

## **Kyogle Council**

**Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 19 December 2011.**

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### **PRESENT**

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

### **IN ATTENDANCE**

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

### **MEETING COMMENCEMENT**

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

### **ITEM 1 APOLOGIES**

Nil

### **ITEM 2 OPENING PRAYER**

The Mayor read the opening prayer.

### **ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT**

The Mayor read the traditional lands acknowledgement.

### **ITEM 4 DECLARATION OF INTERESTS**

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

- 13E.1 Minutes of the Kyogle LGA Community Cultural Committee  
Reason for Declaration – Board member of Regional Development Australia

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 November - 30 November 2011 - 2007/188  
Reason for Declaration - previous preparation of SOE 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 November - 30 November 2011 DA 2011/84, 2011/126  
Reason for Declaration – employed by the owner of properties

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 November - 30 November 2011 - 2011/30, 2011/34, 2011/180  
Reason for Declaration – purchasing property with a potential quarry site - these are all quarry developments & Chairman of Past & Futures Committee

Director of Technical Services declared an interest in the following item/s:

- Item 13F.1 Acting General Manager  
Reason for Declaration - name mentioned in report.

## ITEM 5 QUESTION TIME

- Mr Phil Gome – Cedar Point

At the conclusion of the Public Access Presentation at the November Council meeting, three questions were asked on behalf of the Cedar Point Residents.

All Councillors have received a copy of a letter sent to the Mayor regarding the response received from Council staff, which does not appear to take the questions seriously.

Do Councillors support the response to the questions by Council staff?

The Mayor advised the question would be taken on notice.

- Mrs Janelle Stuart – Cedar Point

Quoted correspondence received from the JRPP dated 17 November 2011, in relation to additional studies requested of the applicants of the Cedar Point Quarry.

"Normally it is the decision of the Assessment officer as to whether the additional studies are re-examined publicly for public comment. It would be normal practice for the Assessment Officer to consider all additional new submissions from the public in the supplementary assessment report to the Panel".

Question - Will the Assessment officer advise the Cedar Point residents, especially those directly affected by this proposal, of any additional studies received, if any, and give us the opportunity to comment on these, prior to preparing a Supplementary Report for the JRPP?

Will the assessment officer advise the Cedar Point residents of any additional studies received prior to preparing a report on the JRPP.

The General Manager advised Council has not received any formal advice or reports from the applicant at this stage. If additional reports are received, then Council will assess whether further consultation is required.

- Mr Peter Ellem – Cedar Point

Questions relate to the Development application for the Cedar Point Quarry.

Given that:

- Council has been granted in excess of 40 working days including 2 Planning Committee Meetings (12 Dec 2011 and 13 Feb 2012) and 2 General meetings (28 Nov 2011 and 19 Dec 2011).
- JRPP has handed the assessment process to Council it must ensure that it is the Council's responsibility to provide notification and public display documents and not the JRPP.
- It would appear that some important decisions will have to be made prior to 17 February 2012, the deadline contained in the Record of Decision document forwarded to Council by the JRPP.

1. When will these necessary decisions be made?
2. When and how will Council inform Cedar Point Residents of Council's decisions, recommendations and process guidelines?
3. Will Council promptly post Minutes for both Planning Committee meetings and also ensure correct placement of any decision notices on Council website prior to 17 February 2012?

The General Manager advised that if additional information is provided by the applicant to Council, an assessment will occur as to whether further community consultation is appropriate. The public will be provided with notice of upcoming meetings by advertising in a local paper and on Council's website. The minutes from any Committee meetings held in February will be presented to the 27 February 2012 Ordinary meeting.

## **ITEM 6 PUBLIC ACCESS**

- Ms Boudicca Cerese, Environmental Scientist addressed the meeting in relation to Coal Seam Gas.  
Advised there is now documented evidence that fracking causes contamination of ground water. Acknowledged the Mayoral Minute listed for discussion at today's meeting and reiterated for Council to impose a moratorium on any development of this nature and include a additional recommendation within the Mayoral minute that Kyogle Council opposes completely any CSG development on prime Agricultural Land and high conservation value land.  
Provided a petition of 500 signatures to the meeting which supported a moratorium on Coal Seam Gas development within our local government area.
- Dr Wayne Sommerville addressed the meeting in relation to the proposed coal seam gas industrialisation of Kyogle.  
Seeking Council's endorsement of an open letter which will be sent to Mr Barry O'Farrell asking to end Coal Seam Gas mining activities in the Northern Rivers. Outlined reasons for the request including; gas mining not being compatible with agricultural and tourism industries and the loss of "quiet enjoyment" of property owners on their land.

## **ITEM 7 CONFIRMATION OF MINUTES**

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

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#### **191211/ 1 RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the Minutes of the Ordinary Meeting held on 28 November, 2011, were adopted.

**CARRIED**

FOR VOTE - Unanimous vote

## **ITEM 8 MAYORAL MINUTE**

### **8.1 MAYORAL MINUTE - COAL SEAM GAS**

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

1. That Council discuss its position with regards to the Coal Seam Gas Industry.

A motion was foreshadowed by Councillor Lindsay Passfield,

2. That Council imposes a moratorium on any seismic testing, exploration drilling or other road reserve disturbance by the CSG Industry on Council owned infrastructure or infrastructure under Kyogle Council control including the Lions Road.
  3. That Council informs the CSG industry and the NSW State Government that the moratorium will remain in place until its previous recommendations have been satisfactorily addressed.
  4. That Council informs any holders of exploration licences within the Kyogle LGA that prior to the establishment of any " Drilling Camps " that it requests a DA be submitted for processing and approval. Such a DA will require an approved Vehicular Access under Council's Property Access and Addressing Policy and Management Plan.
  5. That Kyogle Council opposes completely any CSG development on Prime Agricultural Land and high conservation value land.
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The motion was put to the vote and was CARRIED.

**191211/ 2      RESOLVED**

Councillor Ross Brown, seconded Councillor John O'Reilly.

1. That Council discuss its position with regards to the Coal Seam Gas Industry.

**CARRIED**

FOR VOTE - Unanimous vote

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

2. That Council imposes a moratorium on any seismic testing, exploration drilling or other road reserve disturbance by the CSG Industry on Council owned infrastructure or infrastructure under Kyogle Council control including the Lions Road.
3. That Council informs the CSG industry and the NSW State Government that the moratorium will remain in place until its previous recommendations have been satisfactorily addressed.
4. That Council informs any holders of exploration licences within the Kyogle LGA that prior to the establishment of any " Drilling Camps " that it requests a DA be submitted for processing and approval. Such a DA will require an approved Vehicular Access under Council's Property Access and Addressing Policy and Management Plan.
5. That Kyogle Council opposes completely any CSG development on Prime Agricultural Land and high conservation value land.

The motion was put to the vote and was CARRIED.

**191211/ 3      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

2. That Council imposes a moratorium on any seismic testing, exploration drilling or other road reserve disturbance by the CSG Industry on Council owned infrastructure or infrastructure under Kyogle Council control including the Lions Road.
3. That Council informs the CSG industry and the NSW State Government that the moratorium will remain in place until its previous recommendations have been satisfactorily addressed.

4. That Council informs any holders of exploration licences within the Kyogle LGA that prior to the establishment of any " Drilling Camps " that it requests a DA be submitted for processing and approval. Such a DA will require an approved Vehicular Access under Council's Property Access and Addressing Policy and Management Plan.
5. That Kyogle Council opposes completely any CSG development on Prime Agricultural Land and high conservation value land.

**CARRIED**

FOR VOTE - Unanimous vote

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

6. That Kyogle Council is committed to ensuring that the sustainability of agricultural production is not impacted by the relatively short term CSG Industry.

The motion was put to the vote and was CARRIED.

**191211/ 4      RESOLVED**

Councillor Ross Brown, seconded Councillor Robert Dwyer.

6. That Kyogle Council is committed to ensuring that the sustainability of agricultural production is not impacted by the relatively short term CSG Industry.

**CARRIED**

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

7. That the General Manager seek to place an agenda item on the upcoming NOROC meeting seeking legal advice for all Councils in relation to this matter.

The motion was put to the vote and was CARRIED.

**191211/ 5      RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

7. That the General Manager seek to place an agenda item on the upcoming NOROC meeting seeking legal advice for all Councils in relation to this matter.

**CARRIED**

FOR VOTE - Unanimous vote

## **ITEM 9 NOTICES OF MOTION**

### **9.1 NOTICE OF MOTION; CLR ROBERT LEADBEATTER - OSMS & INSPECTIONS**

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

To request the General Manager to provide a report on;

1. Current progress, costs and statistics on what has been carried out to date in relation to Onsite sewage management systems inspections including high, medium and low risk systems. Budgetary expenditure in relation to this and a timeframe to undertake all inspections.
2. How Council regulates swimming pool compliance in the Kyogle local government area.

**CARRIED**

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

AGAINST VOTE - John O'Reilly, Robert Dwyer

### **9.2 NOTICE OF MOTION; CLR ROBERT DWYER - LEP CLASSIFICATION**

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A motion was moved by Councillor Robert Dwyer, seconded Councillor Tom Cooper.

That Kyogle Council ensure that all privately owned productive farmland, within the Kyogle Council local government area, be classified RU1 in the revised draft LEP prior to it being released for public exhibition and comment.

The motion was put to the vote and was LOST.

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

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

Councillor Lindsay Passfield and Councillor Lynette Zito called for a Division.

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

**ITEM 10            QUESTIONS WITH NOTICE FROM COUNCILLORS**

See item 12.4

**ITEM 11            DELEGATES REPORTS**

Nil.

**ITEM 12            INFORMATION PAPERS**

**12.1 SUMMERLAND WAY PROMOTIONAL COMMITTEE MINUTES**

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**191211/ 6           RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the minutes of the Summerland Way Promotional Committee meeting held on November 11,2011 were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote



## **12.2 FINANCIAL REPORTS - NOVEMBER 2011**

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### **191211/7 RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

That the information contained in the Monthly Finance Report – November 2011 were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## **12.3 OUTSTANDING COUNCIL RESOLUTIONS**

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### **191211/8 RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

That the Outstanding Council Resolutions report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

## **12.4 QUESTIONS FROM NOVEMBER COUNCIL MEETING**

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

1. That the Questions from November Ordinary Meeting report was received and noted.

A motion was foreshadowed by Councillor Lynette Zito,

2. That Council lodges a submission with the local government remuneration tribunal seeking an increase in fees for small rural councils and outlining the reasons why.

The motion was put to the vote and was CARRIED.

**191211/ 9      RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Questions from November Ordinary Meeting report was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

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

2. That Council lodges a submission with the local government remuneration tribunal seeking an increase in fees for small rural councils and outlining the reasons why.

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The motion was put to the vote and was CARRIED.

**191211/ 10      RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

2. That Council lodges a submission with the local government remuneration tribunal seeking an increase in fees for small rural councils and outlining the reasons why.

**CARRIED**

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

AGAINST VOTE - Ernie Bennett, Robert Leadbeatter

**ITEM 13      GENERAL MANAGER 'S REPORT**

**ITEM 13A      TECHNICAL SERVICES REPORT**

**13A.1      TECHNICAL SERVICES COMMITTEE**

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**191211/ 11      RESOLVED**

Councillor John O'Reilly, seconded Councillor Lynette Zito.

1. That the Works Program report was received and noted
2. That management provide a further report to Council on the potential financial implications for Council; and the potential for the Councils subject to the memorandum of understanding to have a standard policy which could then be agreed to by member Councils.

**CARRIED**

FOR VOTE - Unanimous vote

**13A.2 DRAFT DRINKING WATER QUALITY POLICY ADDENDUM**

**191211/ 12 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the report on the Draft Drinking Water Quality Policy Addendum was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13B PLANNING SERVICES REPORT**

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

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**191211/ 13 RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That, with the exception of the following items in which Councillors Tom Cooper, Lindsay Passfield and Director of Planning & Environmental Services have declared an interest,
  - Cr Tom Cooper 14B.1 Development Applications Received, Determined and Outstanding DA 2011/30, 2011/34, 2011/180
  - Cr Lindsay Passfield 14B.1 Development Applications Received, Determined and Outstanding DA 2011/84, 2011/126
  - Director of Planning & Environmental Services 14B.1 Development Applications Received, Determined and Outstanding DA 2007/188

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 November - 31 2011 were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

Having declared an interest in Item 13B.1 Councillor Tom Cooper, Councillor Lindsay Passfield and the Director of Planning & Environmental Services left the meeting at 4.45 p.m.

**191211/ 14      RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Robert Dwyer.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 October - 31 October 2011 only in relation to DA's 2011/30, 2011/34, 2011/180, 2011/84, 2011/126, 2007/188, in which Councillor Tom Cooper, Councillor Lindsay Passfield and the Director of Planning & Environmental Services have declared an interest were received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Tom Cooper; Lindsay Passfield

Councillor Tom Cooper, Councillor Lindsay Passfield and the Director of Planning & Environmental Services returned to the meeting at 4.47 p.m.

**13B.2                  DEVELOPMENT APPLICATION 2011/184 - BUILDING LINE VARIATION FOR A SHED**

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**191211/ 15      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That Council issue Development Consent Notice 2011-116 for the construction of a Rural shed and a building line variation to 3 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 J & A Seegel**
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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 Lindsay Passfield and Councillor Lynette Zito called for a Division.

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

### **13B.3 CAR PARKING - EXTENSION OF TIME STRATHEDEN STREET**

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

1. That the report on Car Parking – Extension of Time Stratheden Street was received and noted.

A motion was foreshadowed by Councillor Janet Wilson,

2. That the Economic Development Officer and Planning staff meet with the Tidy Towns Committee and Growing Kyogle to prepare a report to Council via Committee, on the economic and social benefits of the Farmers Market to the town which includes a site plan for stall holders which will be affordable and sustainable.
3. That the report also includes information about the impact of Councils food van licence fees and charges on the development of a sustainable Farmer's Market and other activities which support improved economic and social outcomes for small food industry innovations.

### **191211/ 16 RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

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1. That the report on Car Parking – Extension of Time Stratheden Street was received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

A motion was moved by Councillor Janet Wilson, seconded by Councillor John O'Reilly

2. That the Economic Development Officer and Planning staff meet with the Tidy Towns Committee and Growing Kyogle to prepare a report to Council via Committee, on the economic and social benefits of the Farmers Market to the town which includes a site plan for stall holders which will be affordable and sustainable.
3. That the report also includes information about the impact of Councils food van licence fees and charges on the development of a sustainable Farmer's Market and other activities which support improved economic and social outcomes for small food industry innovations.

The motion was put to the vote and was CARRIED.

**191211/ 17      RESOLVED**

Councillor Janet Wilson, seconded Councillor John O'Reilly.

2. That the Economic Development Officer and Planning staff meet with the Tidy Towns Committee and Growing Kyogle to prepare a report to Council via Committee, on the economic and social benefits of the Farmers Market to the town which includes a site plan for stall holders which will be affordable and sustainable.
3. That the report also includes information about the impact of Councils food van licence fees and charges on the development of a sustainable Farmer's Market and other activities which support improved economic and social outcomes for small food industry innovations.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13C      ENVIRONMENT SERVICES REPORT**

Nil.



**ITEM 13D      CORPORATE SERVICES REPORT**

**13D.1            MINUTES OF CORPORATE & COMMUNITY SERVICES MEETING 12  
DECEMBER 2011**

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**191211/ 18      RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

1. That the Minutes of the Corporate & Community Services committee were received and noted.
2. That a report be provided to the Corporate and Community Services Committee meeting to be held February 2012, from the Tourism/Economic Development Officer outlining progress to date on Destination Management for Kyogle local government area.
3. That Council investigates and reports the costs of becoming a Recreational Vehicle (RV) friendly local government area.

**CARRIED**

FOR VOTE - Unanimous vote

**13D.2            MINUTES OF INTERNAL AUDIT COMMITTEE**

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**191211/ 19      RESOLVED**

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Minutes of the Internal Audit Committee 12 December 2011, were received and noted.
2. That Council expedite the requirement for the appointment of Council external auditors under the Local Government Act for the next six (6) years.
3. That the General Manager advertises as soon as possible for Expressions of Interest for an Internal Audit function based on the Scope of Audit.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13E      COMMUNITY SERVICES REPORT**

**13E.1          MINUTES OF THE KYOGLE LGA COMMUNITY CULTURAL  
COMMITTEE**

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Having declared an interest in item 13E.1 Councillor Janet Wilson left the meeting at 5.02 p.m.

**191211/ 20      RESOLVED**

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

1. That the Kyogle LGA Community Cultural Committee be formed as a sub committee of the Corporate and Community to review the cultural strategy of 2009 and inform Council on Cultural issues.
2. That the Kyogle LGA Community Cultural Committee reconvene early February 2012 to develop a terms of reference and review the 2010-2012 Kyogle LGA Cultural Strategy and report back to Council in March with the draft terms of reference for council consideration.
3. That Council place an article in the January edition of the Kyogle Council Newsletter inviting interested Cultural Organisations/Groups to attend the Committee Meeting.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Janet Wilson returned to the meeting at 5.04 p.m.

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

**13F.1          ACTING GENERAL MANAGER**

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Having declared an interest in Item 13F.1 the Director of Technical Services left the meeting at 5.04 p.m.

**191211/ 21      RESOLVED**

Councillor Ernie Bennett, seconded Councillor Robert Leadbeatter.

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That Mr. Frank Winter was appointed as Acting General Manager for the period from 9 January, 2012 to 21 January, 2012 inclusive.

**CARRIED**

FOR VOTE - Unanimous vote

The Director of Technical Services returned to the meeting at 5.06 p.m.

**13F.2 RETIREMENT OF DIRECTOR OF TECHNICAL SERVICES**

**191211/ 22 RESOLVED**

Moved by Councillor Ross Brown,

That Council provide a vote of thanks for the Director of Technical Services Mr Frank Winter for the sterling job he has carried out during this time with Kyogle Council and wish him well in his retirement.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

Nil.

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Nil.

**ITEM 16 CONFIDENTIAL BUSINESS PAPER**

**16.01 MOVE INTO CLOSED COUNCIL**

**Item 16.1 Contractual Conditions for Senior Staff**

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

- (a) personnel matters concerning particular individuals

This matter is confidential because it may contain personnel matters in relation to an individual.

It is not in the public interest and would be contrary to privacy provisions to reveal these details.

Pursuant to section 10A(4), the public were invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

**191211/ 23      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

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

Prior to Item 16.1 being discussed the Director of Planning & Environmental Services, The Director of Corporate & Community Services, the Director of Technical Services and the Personal Assistant to the General Manager and Corporate Services departed the meeting at 5.07 p.m. and did not return.

Having declared an interest in Item 16.1 Contractual Conditions of Senior Staff the General Manager left the meeting at 5.14 p.m. and did not return.

**16.02            OPEN COUNCIL RESUMES**

**191211/ 24      RESOLVED**

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

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

Open Council resumed at 5.19 p.m.

**CARRIED**

FOR VOTE - Unanimous vote

## **16.1 CONTRACTUAL CONDITIONS OF SENIOR STAFF**

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That the Contractual Conditions of Senior Staff report was received and noted.

## **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5.20 p.m.

