

Kyogle Council

Unconfirmed Minutes of the Extraordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 30 July 2012.

PRESENT

Cr. R. Brown (Mayor in the Chair), Cr. E. Bennett, Cr. J. Wilson, Cr. J. O'Reilly, Cr. L. Zito, Cr. R. Dwyer, Cr. R. Leadbeatter and Cr. T. Cooper.

IN ATTENDANCE

The General Manager, the Acting Director of Technical Services, the Director of Planning & Environmental Services and the Personal Assistant to the General Manager & Corporate Services.

GHD Consultant - Mr Mike Svikis

MEETING COMMENCEMENT

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

ITEM 1 APOLOGIES

An apology was received from Councillor Lindsay Passfield.

300712/1 RESOLVED

Moved Councillor Robert Leadbeatter, seconded Councillor Janet Wilson.

That the apology be accepted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield

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

Nil

ITEM 5 PUBLIC ACCESS

- Mr Chris Simpson addressed Council in relation to the Draft LEP; Advised the meeting that the Draft Local Environmental Plan (LEP) needs modification.
The document disregards the local economy; it incorporates poor zoning, it lacks information to public on changes, and attempts to control land use.

Tabled a Land use Matrix for Councillors consideration to the meeting.
Requested Council to not accept the document in its current form.

- Ms Helen Perry addressed Council in relation to Crossley's Road Realignment History with Crossley's Road started in 1999, 4 titles – 5 properties purchased. Crossleys Road was to be removed from the Council road register. However Council has been maintaining the road over the years.
Request finalisation of the matter in the near future, seeking Council's support in gazetting the additional 125m of road (land provided for road by the Perry family).
- Mr Brian Creedy addressed Council in relation to the Draft LEP
Tabled classification guides and zonings – spoke of issues outlined in the report which need clarification.
Requested the LEP be further investigated and Council do not adopt the current version.

The Mayor then read to the meeting, correspondence recently received from the Hon Brad Hazzard MP, Minister for Planning and Infrastructure, Minister for Assisting the Premier of Infrastructure in NSW, in relation to the Draft LEP requesting the current Council proceed with adopting the Draft LEP. *"I request therefore that Council continue to consider the completion of the LEP as a priority and that adequate resources be allocated to enable it to be finalised as soon as possible."*

ITEM 6 GENERAL MANAGER 'S REPORT

6.1 KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 - ADOPTION OF DRAFT PLAN

GHD Consultant - Mr Mike Svikis addressed the meeting to respond to questions arising in relation to the Draft LEP.

300712/2 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

1. That the report Kyogle Local Environmental Plan 2012 – Adoption of Draft Plan was received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield

300712/3 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

2. That Council adopts the Draft Kyogle Local Environmental Plan 2012 to include the proposed amendments to the text and the associated maps as outlined in and along with this report, in accordance with the provisions of Section 68 of the *Environmental Planning and Assessment Act 1979*.

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

The Mayor used his casting vote in favour of the motion.

CARRIED

Councillor Lynette Zito and Councillor Robert Leadbeatter called for a Division.

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

6.2 CROSSLEYS ROAD REALIGNMENT

300712/4 RESOLVED

Councillor Ross Brown, seconded Councillor Janet Wilson.

1. That the report on Crossleys Road Realignment be received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield

300712/5 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

2. That Council program the physical relocation of Crossleys Road along with the existing track in use at the end of Crossleys Road to allow construction to be completed as soon as possible.
3. That Council enter into cost agreement with the proponents of DA 2011-122 for road works as outlined and recommended in this report which provides for the payment of a bond to facilitate the release of linen plans.
4. That the extent of Crossleys Road to be maintained by Council after completion of DA 2011-122 be limited to and including the cul-de-sac to be constructed on the Afterlee Road side of the bridge over Cob-o-Corn Creek.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield

Councillor Ross Brown and Councillor Lynette Zito called for a Division.

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

6.3 URBENVILLE MULI MULI WOODENBONG WATER SUPPLY JOINT WATER SUPPLY AGREEMENT

300712/6 RESOLVED

Councillor John O'Reilly, seconded Councillor Tom Cooper.

1. That the report on the Urbenville Muli Muli Woodenbong Water Supply Joint Water Supply Agreement be received and noted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield

300712/7 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Janet Wilson.

2. That Council approves the revision of the Joint Water Supply Agreement with Tenterfield Shire Council.
3. That the common seal be affixed in the presence of the Mayor and General Manager to the revised Joint Water Supply Agreement with Tenterfield Shire Council
4. That Council authorises the Mayor and the General Manager to sign the revised Joint Water Supply Agreement with Tenterfield Shire Council.

CARRIED

FOR VOTE - Ross Brown, Ernie Bennett, Janet Wilson, Lynette Zito, Robert Dwyer, Robert Leadbeatter, Tom Cooper

AGAINST VOTE - John O'Reilly
ABSENT. DID NOT VOTE - Lindsay Passfield

ITEM 7 CONFIDENTIAL BUSINESS PAPER

Item 7.1 Easement Agreement

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;
- (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.

300712/8 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Ernie Bennett.

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield

Council closed its meeting at 5.18 p.m. The public and media left the Chamber.

OPEN COUNCIL RESUMES

300712/9 RESOLVED

Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

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

Open Council resumed at 5.20 p.m.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield

7.1 EASEMENT AGREEMENT

1. That Council authorises the General Manager to make a final offer for the acquisition of easements over Lot 350 DP 1006091, and Lot 1 DP 547341 and Lot 2 DP 572171 as per option 2 as outlined in this report.
2. That, subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the formal Agreement for the acquisition of easements with the land owners of Lot 350 DP 1006091, and Lot 1 DP 547341 and Lot 2 DP 572171. That Council authorises the Common Seal to be attached to the deed of agreement and easement agreements.
3. That if an agreement cannot be reached by 1 October, 2012 or the above offer is rejected, Council seeks the approval of the Minister for compulsory acquisition in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 5.21 p.m.