders

Item 16.2 - Collection, Transportation and Disposal of Green Waste Contract Number 2010/11-005.

These items are 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:

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat is as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

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.

270611/ 28 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

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

16.02 OPEN COUNCIL RESUMES

270611/ 29 RESOLVED

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

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

Open Council resumed at 6.25. p.m.

CARRIED

FOR VOTE - Unanimous vote

16.03 RESOLUTIONS FROM THE CLOSED MEETING

That the following resolutions of council while the meeting was closed to the public were read to the meeting by the Chair.

16.1 ANNUAL TENDERS

1. That the following tender received from SAS for Bituminous Surfacing excluding item 4 and Clark Asphalt be accepted for item 4 for the 2011-12 financial year was accepted.

Item No.	Description	Unit	SAS
1	Seal Design and Establishment (all equipment except roller)	Per visit	2,062.00
2	Supply, heat, spray		
	(a) Bitumen Class 170	Litre	1.15
	(b) Bitumen Class 320	Litre	1.15
	(c) S35E Polymer Modified Binder	Litre	1.48
	(d) S45R Scrap Rubber Binder	Litre	1.35
	(e)E30HR Polymer Emulsion	Litre	1.49
3	(a)Supply, incorp., Spray Cutter	Litre	1.90
	(b)Supply, incorp., Spray Adhesion Agent	Litre	7.50
4	Supply and lay Asphaltic Concrete	m/3	No Offer
5	Broom Pavement and deliver sweepings to nearby and/or convenient nominated Council stockpile site;		

	(a) Inclusive pre-seal and post-seal sweeping using rotary broom to meet RTA T277	m/2	0.10
	(b) Inclusive pre-seal sweeping using rotary broom and post-seal sweeping using vacuum broom to meet RTA T277	m/2	0.20
	(c) Inclusive pre-seal and post-seal sweeping using vacuum broom to meet RTA T277	m/2	0.20
	(d) Single run sweeping using rotary broom	m/2	0.10
	(e) Single run sweeping using vacuum broom	m/2	0.20
6	Temporary Pavement Marking (“stick and stomp”) unit distance is measured along centreline of road being sealed;		
	(a) Edgeline/s and centrelines	/m	0.30
	(b) Centerline/s only	/m	0.30

7	Establish Roller	Per visit	250.00
8	Roll aggregate	m/2	0.13
9	Traffic Control;		
	(a) Establish Traffic Control at each Site	Per visit	110.00
	(b) Provide Traffic Control	m/2	0.12
10	Load stockpiled aggregate	m/3	5.90
11	Haul and spread 1 m/3 stockpiled aggregate	m/3	21.00
12	a) Supply and Spray Pre-coating Material on Stockpiled Aggregate	Litre	1.70
	b) Supply and Spray Pre-coating Material and turn Stockpiled Aggregate	Litre	2.00
13	Supply Aggregate;		
	(a) Supply 7mm pre-coated aggregate	m ³	65.22
	(b) Supply 10mm pre-coated aggregate	m/3	68.10
	(c) Supply 14mm pre-coated aggregate	m/3	65.22
	(d) Supply 7mm aggregate without pre-coating	m/3	39.50
	(e) Supply 10mm aggregate without pre-coating	m/3	39.50
	(f) Supply 14mm aggregate without pre-coating	m/3	39.50
	(g) Haul and deliver 1m ³ aggregate to nominated stockpile site	Km	0.30

**Clark Asphalt:
Heavy Patch Work Per M3**

	DESCRIPTION	UNIT	TENDERED RATE (INC. GST)
A	Site Establishment Cost to move Labour & Equipment into Council Area	Item	550.00
B	Heavy Patch work based on m3 placed per shift and plus cost of materials and freight. (all machinery inclusive) Up to 5m3-plus asphalt& freight 6m3 to 10m3 11m3 to 20m3 21m3 to 50m3 51m3 to 100m3	M3	907.50 456.50 302.50 176.00 121.00
C	Asphalt HD and freight- (includes freight into Kyogle Council)	Per Tonne	176.00
D	Traffic Control- as per schedule attached (pricing as from 1 st July 2011)		
E	Waste Removal –per truck per hour	Per truck per hour	93.50
F	Flowcon Truck for repair work-plus asphalt as above in item C	Per Day	2750.00

**Clark Asphalt:
Overlay Rates**

ITEM	DESCRIPTION	UNIT	TENDERED RATE (INC. GST)
G	Site Establishment Cost to move Labour & Equipment into Council Area	Item	550.00
H	Overlay rates based on tonnes laid per shift-crew and machinery inclusive;- 0 to 10 tonne 11 to 25 tonne 26 to 50 tonne 51 to 75 tonne 76 to 100 tonne 101 to 150 tonne 151 to 200 tonne 201 to 300 tonne	Per Tonne	385.00 165.00 93.50 64.90 49.50 44.00 33.00 27.50

I	Asphalt HD and freight- (includes freight into Kyogle Council)	Per Tonne	176.00
J	Profile Hire- minimum of 4 hours	Per Hour	220.00
K	Truck Hire – For Profiler	Per Hour	93.50
L	Bobcat Hire	Per Hour	88.00
M	Crack Sealing Crew	Per Day	2750.00
N	Gripset- Material for crack sealing	Per Bucket	105.60

Traffic Control Rates – Clark Asphalt Pty Limited

Crew Size Including Vehicle and Equipment	Rate	Ordinary Time Rate	Time & Half Rate	Night Time Rate	Double TimeRate	Public Holidays Rate
One (1) Person	Hour	62.70	72.60	75.90	83.60	88.00
Two (2) Person	Hour	102.30	127.60	130.90	146.30	172.70
Three (3) Person	Hour	143.00	176.00	185.90	209.00	248.60
Four (4) Person	Hour	182.60	226.60	240.90	270.60	324.50
Five (5) Person	Hour	223.30	278.30	295.90	333.30	400.40
Six (6) Person	Hour	262.90	328.90	350.90	396.00	476.30
Labourer/Traffic Controller	Hour	40.40	51.40	55.00	62.50	75.90
Spotter	Hour	42.90	53.90	58.30	64.90	78.10

Site Inspections, plans and Audit Services;
Traffic Control Plan- \$220.00/Hour
Site Inspection- \$88.00/Hour
Audit Services-\$88.00/Hour
Travel Time- \$42.90/Hr

The above rates are all subject to 10% GST.

2. The following tender received from Stabilised Pavements Australia for Pavement Stabilisation for the 2011-12 financial year be accepted.

	SPA	SPA
	Conventional	Large
Establishment Cost Per Visit	2,300.00	2,500.00
Min.daily operation rate	5,300.00	5,750.00

Supply and incorporate GB bulk cement, rate m/2

2% by weight	Supply	1.34	1.34
150mm deep	spread/mix	1.75	1.75
2% by weight	Supply	1.79	1.79
200mm deep	spread/mix	1.75	1.75
2% by weight	Supply	2.33	2.33
250mm deep	spread/mix	2.05	2.05
2% by weight	Supply	2.68	2.68
300mm deep	spread/mix	2.05	2.05
2.5% by weight	Supply	1.67	1.67
150mm deep	spread/mix	1.75	1.75
2.5% by weight	Supply	2.33	2.33
200mm deep	spread/mix	1.75	1.75
2.5% by weight	Supply	2.79	2.79
250mm deep	spread/mix	2.05	2.05
2.5% by weight	Supply	3.35	3.35
300mm deep	spread/mix	2.05	2.05
3% by weight	Supply	2.01	2.01
150mm deep	spread/mix	1.75	1.75
3% by weight	Supply	2.68	2.68
200mm deep	spread/mix	1.75	1.75
3% by weight	Supply	3.35	3.35
250mm deep	spread/mix	2.05	2.05
3% by weight	Supply	4.02	4.02
300mm deep	spread/mix	2.05	2.05

Supply and incorporate 70/30 slag lime mix, rate m/2

3% by weight	Supply	2.77	2.27
150mm deep	spread/mix	1.75	1.75
3% by weight	Supply	3.70	3.70
200mm deep	spread/mix	1.75	1.75
3% by weight	Supply	4.62	3.35
250mm deep	spread/mix	2.05	2.05
3% by weight	Supply	5.54	5.54
300mm deep	spread/mix	2.05	2.05

Supply and incorporate water soluble binder supplied by Council, rate m/2

150mm deep	spread/mix	1.80	1.80
200mm deep	spread/mix	1.80	1.80
250mm deep	spread/mix	2.10	2.10
300mm deep	spread/mix	2.10	2.10

3. That

- J Fraser,
- B & T Lamond,
- Maslen Contracting,
- MJ Smith Ground Preparation,
- Rockhead Pty Ltd,
- Kyogle Bobcat Hire,
- Conplant,
- McNamara and Tierney,
- R W Fuller,
- R Davis,
- Summerland Environmental,
- FEDC,
- Ozwide Formwork Pty Ltd,
- Davis Excavations,
- North East Cranes Pty Ltd,
- SRS Roads Pty Ltd,

- Universal Cranes,
- D Rex Excavator & Bobcat,
- Summerland Slashing,
- Teshelson,
- Universal Mobile Tower Hire,
- PremiAir Services Pty Ltd,
- Kingsbrae Pty Ptd,
- BTW Pty Ltd and
- Sherrin Rentals

be placed on the list of preferred suppliers for hire of plant from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 20011/12 financial year.

Non conforming tenders:

That

- HJ Standfield,
- Burley Rolling,
- Richmond Valley Trees,
- Smith Plant,
- M Lamond,
- Ace Rentals,
- T & D Anderson and
- B Harris

be added to the list upon Council's receipt of required information which was not submitted with the original tender documents.

4. That

- MJ Smith Ground Preparation,
- Maslen Contractors,
- Kingsbrae Pty Ltd,
- R W Fuller,
- H G & K A Anderson,
- Kyogle Bobcat Hire,
- Ozwide Formwork Pty Ltd,
- FEDC,
- BTW Pty Ltd,
- Davis Excavations and
- R J Skinner and Sons

be placed on the list of preferred suppliers for hire of trucks from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2011/12 financial year.

Non conforming tenders:

That

- Smith Plant,
- John Miller and
- H J Standfield

be added to the list upon Council's receipt of required information which was not submitted with the original tender documents.

16.2 COLLECTION, TRANSPORTATION AND DISPOSAL OF GREEN WASTE CONTRACT NUMBER 2010/11-005

1. That the Collection, Transportation and Disposal of Green Waste contract number 2010/11-005 report was received and noted.
2. That a further report be brought back to Council that explores the options of introducing a Green waste collection on a trial basis for a period of not less than 3 months and not more than 6 months.

16.3 INTERNAL AUDIT COMMITTEE

That Council authorises the Mayor and the General Manager to offer Mr. John Watkins and Mr. Andrew Stevens positions on the Internal Audit Committee at the rates of payment outlined in this report.

ITEM 13 GENERAL MANAGER 'S REPORT

13D.3.1 2011-2012 MANAGEMENT PLAN - DEFERRED DISCUSSION

Having declared an interest in the matter of Kyogle Together, Councillor Janet Wilson left the meeting at 6.39 p.m. whilst discussion was being held.

Councillor Janet Wilson returned to the meeting at 6.41p.m.

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

1. That Council adopt the amended 2011/2012 Management Plan, incorporating any editing changes, alterations to strategies, budget estimates or fees and charges, as necessary;
2. That a Farmland Rate, to be known as the "Farmland Rate" of 0.229147 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 14.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
3. That a Residential Rate, to be known as the "Residential Rate" of 0.535111 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Residential in accordance with Section 516 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 43.1% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
4. That a Residential Rate, to be known as the "Residential – Kyogle" Rate of 0.748833 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential - Kyogle (being all rateable land (other than business) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$210.00 which is expected to yield 24.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
5. That a Residential Rate, to be known as the "Rural Residential Rate" of 0.345238 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential Rural (being parcels of residential land that are the site of a dwelling and are between 2 and 40 hectares in area, or which do not have a significant and substantial commercial purpose or character) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 21.7% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
6. That a Business Rate, to be known as the "Business Rate" of 0.405503 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Business in accordance with Section 518 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 42.3% of revenue in

this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;

7. That a Business Rate, to be known as the "Business – Kyogle" Rate of 0.692166 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Business - Kyogle (being all rateable land (other than residential) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 518 and 529 of the Local Government Act 1993, subject to a base amount of \$210.00 which is expected to yield 16% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
8. That the following Water Supply Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

Access Charges

• Vacant Property	\$80.00
• 20mm Connection	\$266.00
• 25mm Connection	\$418.00
• 32mm Connection	\$685.00
• 40mm Connection	\$1,064.00
• 50mm Connection	\$1,673.00
• 80mm Connection	\$4,257.00
• 100mm Connection	\$6,653.00
• Fire Service Connection	\$265.00

Consumption Charges

Consumption up to 200kL usage	\$1.18 per kL
Consumption above 200kL usage	\$1.80per kL
Home Dialysis allocation first 100 kL	no charge

9. That the following Residential Sewerage Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

Sewerage Annual Charge	\$586.00
Vacant Annual Sewerage Charge	\$ 75.00

10. That the following Non Residential Sewerage Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993; subject to a minimum amount of \$569.00 in accordance with Section 542 of the Local Government Act 1993;

(a) Non-Residential Sewerage

Access Charges

• Vacant property	\$ 80.00
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•20mm Connection	\$230.00
•25mm Connection	\$359.36
•32mm Connection	\$588.80
•40mm Connection	\$920.00
•50mm Connection	\$1,437.52
•80mm Connection	\$3,680.00
•100mm Connection	\$5,750.00

Consumption Charges

\$0.91 per kl

11. That the following Trade Waste Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

(a) Trade Waste – Dischargers requiring nil or minimal pre-treatment

Annual Trade Waste Fee	\$72.00
Re-inspection Fee	\$68.00

(b) Trade Waste – Dischargers requiring prescribed pre-treatment

Annual Trade Waste Fee	\$72.00
Re-inspection Fee	\$68.00
Consumption Charge	\$1.00/kL

(c) Trade Waste – Large dischargers (over 20kl/d)

Annual Trade Waste Fee	\$477.00
Re-inspection Fee	\$68.00
Excess mass charges	per Appendix B

(d) Trade Waste – Discharges with a sewerage dump point

Annual Trade Waste Fee	\$569.00
Re-inspection Fee	\$68.00

12. That the following Domestic Waste Management charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 496 and Sections 502 and 503 of the Local Government Act 1993;

• Occupied Premises	\$390.00
• Unoccupied Premises	\$ 30.00

13. That the following Commercial Waste charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 501 of the Local Government Act 1993;

- Commercial Properties \$390.00
14. That the following On Site Sewerage Management charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 501 of the Local Government Act 1993;
 - OSMS Annual Charge \$35.00
 15. That Council set the Rate of Interest, to apply for the rating year 1 July, 2011 to 30 June, 2012, on rates, charges, and debtor accounts which remain unpaid after they become due and payable, at 9% per annum, accruing on a daily basis, in accordance with Section 566 of the Local Government Act 1993;
 16. That Council adopt the Schedule of Fees and Charges contained in the Appendix to the Management Plan in accordance with Sections 608, 609 and 610 of the Local Government Act 1993;
 17. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

An amendment was moved by Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That Council adopt the displayed 2011/2012 Management Plan, incorporating any editing changes, alterations to strategies, budget estimates or fees and charges, as necessary;
2. That a Farmland Rate, to be known as the "Farmland Rate" of 0.229147 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 14.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
3. That a Residential Rate, to be known as the "Residential Rate" of 0.535111 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Residential in accordance with Section 516 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 43.1% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
4. That a Residential Rate, to be known as the "Residential – Kyogle" Rate of 0.748833 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential - Kyogle (being all rateable land (other

than business) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$210.00 which is expected to yield 24.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;

5. That a Residential Rate, to be known as the “Rural Residential Rate” of 0.345238 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential Rural (being parcels of residential land that are the site of a dwelling and are between 2 and 40 hectares in area, or which do not have a significant and substantial commercial purpose or character) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 21.7% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
6. That a Business Rate, to be known as the “Business Rate” of 0.405503 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Business in accordance with Section 518 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 42.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
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8. That the following Water Supply Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

Access Charges

• Vacant Property	\$80.00
• 20mm Connection	\$266.00
• 25mm Connection	\$418.00
• 32mm Connection	\$685.00
• 40mm Connection	\$1,064.00
• 50mm Connection	\$1,673.00
• 80mm Connection	\$4,257.00
• 100mm Connection	\$6,653.00

- Fire Service Connection \$265.00

Consumption Charges

Consumption up to 200kL usage	\$1.18 per kL
Consumption above 200kL usage	\$1.80per kL
Home Dialysis allocation first 100 kL	no charge

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Sewerage Annual Charge	\$586.00
Vacant Annual Sewerage Charge	\$ 75.00

10. That the following Non Residential Sewerage Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993; subject to a minimum amount of \$569.00 in accordance with Section 542 of the Local Government Act 1993;

Non-Residential Sewerage

Access Charges

• Vacant property	\$ 80.00
• 20mm Connection	\$230.00
• 25mm Connection	\$359.36
• 32mm Connection	\$588.80
• 40mm Connection	\$920.00
• 50mm Connection	\$1,437.52
• 80mm Connection	\$3,680.00
• 100mm Connection	\$5,750.00

Consumption Charges

- \$0.91 per kl

11. That the following Trade Waste Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

(a) Trade Waste – Dischargers requiring nil or minimal pre-treatment

Annual Trade Waste Fee	\$72.00
Re-inspection Fee	\$68.00

(b) Trade Waste – Dischargers requiring prescribed pre-treatment

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Re-inspection Fee	\$68.00
Consumption Charge	\$1.00/kL

(c) Trade Waste – Large dischargers (over 20kl/d)

Annual Trade Waste Fee	\$477.00
Re-inspection Fee	\$68.00
Excess mass charges	per Appendix B

(d) Trade Waste – Discharges with a sewerage dump point

Annual Trade Waste Fee	\$569.00
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12. That the following Domestic Waste Management charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 496 and Sections 502 and 503 of the Local Government Act 1993;

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13. That the following Commercial Waste charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 501 of the Local Government Act 1993;

• Commercial Properties	\$390.00
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14. That the following On Site Sewerage Management charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 501 of the Local Government Act 1993;

• OSMS Annual Charge	\$35.00
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15. That Council set the Rate of Interest, to apply for the rating year 1 July, 2011 to 30 June, 2012, on rates, charges, and debtor accounts which remain unpaid after they become due and payable, at 9% per annum, accruing on a daily basis, in accordance with Section 566 of the Local Government Act 1993;

16. That Council adopt the Schedule of Fees and Charges contained in the Appendix to the Management Plan in accordance with Sections 608, 609 and 610 of the Local Government Act 1993;

17. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

The amendment was put to the vote and carried.

The amendment became the MOTION.

270611/ 34 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That Council adopt the displayed 2011/2012 Management Plan, incorporating any editing changes, alterations to strategies, budget estimates or fees and charges, as necessary;
2. That a Farmland Rate, to be known as the "Farmland Rate" of 0.229147 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 14.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
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6. That a Business Rate, to be known as the "Business Rate" of 0.405503 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Business in accordance with Section 518 of the Local Government Act 1993, subject to a base amount of \$178.00 which is expected to yield 42.3% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
7. That a Business Rate, to be known as the "Business – Kyogle" Rate of 0.692166 cents in the dollar on the Land Value be now made for the rating year 1 July, 2011 to 30 June, 2012 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Business - Kyogle (being all rateable land (other than residential) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 518 and 529 of the Local Government Act 1993, subject to a base amount of \$210.00 which is expected to yield 16% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
8. That the following Water Supply Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

- Access Charges

• Vacant Property	\$80.00
• 20mm Connection	\$266.00
• 25mm Connection	\$418.00
• 32mm Connection	\$685.00
• 40mm Connection	\$1,064.00
• 50mm Connection	\$1,673.00
• 80mm Connection	\$4,257.00
• 100mm Connection	\$6,653.00
• Fire Service Connection	\$265.00

- Consumption Charges

Consumption up to 200kL usage	\$1.18 per kL
Consumption above 200kL usage	\$1.80per kL
Home Dialysis allocation first 100 kL	no charge

9. That the following Residential Sewerage Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

Sewerage Annual Charge	\$586.00
Vacant Annual Sewerage Charge	\$ 75.00

10. That the following Non Residential Sewerage Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502

and 503 of the Local Government Act 1993; subject to a minimum amount of \$569.00 in accordance with Section 542 of the Local Government Act 1993;

(a) Non-Residential Sewerage

Access Charges

Vacant property	\$ 80.00
20mm Connection	\$230.00
25mm Connection	\$359.36
32mm Connection	\$588.80
40mm Connection	\$920.00
50mm Connection	\$1,437.52
80mm Connection	\$3,680.00
100mm Connection	\$5,750.00

Consumption Charges

\$0.91 per kl

11. That the following Trade Waste Charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

a) Trade Waste – Dischargers requiring nil or minimal pre-treatment

Annual Trade Waste Fee	\$72.00
Re-inspection Fee	\$68.00

b) Trade Waste – Dischargers requiring prescribed pre-treatment

Annual Trade Waste Fee	\$72.00
Re-inspection Fee	\$68.00
Consumption Charge	\$1.00/kL

c) Trade Waste – Large dischargers (over 20kl/d)

Annual Trade Waste Fee	\$477.00
Re-inspection Fee	\$68.00
Excess mass charges	per Appendix B

d) Trade Waste – Discharges with a sewerage dump point

Annual Trade Waste Fee	\$569.00
Re-inspection Fee	\$68.00

12. That the following Domestic Waste Management charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 496 and Sections 502 and 503 of the Local Government Act 1993;

Occupied Premises	\$390.00
Unoccupied Premises	\$ 30.00

13. That the following Commercial Waste charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 501 of the Local Government Act 1993;

Commercial Properties	\$390.00
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14. That the following On Site Sewerage Management charges be made for the rating year 1 July, 2011 to 30 June, 2012, in accordance with Section 501 of the Local Government Act 1993;

OSMS Annual Charge	\$35.00
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15. That Council set the Rate of Interest, to apply for the rating year 1 July, 2011 to 30 June, 2012, on rates, charges, and debtor accounts which remain unpaid after they become due and payable, at 9% per annum, accruing on a daily basis, in accordance with Section 566 of the Local Government Act 1993;
16. That Council adopt the Schedule of Fees and Charges contained in the Appendix to the Management Plan in accordance with Sections 608, 609 and 610 of the Local Government Act 1993;
17. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

CARRIED

FOR VOTE - Unanimous vote

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

18. That a review of the finances be referred to the Governance Committee and Council nominate Councillor Ross Brown to the Governance Committee for the purposes of developing terms of reference for a financial review.

The motion was put to the vote and was CARRIED.

270611/ 35 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

18. That a review of the finances be referred to the Governance Committee and Council nominate Councillor Ross Brown to the Governance Committee for the purposes of developing terms of reference for a financial review.

CARRIED

FOR VOTE - Unanimous vote

MEETING CLOSURE

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

Signature of Chairperson.....

