

Kyogle Council

Unconfirmed Minutes of the Ordinary Council Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 26 March 2012.

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 (arrived 3.37 p.m.).

IN ATTENDANCE

The General Manager, the Acting 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.

Consultant Planner - Stephen Fletcher (Item 13B.2) and Consultant Crime Prevention Strategy - Suzie Coulston (Item 13E.1)

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 February - 29 February 2012 - 2011/34, 2011/180
- Item 13B.2 Development Amendment 2003/27

Reason for Declaration – purchasing property with a potential quarry site - these have quarry developments.

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

- Item 13A.1 - Technical Services Committee Meeting
Reason for Declaration – member of the Kyogle Showground Trust

Cr. Robert Dwyer declared an interest in the following item/s although he would not be leaving the meeting:

- Item 13A.1 - Technical Services Committee Meeting
Reason for Declaration – member of the Kyogle Showground Trust

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

- Item 13B.2 Development Application 2003/27
Reason for Declaration - operation of quarry in question.

ITEM 5 QUESTION TIME

Mr Michael Brooke, past member of Kyogle Recreation Reserve Trust addressed Council;

- Is very concerned of the current condition of the reserve and the lack of maintenance being carried out. Can Council take control of the area and provide a better maintenance regime?

The Director of Planning advised Council has worked with Green Corp and it is expected a more stringent maintenance regime will be carried out in the future.

Mr Phil Gome, addressed Council;

- Question 1 - Given that Council has acknowledged in correspondence dated 5/3/12 "Previously Council has not conducted specific compliance checks on all of the quarries operation in the Kyogle Local Government area but has restricted this to sites at which there have been operational problems brought to the attention of Council", what procedures have Council currently in place to verify the quantities on the tonnage reports and associated Council levies, and to identify and recoup any Council levies identified as being owed to Council since 1995?

The Mayor advised the question would be taken on notice.

- Question 2 - Are these 2 extracts from the Council meeting Agenda Correct?

"6. The annual extraction amount during the first five (5) years of operation varied between 5,823m³ and 11,542m³ well below the permissible amount of 25,000m³. In the following 2 years of operation extraction amounts were 12,696m³ and 11,425m³ respectively".

"2. It is acknowledge that for operational years 6 and 7 more than twice the 5000m³ per annum of material permitted has been extracted"

The Mayor advised yes the extracts are correct.

- Question 3 - Given that Council is the authority which both imposes and enforces operational conditions of consent on extractive industry sites, "what guarantees will Council provide to the ratepayers and residents of the Kyogle LGA that Council will enforce consent conditions on existing and future extractive industries in the LGA, when Council has apparently breached its own operational conditions of consent in a quarry that Council operates?
- Question 4 - How does Council propose to enforce consent conditions on quarries in the future, such as Cedar Point?

The General Manager advised the staffing resources we have available will be utilised to the best of our ability.

Mr Neil Cullen, addressed Council;

- The warning signs at Millers Quarry advising that truck haulage is taking place, are they going to continue to be displayed permanently and also why are these signs hinged?

The Acting Director of Technical Services advised that signs would continue to be displayed permanently because haulage from the site is not stopped for a long enough period to warrant closing them. The signs are hinged as it is a requirement of the development consent.

- Referred to the landslip on Afterlee Road, approximately 1 km from the quarry and asked rectification works would occur as it is very dangerous for road users?

The Acting Director of Technical Services advised restoration works will be undertaken following receipt of Disaster Relief funding from the State Government.

- Is there a water truck present at all times?

The Acting Director of Technical Services advised that a water truck is present when required and water is normally sourced from the sediment pond for dust suppression.

- When will noise testing be undertaken again?

The Acting Director of Technical Services advised noise testing has been undertaken as requested by Mr Cullen and the proposed conditions in the amended consent require independent noise testing to be undertaken within 12 months.

- Does the current Pit Agreement affect site rehabilitation works?

The Acting Director of Technical Services advised it does not affect restoration works. The rehabilitation plan requires when extraction is to be undertaken, a certain batter profile is provided, which means that rehabilitation is undertaken progressively with extraction.

Mrs Anne Reardon (on behalf of Mrs Hazel Reeves) addressed Council

- Referred to seating in Kyogle CBD and pleaded for Council to keep the seats in Stratheden Street near the Kyogle Memorial Institute and in front of the shop fronts, against the walls and not on the street side of the footpaths. Presented a petition of 452 signatures to Council requesting same.

The Acting Director of Technical Services advised all remaining Quota seats will be removed and the three seats in Stratheden Street will be replaced with two against the wall and there are three other seats to be installed in the main street against the kerb. Once a review of the Road reserve management plan is undertaken an additional two seats will be placed and if it is in keeping with the revised plan, then these may be placed against the shop fronts in consultation with the businesses.

ITEM 6 PUBLIC ACCESS

Mr Tom Fitzgerald addressed Council;

- Enquired what is Council's intention in restoring the Foyer Entrance to the Kyogle Memorial Institute? Reminded Council that a petition of 577 signatures was presented previously and to date has been ignored.

The General Manager advised Council has passed a resolution to investigate the restoration of the front foyer.

- Will Council staff inspect the entrance to the Skate Park and carry out the necessary work to make a suitable all weather safe entrance to the park?

The Mayor advised Council has already investigated the works required and commenced budgeting monies towards the project.

- Does Local Government have a policy on invested monies against debt level? If so, what is the ratio?

The General Manager advised Council has an investment policy and the Division of Local Government have benchmarks on satisfactory levels of debt.

- How does Kyogle Council's financial position measure up to the recommended guidelines?

The Mayor advised Council's financial position is reasonably sound.

- Was advised by Regional Development Australia Funding that one of the reasons why Kyogle Cultural Hub was not considered in the second round of funding was "the lack of financial commitment from Council". This was identified as a weakness in the terms of criterion for community support. Advised there is a lot of support and expectation growing with the public for the project, and the community would continue to bring it to reality.

Having declared an interest in Item 13B.2 Development Application 2003/0027 the Acting Director of Technical Services left the meeting at 3.59 p.m.

Ms Carolyn Fisher addressed Council in relation to Item 13B.2 Development Application 2003/0027,

Very concerned regarding operation of the quarry. Extraction rates are being exceeded and that is the reason the amendment appears in today's agenda.

Written submissions have been provided to Council outlining concerns including; road conditions are sub-standard, the current school bus driver alerts truck drivers on a two-way radio prior to travelling on route to ensure safety for all, tourist facility users (Toonumbar Waters Retreat) also use this road regularly, a major landslip has occurred on this road which has not been rectified and is very dangerous etc.

Ask that Council conduct a new noise assessment as there are now 4 dwellings in the area of the quarry, and the assessment be undertaken when the crusher and the Cat loader are in operation. Dust is excessive with no water truck being utilised to combat this issue. Council's Quarry Liaison Officer – is never available for discussion? Will Council ensure that a better compliance resume will be undertaken in the future. Notification of when blasting is to occur is a problem. Sedimentation from quarry is also an issue. Port-a-loo position is on the main road, could this be moved?

Requested Council defer the matter until further investigations are undertaken.

The Acting Director of Technical Services returned to the meeting at 4.13 p.m.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

260312/ 1 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeatter.

That the Minutes of the Ordinary Meeting held on 27 February 2012, were adopted.

CARRIED

FOR VOTE - Unanimous vote

7.2 CONFIRMATION OF EXTRAORDINARY MINUTES 12 MARCH 2012

260312/ 2 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That the Minutes of the Extraordinary Meeting held on 12 March 2012, were adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 RESCISSION MOTION; GRID POLICY REVIEW

260312/ 3 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Ernie Bennett.

That Council rescind the motion to "review the policy on the installation of grids in an attempt to overcome a situation that may occur where neighbours are in protracted dispute as to the legality of such structures and conformity to specifications".

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 RESCISSION MOTION; AUDIT OF SIGNAGE

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

1. That Council rescind the motion "that Council undertake an audit of all signage in the local government area and a report be provided to Council".

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

2. That Council undertake an audit of all Council signage in the local government area and a report be provided to Council.

The motion was put to the vote and was CARRIED.

260312/ 4 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Robert Leadbeater.

1. That Council rescind the motion "that Council undertake an audit of all signage in the local government area and a report be provided to Council".

CARRIED

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

AGAINST VOTE - John O'Reilly, Robert Dwyer

Councillor John O'Reilly withdrew his motion.

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM FEBRUARY 2012 COUNCIL MEETING

260312/ 5 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

That the Question from February 2012 Council Meeting report was received and noted.
CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

11.1 DELEGATES REPORT - COUNCILLOR LYNETTE ZITO - 2012 PREMIER'S DINNER KEEP AUSTRALIA BEAUTIFUL NSW

260312/ 6 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Delegates Report by Councillor Lynette Zito - 2012 Premier's Dinner - Keep Australia Beautiful NSW was received and noted
2. That the General Manager contacts the General Manager at Kogarah City Council to initiate discussions on a City Country Council alliance based on sustainability.

CARRIED

FOR VOTE - Unanimous vote

ITEM 12 INFORMATION PAPERS

12.1 FINANCIAL REPORTS - FEBRUARY 2012

260312/ 7 RESOLVED

Councillor Robert Dwyer, seconded Councillor Janet Wilson.

That the information contained in the Monthly Finance Report – February 2012 was received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.2 OUTSTANDING COUNCIL RESOLUTIONS

260312/ 8 **RESOLVED**

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That the Outstanding Council Resolutions report was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 **GENERAL MANAGER 'S REPORT**

ITEM 13A **TECHNICAL SERVICES REPORT**

13A.1 **TECHNICAL SERVICES COMMITTEE MEETING MARCH 2012**

Having declared an interest in item 13A.1 Councillor Janet Wilson left the meeting at 4.53 p.m.

260312/ 9 **RESOLVED**

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That the Minutes of the Technical Services Committee were received and noted.
2. That Council agrees in principle to the expansion of the Border Ranges Rally event for 2012 to include some roads used in the World Rally Championships in the Kyogle Local Government Area.
3. That Council does not object to the rally organising committee undertaking consultation with the residents along the proposed routes for the 2012 Border Ranges Rally event.

CARRIED

FOR VOTE - Unanimous vote

Councillor Janet Wilson returned to the meeting at 4.58 p.m.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATION RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 FEBRUARY 2012 TO 29 FEBRUARY 2012

260312/ 10 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

1. That, with the exception of the following items in which Councillor Tom Cooper have declared an interest,
 - Cr Tom Cooper 13B.1 Development Applications Received, Determined and Outstanding DA 2011/34, 2011/180

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 February 2012 to 29 February 2012 were received and noted.

CARRIED

FOR VOTE - Unanimous vote

Having declared an interest in Item 13B.1 Councillor Tom Cooper left the meeting at 5.00 p.m.

260312/ 11 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 February 2012 to 29 February 2012 only in relation to DA11/34 and DA11/180, in which Councillor Tom Cooper has declared an interest was received and noted.

CARRIED

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

Councillor Tom Cooper returned to the meeting at 5.02 p.m.

13B.2 DEVELOPMENT AMENDMENT 20030027

Having declared an interest in Item 13B.2 Councillor Tom Cooper and the Acting Director of Technical Services left the meeting at 5.05 p.m.

Planning Consultant Mr Stephen Fletcher was present to address any questions arising.

260312/ 12 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That Council refer the matter to the Planning & Environment Committee for further consideration.

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

AGAINST VOTE - Ernie Bennett, Lindsay Passfield,

ABSENT. DID NOT VOTE - Tom Cooper

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

2. That Council arrange a site inspection of Millers Quarry to allow all Councillors to be fully informed of the operation of the Council.

The motion was put to the vote and was CARRIED.

260312/ 13 RESOLVED

Councillor Robert Dwyer, seconded Councillor Lindsay Passfield.

2. That Council arrange a site inspection of Millers Quarry to allow all Councillors to be fully informed of the operation of the Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Tom Cooper

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

3. That a Council report be provided in relation to the compliance issues raised within this meeting and be brought to the Planning & Environment committee as part of this review.

The motion was put to the vote and was CARRIED.

260312/ 14 RESOLVED

Councillor Ross Brown, seconded Councillor Lynette Zito.

3. That a Council report be provided in relation to the compliance issues raised within this meeting and be brought to the Planning & Environment committee as part of this review.

CARRIED

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

Councillor Tom Cooper and the Acting Director of Technical Services returned to the meeting at 5.20 p.m.

13B.3 MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING

260312/ 15 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

1. That the Waste Management Report was received and noted.
2. That Council prepare documents including the floor plan layout on Drawing Number 7549-SK5 and the landfill site plan as indicated on the concept design dated April 2011 for the inviting of tenders to undertake the works as outlined.
3. That the Director Planning and Environmental Services report back to the Committee upon receipt and processing of tenders.
4. That Council staff prepare a report to Council on the concerns they have with regards the NSW State Government Waste Strategy and levy as a precursor to Councillors holding discussions with State Government and Local Members for changes.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 MINUTES OF CORPORATE & COMMUNITY MEETING 12 MARCH 2012

260312/ 16 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

1. That the Minutes of the Corporate & Community Services Committee 12 March 2012 were received and noted.
2. That Kyogle Council actively participates in the Northern Rivers NSW Regional Choice Housing Strategy through NOROC to achieve outcomes for the Kyogle Local Government area.

CARRIED

FOR VOTE - Unanimous vote

13D.2 FINANCIAL MANAGEMENT POLICY

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

1. That the Financial Management Policy was received and noted.

A motion was foreshadowed by Councillor Lynette Zito,

2. That the Financial Management Policy (as amended) be adopted.

The motion was put to the vote and was CARRIED.

260312/ 17 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the Financial Management Policy was received and noted.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Lynette Zito, seconded Councillor Ernie Bennett

2. That the Financial Management Policy (as amended) be adopted.

The motion was put to the vote and was CARRIED.

260312/ 18 RESOLVED

Councillor Lynette Zito, seconded Councillor Ernie Bennett.

2. That the Financial Management Policy (as amended) was adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 CRIME PREVENTION POLICY

260312/ 19 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the report on the Draft Crime Prevention Policy was received and noted.
2. That the Draft Crime Prevention Policy be placed on public exhibition for a period of 28 days.

CARRIED

FOR VOTE - Unanimous vote

13E.2 DRAFT CRIME PREVENTION PLAN

Consultant Suzie Coulston attended Item 13E.1 and answered questions from Council.

260312/ 20 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That report on the Crime Prevention Plan was received and noted.
2. That the draft Crime Prevention Plan be placed on public exhibition, inviting comment from the public for a period of 28 days.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13F GENERAL MANAGER'S REPORT

Nil

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

14.1 URGENT BUSINESS WITHOUT NOTICE

260312/ 21 RESOLVED

Councillor Lindsay Passfield, seconded Councillor Lynette Zito.

That the following report be considered and determined by Council at this Ordinary Meeting;

- Emergency Works Exceeding Tendering Threshold

CARRIED

FOR VOTE - Unanimous vote

The Mayor then ruled the matter of great urgency.

14.2 EMERGENCY WORKS EXCEEDING TENDERING THRESHOLD

260312/ 22 RESOLVED

Moved by Councillor Ernie Bennett, seconded by Councillor Lindsay Passfield.

1. That the report on Emergency Works Exceeding Tendering Threshold was received and noted.
2. That, in accordance with section 55(3)(k) of the Local Government Act 1993, the quotation from Nviroscope Pty Ltd. for \$160,160 including GST. for the Kyogle Road Flood Damage Repair be accepted.

FOR VOTE - Unanimous vote

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Robert Dwyer

- Requested a report be provided to the April Ordinary meeting on Grove House's occupational agreement.

Councillor Lindsay Passfield

- Requested a report be provided to the next Technical Services Committee meeting on roadside maintenance/slashing and line marking.

Councillor Tom Cooper

- Following recent stormwater damage which occurred in Bonalbo following a heavy deluge of rain, is Council applying for Disaster funding to rectify the situation?

The Acting Director of Technical Services advised the matter is being investigated and the allocation of funds will follow to carry out the necessary works.

Councillor Ross Brown

- Requested a figure be provided indicating the additional amount which Council could spend on providing drainage, maintenance, slashing and filling of potholes over the original budgeted amount.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVE INTO CLOSED COUNCIL

Item 16.1 Four Bridge Replacements

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;

- (d) commercial information of a confidential nature that would if disclosed:

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.

260312/ 23 RESOLVED

Councillor Lindsay Passfield, seconded Councillor John O'Reilly.

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

CARRIED

FOR VOTE - Unanimous vote

Council closed its meeting at 5.55 p.m. The public and media left the Chamber.

16.02 OPEN COUNCIL RESUMES

260312/ 24 RESOLVED

Councillor Ernie Bennett, seconded Councillor Lindsay Passfield.

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

Open Council resumed at 5.56 p.m.

FOR VOTE - Unanimous vote

16.1 FOUR BRIDGE REPLACEMENTS

1. That the report on the Four Bridge Replacements was received and noted.
 2. That Council endorses the engagement of;
 - Eden Creek Constructions for bridges on Dyraaba Road and Needhams Creek Road
-

- Ozwide formwork for bridges on Findon Creek Road and Ghini Ghi Road.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 5.59 p.m.

