

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 27 September, 2010.

PRESENT

Cr. R. Brown, (Mayor in the Chair), Cr. E. Bennett, (Mayor in the Chair - following Mayoral election), 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 Planning & Environmental 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.

Councillor Bennett called for one minute silence to acknowledge the passing of former Councillor Pollard.

ITEM 4 DECLARATION OF INTERESTS

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

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2009/18
Reason for Declaration – adjoining land owner

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

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2010/149 & 2011/07
Reason for Declaration - Relative of property owner and property owner.

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

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2011/12 and 2011/07
- Item 16B.3 Development Application 2011/12 - Pool shed
Reason for Declaration - applicant and property owner.

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

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2007/188
Reason for Declaration – previous preparation of SOE affects prior to being employed by Kyogle Council.

Cr. Ernie Bennett declared an interest in the following item/s:

- Item 16B.1 Development Applications Received, Determined and Outstanding for the period 1 August 2010 - 31 August 2010 - 2010/106
Reason for Declaration – Leasing paddock from property owner
- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration – ability to subdivide will be affected by proposed changes.

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

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

Cr. John O'Reilly declared an interest in the following item/s:

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

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

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - ability to subdivide will be affected by proposed changes.

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

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - has family whose ability to subdivide will be affected by proposed changes.

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

- Item 16B.2 Principal Local Environmental Plan
Reason for Declaration - ability to subdivide will be affected by proposed changes.

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

- Item 15.4 Kyogle Memorial Institute Foyer

ITEM 5 ANNUAL APPOINTMENTS

5.1 ELECTION OF MAYOR

Councillor Ross Brown vacated the position of Chair.

The Returning Officer (being the General Manager) advised:

- “As required by the Local Government Act 1993, Section 227, the election of Mayor was to be by the Councillors from among their numbers”.
- “The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2005”.
- “The Local Government Act appoints the General Manager (or a person appointed by the General Manager) as the Returning Officer. “I will be the Returning Officer. Mrs Carol O’Neill, Director Corporate & Community Services, has been appointed Assistant Returning Officer.”
- “Council is required to determine whether the election is to be by ordinary ballot or open voting or preferential voting. This will require a resolution of Council”.

270910/ 1 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Returning Officer (being the General Manager) conduct the election of the Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer asked if there were any nominations without notice for the position of Mayor.

Nil were received.

The Returning Officer advised that he had received three (3) nominations for the position of Mayor –

- Councillor Ross Brown
- Councillor Ernie Bennett
- Councillor Lynette Zito

The Returning Officer then conducted a draw for positions on the ballot paper.

The Returning Officer called for the Assistant Returning Officer to draw the names.

Councillor Bennett drew first position on the ballot paper, Councillor Brown drew position number two and Councillor Zito drew third position on the ballot paper.

Ballot papers were distributed to each Councillor by the Assistant Returning Officer.

The Returning Officer removed the ballot papers, and counted the ballot papers. The counting was checked by the Assistant Returning Officer.

Councillor Brown received the least votes and was therefore eliminated.

The Returning Officer then conducted a draw for positions on the ballot paper for the remaining candidates.

Councillor Zito drew first position on the ballot paper and Councillor Bennett drew position number two on the ballot paper.

Ballot papers were distributed to each Councillor by the Assistant Returning Officer.

The Returning Officer removed the ballot papers, and counted the ballot papers. The counting was checked by the Assistant Returning Officer.

The Returning Officer then declared Councillor Bennett elected as Mayor.

Councillor Bennett - five (5) votes
Councillor Zito – four (4) votes

5.2 ELECTION OF DEPUTY MAYOR

270910/ 2 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

That a Deputy Mayor be elected for the Mayoral term by the Councillors from among their numbers.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer (being the General Manager) advised:

- “The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2005”.
- “I will be the Returning Officer. Mrs Carol O'Neill, Director Corporate & Community Services, has been appointed Assistant Returning Officer.”
- “Council is required to determine whether the election is to be by ordinary ballot or open voting or preferential voting. This will require a resolution of Council”.

The Returning Officer asked if there were any late nominations without notice for the position of Deputy Mayor.

Nil nominations were received.

The Returning Officer advised that he had received two (2) nominations for the position of Deputy Mayor –

- Councillor Wilson
- Councillor Zito

Councillor Zito then withdrew her nomination.

The Returning Officer then declared Councillor Wilson elected as Deputy Mayor.

Councillor Bennett assumed the position of Chair.

5.3 COUNCIL COMMITTEES 2010-11

270910/ 3 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the Council Committees report was received and noted.

FOR VOTE - Unanimous vote

270910/ 4 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the following Committee List and Councillor memberships were adopted:

Committee	Councillor Member(s)
Community , Cultural & Economic	Mayor Councillor Zito Councillor Dwyer Councillor Wilson
Governance	Mayor Councillor Wilson Councillor Zito
Local Emergency Management	Councillor Wilson
Traffic	Councillor Leadbeatter
Works Committee	Mayor Councillor Cooper Councillor Dwyer Councillor O'Reilly Councillor Zito

FOR VOTE - Unanimous vote

270910/ 5 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

2. That the following Committee List and Councillor memberships were adopted:

General Manager's Review	Mayor Deputy Mayor Councillor Cooper (effective 1 October 2010)
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FOR VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Ross Brown, Tom Cooper

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

270910/ 6 RESOLVED

Councillor Ross Brown, seconded Councillor Tom Cooper.

3. That the following Committee List and Councillor memberships were adopted:

Planning & Environment	Mayor Councillor Zito Councillor Brown
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FOR VOTE - Unanimous vote

270910/ 7 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer

4. That the following Committee List and Councillor memberships were adopted:

Waste & Water	Mayor Councillor Cooper Councillor Dwyer Councillor Brown
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FOR VOTE - Unanimous vote

5.4 COUNCIL DELEGATES 2010-11

270910/ 8 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the current Delegates list and memberships were received and noted.

CARRIED

FOR VOTE - unanimous vote

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

That Council adopts the following Delegates List and memberships (Councillors and staff) as:

Organisation	Delegate(s)
Australia Day Committee – Kyogle and Woodenbong	Councillor Passfield Councillor Dwyer
Australia Day Committee – West of the Range	Councillor Cooper
Rural Financial Counselling Service NSW Northern Region	Councillor Zito

Kyogle Chamber of Commerce	Councillor Dwyer
NSW Rural Fire Service "Service Level Agreement" Committee	Mayor Councillor Wilson
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Downs to Rivers Action Committee (Tenterfield Council Secretariat)	Councillor Passfield
Summerland Way Promotional Committee	Councillor Passfield
Kyogle Bushfire Management Committee	Councillor Leadbeatter
Far North Coast Weeds	Councillor Bennett
Richmond-Upper Clarence Regional Library Committee	Councillor Dwyer Councillor Zito
Shires Association of New South Wales "A" Division	Mayor
National Timber Councils Taskforce	Councillor Bennett Councillor Passfield
Timber Industry Working Party	Councillor Passfield Councillor Bennett Councillor Dwyer
Police Accountability Community Team (PACT)	Mayor

The amendment then became the MOTION.

The motion was put to the vote and was CARRIED.

270910/ 9 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

That Council adopts the following Delegates List and memberships (Councillors and staff) as:

Organisation	Delegate(s)
Australia Day Committee – Kyogle and Woodenbong	Councillor Passfield Councillor Dwyer
Australia Day Committee – West of the Range	Councillor Cooper
Rural Financial Counselling Service NSW Northern Region	Councillor Zito
Kyogle Chamber of Commerce	Councillor Dwyer
NSW Rural Fire Service “Service Level Agreement” Committee	Mayor Councillor Wilson
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Downs to Rivers Action Committee (Tenterfield Council Secretariat)	Councillor Passfield
Summerland Way Promotional Committee	Councillor Passfield
Kyogle Bushfire Management Committee	Councillor Leadbeatter
Far North Coast Weeds	Councillor Bennett
Richmond-Upper Clarence Regional Library Committee	Councillor Dwyer Councillor Zito
Shires Association of New South Wales “A” Division	Mayor
National Timber Councils Taskforce	Councillor Bennett Councillor Passfield
Timber Industry Working Party	Councillor Passfield Councillor Bennett Councillor Dwyer
Police Accountability Community Team (PACT)	Mayor

CARRIED

FOR VOTE - Unanimous vote

ITEM 6 QUESTION TIME

- Mrs Reardon addressed the meeting in relation to sale of flood prone land located on the Flat and was of the belief that Council had resolved to purchase any vacant land in flood prone area located on the Flat.

The General Manager advised that Council cannot restrict an owner from selling land located on the Flat. Mrs Reardon was also advised that there were currently no funds in the budget for the acquisition of this land.

ITEM 7 PUBLIC ACCESS

Having declared an interest in Item 15.4 - KMI Foyer, Councillor Zito left the meeting at 4.08 p.m.

- Mr Tom Fitzgerald addressed Council in relation to the report "Kyogle Memorial Institute Foyer" and presented a petition of 575 signatures supporting the restoration of the Front entrance to the KMI.

Councillor Lynette Zito returned to the meeting at 4.12pm.

ITEM 8 DEPUTATIONS

Nil.

ITEM 9 MATTERS DETERMINED WITHOUT FURTHER DEBATE

9.1 MATTERS DETERMINED WITHOUT DEBATE

There were no items identified.

ITEM 10 CONFIRMATION OF MINUTES

10.1 CONFIRMATION OF ORDINARY MINUTES - 16 AUGUST 2010

270910/ 10 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That the Minutes of the Ordinary Meeting held 16 August 2010 were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 MAYORAL MINUTE

Nil.

ITEM 12 NOTICES OF MOTION

12.1 NOTICE OF MOTION, COUNCILLOR LYNETTE ZITO - COUNCIL LOGO

270910/ 11 RESOLVED

Councillor Lynette Zito, seconded Councillor Ross Brown.

- a) That Council consider updating its logo by way of an open competition; and
- b) That five hundred dollars (\$500) be approved from the sundry administration expenses budget as the prize for this competition.

CARRIED

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

AGAINST VOTE - Tom Cooper

A motion was moved by Councillor Robert Dwyer, seconded Councillor John O'Reilly
That any future logo retain the words Gateway to the Rainforest.

Councillor Dwyer withdrew the motion.

**12.2 NOTICE OF MOTION, COUNCILLOR LYNETTE ZITO - ORDINARY MEETING
COMMENCEMENT TIMES**

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

That the Ordinary Council meeting be held at 6.00 pm on alternate months commencing with the November 2010 meeting.

The motion was put to the vote and was LOST.

FOR VOTE - Janet Wilson, Lynette Zito, Robert Dwyer

AGAINST VOTE - Ernie Bennett, John O'Reilly, Lindsay Passfield, Robert Leadbeatter, Ross Brown, Tom Cooper

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

1. That Council hold the November, December 2010 and February 2011 Ordinary Meetings of Council starting at 6.00 pm to ascertain the level of public interest in attending.
2. That following these three (3) meetings, Council reviews the timing of future Ordinary Meetings of Council.

An amendment was moved by Councillor Robert Dwyer, seconded by Councillor Janet Wilson.

1. That Council hold the March and April 2011 Ordinary Meetings of Council starting at 6.00 pm to ascertain the level of public interest in attending.
2. That following these two (2) meetings, Council reviews the timing of future Ordinary Meetings of Council.

The amendment was put to the vote and was LOST.

FOR VOTE - Robert Dwyer and Janet Wilson

AGAINST VOTE - Ernie Bennett, Lindsay Passfield, John O'Reilly, Robert Leadbeatter, Ross Brown, Tom Cooper and Lynette Zito

Councillor Passfield withdrew the motion.

12.3 NOTICE OF MOTION, COUNCILLOR LINDSAY PASSFIELD - OCTOBER ORDINARY MEETING

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

1. That Kyogle Council cancel its scheduled October 2010 Ordinary meeting.

The motion was put to the vote and was LOST.

FOR VOTE - Lindsay Passfield

AGAINST VOTE - Ernie Bennett, John O'Reilly, Robert Leadbeatter, Ross Brown, Tom Cooper, Robert Dwyer, Janet Wilson and Lynette Zito

A motion was moved by Councillor Janet Wilson, seconded Councillor Robert Dwyer

2. That Council refer the matter of committee structure and committee meeting dates to the Governance Committee for a report to provide to Council at the November meeting on the development of a Governance Policy for this Council.

The motion was put to the vote and was CARRIED.

270910/ 12 RESOLVED

Councillor Janet Wilson, seconded Councillor Robert Dwyer.

2. That Council refer the matter of committee structure and committee meeting dates to the Governance Committee for a report to provide to Council at the November meeting on the development of a Governance Policy for this Council.

CARRIED

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

AGAINST VOTE - Lindsay Passfield, Robert Leadbeatter, Tom Cooper

12.4 NOTICE OF MOTION, COUNCILLOR JOHN O'REILLY - WORKS COMMITTEE MEETINGS

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

That Works committee meetings be held on the same day as Ordinary meetings of Council.

The motion was put to the vote and was LOST.

FOR VOTE - John O'Reilly, Lynette Zito, Robert Dwyer, Tom Cooper

AGAINST VOTE - Ernie Bennett, Janet Wilson, Lindsay Passfield, Robert Leadbeatter, Ross Brown

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

That the Works Committee be abandoned and that the business be presented to the Ordinary meeting of Council.

The motion was put to the vote and was CARRIED.

270910/ 13 RESOLVED

Councillor Ross Brown, seconded Councillor Janet Wilson.

That the Works Committee be abandoned and that the business be presented to the Ordinary meeting of Council.

CARRIED

FOR VOTE - Ernie Bennett, Janet Wilson, Lindsay Passfield, Lynette Zito, Robert Leadbeatter, Ross Brown

AGAINST VOTE - John O'Reilly, Robert Dwyer, Tom Cooper

**12.5 NOTICE OF MOTION, COUNCILLOR JOHN O'REILLY - ORDINARY MEETING
4TH MONDAY**

270910/ 14 RESOLVED

Councillor John O'Reilly, seconded Councillor Lynette Zito.

That Ordinary meetings of Council be held on 4th Monday of each month commencing from the October 2010 meeting.

CARRIED

FOR VOTE - Janet Wilson, John O'Reilly, Lynette Zito, Robert Dwyer, Tom Cooper

AGAINST VOTE - Ernie Bennett, Lindsay Passfield, Robert Leadbeatter, Ross Brown

ITEM 13 QUESTIONS WITH NOTICE FROM COUNCILLORS

13.1 QUESTIONS WITH NOTICE, COUNCILLOR JANET WILSON

270910/ 15 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lynette Zito.

That the Questions With Notice, Councillor Janet Wilson report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

**13.2 QUESTION WITH NOTICE, COUNCILLOR TOM COOPER - DRAINAGE WORKS
IN BONALBO**

270910/ 16 RESOLVED

Councillor Tom Cooper, seconded Councillor Ross Brown.

That the Question with Notice, Councillor Tom Cooper – Drainage Works in Bonalbo was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 DELEGATES REPORTS

14.1 DEPUTY MAYOR ATTENDANCES

270910/ 17 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the information contained in the Deputy Mayor Attendances for the period 1 August to 31 August 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15 INFORMATION PAPERS

15.1 SUMMERLAND WAY PROMOTIONAL COMMITTEE MINUTES _ AUGUST 2010

270910/ 18 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the minutes of the Summerland way Promotional Meeting held at Kyogle on August 13, 2010 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

15.2 WORKS COMMITTEE MEETING - AUGUST

270910/ 19 RESOLVED

Councillor Lynette Zito, seconded Councillor Lindsay Passfield.

That the minutes of the Works Committee Meeting held August 16, 2010 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

15.3 MONTHLY FINANCIAL REPORT

270910/ 20 RESOLVED

Councillor Lynette Zito, seconded Councillor Tom Cooper.

That the Monthly Finance Report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

15.4 KYOGLE MEMORIAL INSTITUTE FOYER

Having declared an interest in Item 15.4 Councillor Lynette Zito left the meeting at 5.43 p.m.

270910/ 21 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

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

CARRIED

FOR VOTE - Unanimous vote

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

2. That Council acknowledges the presentation by Tom Fitzgerald of the 578 signatures supportive of the restoration of the entrance to the original condition.

The motion was put to the vote and was CARRIED.

270910/ 22 RESOLVED

Councillor Ross Brown, seconded Councillor Lindsay Passfield.

2. That Council acknowledges the presentation by Tom Fitzgerald of the 578 signatures supportive of the restoration of the entrance to the original condition.

CARRIED

FOR VOTE - Unanimous vote

Councillor Lynette Zito returned to the meeting at 5.46 p.m.

15.5 EXTENSION OF TIME FOR SUBMISSION OF FINANCIAL STATEMENTS

270910/ 23 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Dwyer.

That the report on the Extension of time for the submission of financial statements was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16 GENERAL MANAGER 'S REPORT

ITEM 16A TECHNICAL SERVICES REPORT

16A.1 WASTE & WATER COMMITTEE

270910/ 24 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the minutes of the Waste and Water Committee Meeting held September 8, 2010 were received and noted.
2. That the General Manager be authorised to accept the grant offer under the State Floodplain Management Program as per the letter of offer received from the Hon Frank Sartor AO MP dated August 18, 2010.
3. That Council adopt the Draft Kyogle Council Development Servicing Plan 1: Kyogle and Villages water supply, sewerage and stormwater services for the purposes of advertising and seeking submissions from the public.
4. That Council adopt the following charging options for the purpose of advertising the draft Kyogle Council Development Servicing Plan 1: Kyogle and Villages water supply, sewerage and stormwater service;
 - Water Supply – Option B
 - Sewerage – Option B
 - Stormwater – Option B

CARRIED

FOR VOTE - Unanimous vote

16A.2 PROPOSED ROAD CLOSURE CONNELLS ROAD

270910/ 25 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

That the report on the Proposed Road Closure Connells Road was received and noted.

CARRIED

FOR VOTE - Unanimous vote

16A.3 RURAL FIRE SERVICE ZONING PROPOSAL

270910/ 26 RESOLVED

Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That the Rural Fire Service Zoning Proposal report was received and noted.
2. That Council supports the zoning proposal in principle.
3. That the General Manager be authorised to hold further discussions with the Rural Fire Service, Richmond Valley Council and Lismore City Council to refine the Zoning agreement document and confirm the method of apportioning costs paid to the RFS and to the Council administering the zone budget on Council's behalf and that a further report be brought back to Council prior to execution of the agreement.

CARRIED

FOR VOTE - Unanimous vote

16A.4 NAMING OF BRIDGE ON CLARENCE WAY

270910/ 27 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

1. That the proposal to name the Tooloom Creek No 2 bridge on Clarence Way north of Urbenville the "Charlotte Page Bridge" be advertised and public submissions be invited on the proposals.
2. That a further report be presented to Council on any submissions received.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16B PLANNING SERVICES REPORT

16B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUSTANDING FOR THE PERIOD AUGUST 1, 2010 TO AUGUST 31, 2010

A motion was moved by Councillor Ross Brown, seconded Councillor Robert Leadbeater

That Development Application 2010/122 is brought to the Planning and Environment Committee for consideration.

The motion was put to the vote and was CARRIED.

270910/ 28 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeater.

That Development Application 2010/122 is brought to the Planning and Environment Committee for consideration.

CARRIED

FOR VOTE - Unanimous vote

270910/ 29 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ross Brown.

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

- Cr Ernie Bennett 16B.1 Development Applications Received, Determined and Outstanding DA 2010/106
- Cr Ross Brown 16B.1 Development Applications Received, Determined and Outstanding DA 2009/18
- Director of Planning & Environmental Services 16B.1 Development Applications Received, Determined and Outstanding DA 2007/188
- Director of Corporate & Community Services 16B.1 Development Applications Received, Determined and Outstanding DA 2010/149 & 2011/07
- General Manager 16B.1 Development Applications Received, Determined and Outstanding DA 2011/12 & 2011/07

That information contained in the report Development Applications Received, Determined and Outstanding for the period 1 August 2010 to 31 August, 2010 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 16B.1 Councillor Ernie Bennett, Councillor Ross Brown, the Director of Corporate & Community Services, The Director Planning & Environmental Services and the General Manager left the meeting at 6.04 p.m.

The Deputy Mayor assumed the chair.

270910/ 30 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the information contained in the report Development 1 August 2010 to 31 August 2010 only in relation to DA10/106, DA09/18, DA07/188, DA10/149, DA11/07, DA11/12 in which Councillor Ernie Bennett, Councillor Ross Brown, the Director of Planning & Environmental Services, Director of Corporate & Community Services and the General Manager have declared an interest were received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Ross Brown, Ernie Bennett, John O'Reilly

Councillor Ernie Bennett, Councillor Ross Brown, the Director of Planning & Environmental Services, the Director of Corporate & Community Services and the General Manager returned to the meeting at 6.05 p.m.

The Mayor resumed the Chair.

16B.2 PRINCIPAL LOCAL ENVIRONMENTAL PLAN

Declarations of interest in Item 16B.2 were received from Councillors Robert Leadbeatter, Ernie Bennett, Lindsay Passfield, John O'Reilly, Tom Cooper, and Robert Dwyer.

The General Manager advised an exemption from the Minister of Planning for the Local Environmental Plan has been sought and has been received for this particular matter.

270910/ 31 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That Part 1 Heritage Items and Part 2 Heritage Conservation Areas of Schedule 1 to draft Kyogle Local Environmental Plan 18 be amended from the exhibition draft to exclude:
 - i) those items which have been demolished or approved for demolition;
 - ii) Montgomery's Bridge, Tabulam Bridge, The Risk Station Bridge and the Green Pigeon Bridge;
 - iii) the six items the subject of submissions lodged during the public exhibition period;
 - iv) cottages, residences, manses, parsonages, houses, homes and Geneva Omagh where they have not been listed on a voluntary basis (note that this retains homesteads);
 - v) proposed Conservation Areas with the exception of the Kyogle Town Conservation Area which is to be retained.
2. That Schedule 5 of the draft principal Kyogle Local Environmental Plan 2010 equal Schedule 1 of draft Kyogle Local Environmental Plan 18.
3. That a copy of the draft principal Kyogle Local Environmental Plan 2010 and the attached Section 64 Report be forwarded to the Director General under Section 64 of the *Environmental planning and Assessment Act 1979* (pre 1 July 2009 amendments) requesting a certificate certifying that the draft plan may be publicly exhibited.
4. That, subject to compliance with any lawful direction issued by the Director-General, the draft principal Kyogle Local Environmental Plan 2010 be subject to public notice and exhibition for a period of ninety (90) days.
5. That, prior to the exhibition period, Council staff are authorised to make amendments to the draft principal Kyogle Local Environmental Plan 2010 subject to the endorsement of the Department of Planning, the General Manager and those inclusions or exclusions as resolved by Council at the September 27, 2010 Ordinary Meeting.
6. That a report for information purposes be presented to Council as soon as practicable detailing the amendments made to the draft principal Kyogle Local Environmental Plan 2010 from the date of this resolution to the date of exhibition.

CARRIED

Councillor Passfield and Councillor Brown called for a division

For	Against
Cr Lindsay Passfield	
Cr Robert Dwyer	
Cr Robert Leadbeatter	
Cr Ernie Bennett	

Cr John O'Reilly	
Cr Lynette Zito	
Cr Ross Brown	
Cr Tom Cooper	
Cr Janet Wilson	

CARRIED

FOR VOTE - Unanimous vote

16B.3 DEVELOPMENT APPLICATION 2011/12 - POOL SHED

Having declared an interest in item 16B.3 the General Manager left the meeting at 6.36 p.m.

270910/ 32 RESOLVED

Councillor Ross Brown, seconded Councillor Robert Leadbeatter.

That Council issue Development Consent Notice 2011/0012 for the proposed construction of a pool shed subject to the following conditions.

SUBJECT TO THE CONDITIONS SPECIFIED in this notice being:

1. The development being carried out substantially in accordance with the plans received by Council on July 30, 2010, except where amended by the following conditions of consent.
2. The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the development application registered in Councils records as Development Application No 11/12 on July 30, 2010, and that any alteration, variation or extension to the use for which approval has been given would require further development approval.
3. This development consent is limited to a period of five (5) years in accordance with the *Environmental Planning and Assessment Amendment (Development Consents) Act 2010*. Following the expiration of this period the consent will lapse unless work relating to the development is physically commenced before the date on which the consent would otherwise lapse.

PC - COMPLIANCE MATTERS

4. Notice of Commencement of work at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.
5. The land use shall 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 or grit, oil or otherwise.
6. The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

7. 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.

8. 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.

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. Details of sediment control measures and revegetation works shall be

submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

9. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
10. A certificate of Builders' Indemnity Insurance registered with an approved insurer under the Home Building Act 1997, is required to be submitted and approved by the Principal Certifying Authority prior to the commencement of work.
11. 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.
12. The roofing must have a low reflective finish.
13. The proposal to comply with the requirements of the Work Cover Authority of NSW.
14. Footings and/or slabs must be in accordance with AS 2870 – 1996, "Residential Slabs and Footings".
15. 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.
16. The timber frame used in the structure shall be in compliance with AS 1684 – 1999, Residential Timber Framed Construction.
17. 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.

NOTE: All roof capping and flashing to be scribed on a Dwelling.

18. The stairs must comply with the design criteria of Part 3.9.1 of the Building Code of Australia, Housing Provisions in respect of stair width, landing design and tread and riser design.
19. Where the height of the structure above finished ground level is greater than 1.0 metre, a continuous balustrade a minimum of:
 - a) 1.0 metre high above the finished floor level of decks, landings, balconies and the like, and
 - b) 865 mm high above the nosings of the stair treads or floor of ramp,must be provided. The maximum permissible opening in the balustrade is 125 mm.
20. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required;
 - a) at the commencement of the building work, erosion control, safety signs and site toilet facilities to be erected.
 - b) prior to pouring any in-situ reinforced concrete building element.

- c) prior to covering of the framework for any floor, wall, roof or other building element.
 - d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
21. That no tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
 22. 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.
 23. All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development.
 24. All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.
 25. No vehicular accesses may be constructed or opened onto a Council road without the prior written approval of Council.
 26. 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, light, waste water, waste products, grit or oil, traffic generation or otherwise.
 27. The building must be clad in low-reflective material and finished in hues and tones that are characteristic of the local rural environment.

Advisory Notes:

Reasons for the imposition of the conditions are set out as follows:

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 the 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 Department of Environment, Climate Change and Water and the NPW Act.

2. To ensure the effective implementation of the objectives of the Environmental Planning and Assessment Act 1979, Local Government Act 1993, the Building Code of Australia and respective Australian Standards where applicable.
3. To ensure that local amenity is maintained and that the development does not adversely impact upon the lawful use of the subject land and its surrounds.

CARRIED

FOR VOTE - Unanimous vote

Councillor Passfield and Councillor Brown called for a division

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

CARRIED

The General Manager returned to the meeting at 6.37 p.m.

16B.4 CONDUCT OF ILLEGAL DISPOSAL OF WASTE

270910/ 33 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

1. That the report regarding the matter of conducting an unlawful land use was received and noted.
 2. That Council proceed with issuing a show cause/ warning letter to each known offender and/or land owner who is undertaking the unlawful disposal of waste on private property prior to proceeding toward the enforcement phase of issuing Notices of intention to give an Order or Penalty Infringement Notices as warranted by each instance.
 3. That Council again places an article in the Council Newsletter outlining to the community that there are severe consequences to be faced if Council and/or the
-

Department of Environment, Climate Change and Water are contacted regarding matters of illegal dumping of waste.

CARRIED

FOR VOTE - Unanimous vote

A motion was foreshadowed by Councillor Ross Brown, seconded by Councillor Tom Cooper

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

The motion was put to the vote and was CARRIED.

270910/ 34 RESOLVED

Councillor Ross Brown, seconded Councillor Tom Cooper.

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 16C ENVIRONMENT SERVICES REPORT

16C.1 VILLAGE MAINTENANCE AGREEMENT RENEWAL - BONALBO & DISTRICT PROGRESS ASSOCIATION

270910/ 35 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Dwyer.

1. That the report regarding the renewal of the village maintenance agreements with the Bonalbo and District Progress Association Council was received and noted.
2. That the Mayor and General Manager be authorised to sign and affix the Council seal to the Village Maintenance Agreement between Kyogle Council, and the Bonalbo and District Progress Association.

CARRIED

FOR VOTE - Unanimous vote

ITEM 16D CORPORATE SERVICES REPORT

16D.1 RATEPAYER PAYMENT INCENTIVE SCHEME

270910/ 36 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

1. That Council draw three winning entries and that subject to eligibility, prize winners be notified by mail.
2. That the winners names be published in Council's Newsletter.

The three Winners drawn were:-
CM & PA Chalmers, WV Hall and JA McNabb

CARRIED

FOR VOTE - Unanimous vote

ITEM 16E COMMUNITY SERVICES REPORT

16E.1 FINANCIAL ASSISTANCE APPLICATIONS

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

That Council grant financial assistance to the following applicants:

Local Organisations

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the held of the elderly titled "Little peoples Garden".	250
Kyogle Environment Youth Society	To establish YES in Kyogle and purchase seedlings.	250

(YES)		
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for children's playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Total		\$3,412

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
Total		\$1,750

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

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the help of the elderly titled "Little peoples Garden".	250

Kyogle Environment (YES) Youth Society	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for childrens playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Bonalbo Garden Club Inc	To provide money as prizes for Bonalbo Centenary gArden Comp.	250
Total		\$3,662

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
Total		\$1,750

A motion was foreshadowed by Councillor Lynette Zito.

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262

Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the held of the elderly titled "Little peoples Garden".	250
Kyogle Environment (YES) Youth Society	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for childrens playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Bonalbo Garden Club Inc	To provide money as prizes for Bonalbo Centenary Garden Comp.	250
Sextonville Rural Fire Brigade	To purchase 15m three rail PVC cattle fence	250
Total		\$3,912

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
William Mills	To purchase stage lighting for theatre group productions at Bonalbo Community Hall	250
Total		\$2,000

The amendment was put to the vote and was CARRIED.

The amendment became the motion.

A further amendment was moved by Councillor Lynette Zito and Councillor John O'Reilly

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the held of the elderly titled "Little peoples Garden".	250
Kyogle Youth Environment Society (YES)	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for childrens playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Bonalbo Garden Club Inc	To provide money as prizes for Bonalbo Centenary Garden Comp.	250
Sextonville Rural Fire Brigade	To purchase 15m three rail PVC cattle fence	250
Total		\$3,912

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250

William Mills	To purchase stage lighting for theatre group productions at Bonalbo Community Hall	250
Total		\$2,000

The amendment was put to the vote and was CARRIED.

The amendment then became the MOTION.

The motion was put to the vote and was CARRIED.

270910/ 37 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That Council grant financial assistance to the following applicants:

Applicant	Reason for Request	Funds granted
Kyogle Garden Club	To purchase trophies for the next five (5) years.	200
Bonalbo Sub-branch RSL of Australia	To assist with additional costing associated with improvements to Patrick McNamee Park.	262
Muli Muli Ladies Aboriginal Co-op.	To form a group to make arts, crafts and floral arrangements.	250
Muli Muli Ladies Aboriginal Corporation	To set-up a garden for children, with the held of the elderly titled "Little peoples Garden".	250
Kyogle Youth Environment (YES) Society	To establish YES in Kyogle and purchase seedlings.	250
Tabulam Racing Club	To assist with promotion and advertising the Annual Tabulam Race Day	250
Kyogle High School Under 14's Rugby League Jerseys	To assist with purchasing a set of rugby league jerseys for state competition	500
Urbenville-Woodenbong Senior Day Care	To assist with costs to bring seniors together for social activities and outings.	250
Kyogle Girl Guides	To purchase tents for camping and a hot water system at the centre.	500
Kyogle Fairymount & Eden Creek Preschool	Purchase soft fall for playground.	250
Bundgeam Preschool	Purchase replacement soft fall for childrens playground area.	250
Kyogle Bush Turkey Charity Ball	Reimbursement of Council fees associated with Charity Ball held 18 September 2010.	200
Bonalbo Garden Club Inc	To provide money as prizes for Bonalbo Centenary Garden Comp.	250
Sextonville Rural Fire	To purchase 15m three rail PVC	250

Brigade	cattle fence	
Total		\$3,912

Individuals

Applicant	Reason for Request	Funds granted
Gwen Palmer	To assist with costs in attending National Youth Science Forum in Canberra in January 2011.	500
Athol McQueen on behalf of Alleighah Smyth	To assist with purchase of modified car seat to suit cerebral palsy child.	500
Steven Simpson	To assist with costs associated with attending NSW Motocross event which he has been selected for.	250
William Rose	To assist with costs associated with attending State level track events.	250
Robert Rose	To assist with costs associated with attending State level track events.	250
William Mills	To purchase stage lighting for theatre group productions at Bonalbo Community Hall	250
Total		\$2,000

CARRIED

FOR VOTE - Unanimous vote

16E.2 AFFIXING SEAL STRENGTHENING COMMUNITIES PROGRAM

270910/ 38 RESOLVED

Councillor Brown, seconded Councillor Dwyer.

1. That Council authorises the common seal to be affixed in the presence of the Mayor and General Manager to the service specification managed by Kyogle Council under the Strengthening Communities Program.
2. That Council authorises the Mayor and General Manager to sign the service specification managed by Kyogle Council under the Strengthening Communities Program

CARRIED

FOR VOTE - Unanimous vote

ITEM 16F GENERAL MANAGER'S REPORT

16F.1 CODE OF MEETING PRACTICE

270910/ 39 RESOLVED

Councillor Robert Dwyer, seconded Councillor Ross Brown.

That the amended Code of Meeting Practice was adopted.

CARRIED

FOR VOTE - Unanimous vote

16F.2 ORDINARY MEETING CYCLE 2010-11

270910/ 40 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That Council adopt the following Council and Committee meeting dates

**ORDINARY COUNCIL MEETING DATES
AND VENUES – 2010/2011**

DATE	VENUE
Monday, 25 October 2010, 3.30 p.m.	Kyogle Council Chambers
Monday, 22 November 2010, 3.30 p.m.	Kyogle Council Chambers
Monday, 20 December 2010, 3.30 p.m.	Kyogle Council Chambers
Monday, 28 February 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 28 March 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 18 April 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 23 May 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 27 June 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 25 July 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 22 August 2011, 3.30 p.m.	Kyogle Council Chambers
Monday, 26 September 2011, 3.30 p.m.	Kyogle Council Chambers

**COMMUNITY CULTURAL AND ECONOMIC COMMITTEE MEETING DATES –
2010/2011**

DATE
Monday, 11 October 2010, 3.30 p.m.

Monday, 7 February 2011, 3.30 p.m.
Monday, 4 April 2011, 3.30 p.m.
Monday, 4 July 2011, 3.30 p.m.

GOVERNANCE COMMITTEE MEETING DATES – 2010/2011

DATE
Monday, 8 November 2010, 3.30 p.m.
Monday, 14 February 2011, 3.30 p.m.
Monday, 9 May 2011, 3.30 p.m.
Monday, 8 August 2011, 3.30 p.m.

PLANNING & ENVIRONMENTAL COMMITTEE MEETING DATES – 2010/2011

DATE
Monday, 11 October 2010, 2.30 p.m.
Monday, 7 February 2011, 2.30 p.m.
Monday, 4 April 2011, 2.30 p.m.
Monday, 4 July 2011, 2.30 p.m.

WASTE AND WATER COMMITTEE MEETING DATES – 2010/2011

DATE
Monday, 8 November 2010, 2.30 p.m.
Monday, 14 February 2011, 2.30 p.m.
Monday, 9 May 2011, 2.30 p.m.
Monday, 8 August 2011, 2.30 p.m.

2. That Committee meeting dates may be amended as required with the agreement of the member Councillors.

CARRIED

FOR VOTE - Unanimous vote

ITEM 17 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 18 CONFIDENTIAL BUSINESS PAPER

18.01 MOVE INTO CLOSED COUNCIL

Item 18.1 Conduct of an Illegal Land Use - Legal Proceedings

This item is classified CONFIDENTIAL under section 10A(2) (i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following;

g) advice concerning litigation, or advice that would otherwise be privileged

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.

270910/ 41 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 7.02 p.m. The public and media left the Chamber.

18.02 RESOLUTIONS OF CLOSED MEETING

270910/ 42 RESOLVED

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

That Council move out of Closed Council and into Open Council.

CARRIED

FOR VOTE - Unanimous vote

There being no public present, the resolutions of council while the meeting was closed were read to the meeting by the Chair.

18.1 CONDUCT OF AN ILLEGAL LAND USE - LEGAL PROCEEDINGS

1. That the report regarding the matter of conducting an unlawful land use was received and noted.
2. That Council continues to pursue the payment of Penalty Infringement Notices for all parties involved in the unlawful land use at 4806 Kyogle Road, Wadeville.

CARRIED

FOR VOTE - Unanimous vote

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.04 p.m.

Signature of Chairperson.....

