

Kyogle Council

Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 11 February 2013.

PRESENT

Cr. Ross Brown (Mayor in the Chair), Cr Janet Wilson, Cr Chris Simpson, Cr John Burley, Cr Robert Dwyer, Cr Maggie Creedy, Cr Danielle Mulholland, Cr Lindsay Passfield and Cr Michael Reardon.

IN ATTENDANCE

The General Manager, the Executive Manager of Urban & Assets, the Executive Manager of Administration & Community Services, the Acting Executive Manager of Planning & Environment and the Personal Assistant to Planning and Environment.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5.00 p.m.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

ITEM 4 DECLARATION OF INTERESTS

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

- o Item 9.1 Notice of Motion; Cr Maggie Creedy – Landfill Vouchers and Kerbside Pickup
Reason for declaration – would receive a direct benefit as a household not currently receiving a garbage service

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 December 2012 to 31 January 2013 - 2012/55
- Item 13D.3 Futures Funding Applications

Reason for Declarations – Volunteer worker for showground trust

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

- Item 13B.1 Development Applications Received, Determined and Outstanding for the period 1 December 2012 to 31 January 2013 - 2012/55
- Reason for Declaration – Treasurer of the Showground Trust

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

- Item 9.1 – Vouchers for waste disposal
- Reason for declaration – would receive a direct benefit as a household not currently receiving a garbage service

ITEM 5 QUESTION TIME

- Elva Jones addressed Council in relation to:
 1. Who is responsible for keeping trees and bushes off footpaths? It was noted that the footpaths along Ettrick Street and the corner of Wyangarie Street are impacted by low branches which are dangerous to pedestrians. The same problem is occurring on the opposite corner near the units and at the property on the corner of Summerland Way & Wyangarie Street.

The General Manager advised that Council is responsible for these areas and the complaints would be investigated.
 2. Requested Council staff to have the ability to change swimming pool closing times to allow longer public access during heatwave conditions.
 3. A request that during the Kyogle swimming pool off season, the doors of the men's and women's dressing sheds have the doors removed and swung outwards rather than inwards.
 4. A request that Council reinstate the lights at the Kyogle swimming pool as she believes this is a safety issue.
 5. The official opening of the portable pool steps and the positive feedback that has already been received about them.
 6. A future project to install two user pays heated showers in both the men's and women's change rooms at the Kyogle pool, and a willingness to go to Banora Point to talk to pool manager to discuss how they are managed in that pool complex.

- Mr Phil Gome addressed Council in relation to:
 1. Has either the Mayor or Council staff had discussion with the JRPP in relation to the Code of Conduct Complaint lodged by the Mayor on 28th June 2012?
 2. Have the issues contained in the Code of Conduct Complaint been resolved?
If so, what has been resolved?
If not, when will these matters be resolved?

The Mayor advised that he had followed up this complaint and the issues are to be resolved by the JRPP and the NSW Department of Planning and Infrastructure.

- Ms Lynette Zito addressed Council in relation to:

Requested that the General Manager pass on her congratulations to the Australia Day Committee for a very successful and enjoyable 2013 event.

- Mr Warren Weaver addressed Council in relation to:
 1. Is the decking used on bridges durable or non-durable timber? He had heard that Blackbutt was specified for decking use but he believed it is not a suitable species.
 2. How long will the load limit be 5 tonne on Campbell's Bridge, Lynchs Creek?

The Executive Manager Urban & Assets advised that he would have to research the species of timber being used as deck timber. Campbell's Bridge would be weight limited for the period of time that it takes for repairs to be made

- Mr Brian Creedy addressed Council in relation to:

Are Councillors aware of item 6.7 of the Code of Conduct in relation to harassment and discrimination, specifically in relation to agenda item 9.3? Are Councillors prepared to breach their Code of Conduct if they support this motion?

ITEM 6 PUBLIC ACCESS

- Mr Richard Deem for Kyogle Group Against Gas addressed Council in relation to a wide range of potential environmental, infrastructure and social impacts of the 1000 coal seam gas wells proposed for the Kyogle LGA by Metgasco,
- Val Ferris addressed Council in relation to Campbell's Bridge, Lynchs Creek and advised that previous correspondence had been sent expressing concern about problems with the bridge and predicting current problems.

Expressed concern about the load limit placed on the bridge, and the impact it has on local families who need to traverse the bridge with trucks and other machinery.

Advised that the water course is changing and has split into four channels which has caused the undermining of the abutment. Requested that Council seek approval to move the channel into its original course to protect the bridge from further damage.

- Mr Trevor Wilson addressed Council regarding his concerns about the Coal Seam Gas (CSG) debate, specifically in relation to the right to protest and accompanying responsibilities and encouraging Council to make a balanced and positive contribution to the CSG debate.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

110213/1 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Lindsay Passfield.

That the Minutes of the Ordinary Meeting held on 10 December 2012 be adopted.

CARRIED

FOR VOTE – Unanimous vote

ITEM 8 MAYORAL MINUTE

A motion was moved by Councillor Ross Brown

That Council writes to Minister for Local Government and Minister for North Coast, The Hon. Don Page MP, The Hon. Thomas George MP and The Hon. Janelle Saffin MP giving support to the important role of the Northern Landcare group and request that the NSW State Government

1. Provide ongoing base funding to Northern Landcare next financial year to at least levels previously supplied
2. Ensure that Landcare's role as a main conduit to community action will be formally recognised as part of the formation of the new NSW land management agencies.

The motion was put to the vote and was CARRIED.

110213/2 RESOLVED

That Council writes to Minister for Local Government and Minister for North Coast, The Hon. Don Page MP, The Hon. Thomas George MP and The Hon. Janelle Saffin MP giving support to the important role of the Northern Landcare group and request that the NSW State Government

1. Provide ongoing base funding to Northern Landcare next financial year to at least levels previously supplied
2. Ensure that Landcare's role as a main conduit to community action will be formally recognised as part of the formation of the new NSW land management agencies.

CARRIED

FOR VOTE - Unanimous vote

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION; CLR MAGGIE CREEDY - LANDFILL VOUCHERS AND KERBSIDE PICKUP

Having declared an interest in Item 9.1, Councillors Ross Brown and Lindsay Passfield left the meeting at 5.36 p.m.

Councillor Janet Wilson (Deputy Mayor) assumed the Chair.

110213/3 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Danielle Mulholland.

1. That a report be provided to the March Ordinary Council meeting outlining the cost of including three vouchers with the first rate notice of the year to every household that does not currently have a garbage service, each voucher to the value of \$30.
2. That a report be provided by to the March Ordinary Council Meeting outlining the cost of providing one free kerbside pick-up per year of recyclable rubbish to householders that currently have a garbage service.

CARRIED

FOR VOTE - Chris Simpson, Maggie Creedy, Robert Dwyer, Michael Reardon, Danielle Mulholland, Janet Wilson

AGAINST VOTE - John Burley

ABSENT. DID NOT VOTE – Clr Ross Brown, Clr Lindsay Passfield

Councillors Ross Brown and Lindsay Passfield returned to the meeting at 5.42 p.m.

The Mayor assumed the Chair.

9.2 NOTICE OF MOTION; CLR MAGGIE CREEDY - AUDIO RECORDING OF COUNCIL MEETINGS

110213/4 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Danielle Mulholland.

1. That Council implement a three month trial period of audio recording of Ordinary, Closed and Extraordinary meetings of Council.
2. That these recordings be stored on CD and (with the exception of Closed Meeting recordings) be made available upon request to:
 - Councillors
 - Council Staff
 - The public (for a minimal charge)

CARRIED

FOR VOTE - Chris Simpson, Maggie Creedy, Bob Dwyer, Michael Reardon, Danielle Mulholland

AGAINST VOTE - Janet Wilson, Lindsay Passfield, Ross Brown, John Burley

9.3 NOTION OF MOTION; CLR DANIELLE MULHOLLAND - ERECTION OF SIGNAGE GAG

110213/5 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Janet Wilson.

That Kyogle GAG be permitted to erect signage advising that Kyogle is an over 90% Gasfield Free LGA, on the entrance roads to the LGA. The signage will be consistent with signs that have been placed on private roads and at no cost to Council.

The motion was put to the vote and was LOST.

FOR VOTE - Janet Wilson, Danielle Mulholland

AGAINST VOTE - Chris Simpson, Ross Brown, Maggie Creedy, Bob Dwyer, John Burley, Lindsay Passfield, Michael Reardon

9.4 NOTICE OF MOTION; CLR DANIELLE MULHOLLAND - REQUEST TO STATE GOVERNMENT MORATORIUM ON CSG IN KYOGLE LGA

Moved by Councillor Danielle Mulholland, seconded by Councillor Lindsay Passfield.

1. That Kyogle Council requests the NSW State Government partners NOROC and the Southern Cross University to independently undertake baseline assessment data on pre-existing water levels, water quality and air quality is available prior to any proposed CSG exploration or production in our LGA.
2. That Kyogle Council requests the NSW State Government do all that is required to halt current and proposed CSG exploration drilling within our LGA until the above resolution, and Councils previous resolutions, are complied with.

An amendment was proposed by Councillor Ross Brown, seconded by Councillor Chris Simpson

1. That Kyogle Council calls on the NSW State Government to agree to, and ensure that, independently verified baseline assessment data on pre-existing water levels, water quality and air quality is available prior to any proposed CSG exploration or production in our LGA.
2. That Kyogle Council requests the NSW State Government do all that is required to halt current and proposed CSG exploration drilling within our LGA until the above resolution, and Councils previous resolutions, are complied with.

The amendment was put to the vote and was CARRIED

FOR VOTE - Chris Simpson, Ross Brown, Janet Wilson, Maggie Creedy, John Burley, Lindsay Passfield, Michael Reardon

AGAINST VOTE - Bob Dwyer, Danielle Mulholland

The amendment became the MOTION

110213/6 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Chris Simpson

1. That Kyogle Council calls on the NSW State Government to agree to, and ensure that, independently verified baseline assessment data on pre-existing water levels, water quality and air quality is available prior to any proposed CSG exploration or production in our LGA.

2. That Kyogle Council requests the NSW State Government do all that is required to halt current and proposed CSG exploration drilling within our LGA until the above resolution, and Councils previous resolutions, are complied with.

CARRIED

FOR VOTE - Unanimous vote

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil.

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 FINANCIAL REPORT JANUARY 2013

110213/7 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Maggie Creedy.

That the information contained in the Monthly Finance Report – January 2013 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

Councillor Danielle Mulholland left the meeting at 6.20 p.m.

12.2 JANUARY 2013 NATURAL DISASTER

110213/8 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor John Burley.

That the report on the January 2013 Natural Disaster be received and noted.

CARRIED

FOR VOTE - Chris Simpson, Ross Brown, Janet Wilson, Maggie Creedy, John Burley, Lindsay Passfield, Michael Reardon, Bob Dwyer

ABSENT. DID NOT VOTE - Danielle Mulholland

Councillor Danielle Mulholland returned to the meeting at 6.21 p.m.

12.3 REVIEW OF COMMUNITY ENGAGEMENT POLICY

110213/9 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson.

That the report on the review of the Community Engagement Policy be received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.4 COUNCIL RESOLUTIONS REQUIRING ACTION

Consideration of this item was deferred until after the meal break to allow Councillors to view a late attachment.

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

Nil.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 DECEMBER 2012 TO 31 JANUARY 2013

110213/10 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Chris Simpson.

1. That, with the exception of the following items in which Councillors Janet Wilson, Robert Dwyer and Chris Simpson have declared an interest,

- Cr Janet Wilson 13B.1 Development Applications Received, Determined and Outstanding DA 2012/55
- Cr Robert Dwyer 13B.1 Development Applications Received, Determined and Outstanding DA 2012/55
- Cr Chris Simpson 13B.1 Development Applications Received, Determined and Outstanding DA 2012/39

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 December 2012 to 31 January 2013 be received and noted.

CARRIED

FOR VOTE – Unanimous vote

Having declared an interest in Item 13B.1, Councillors Janet Wilson, Robert Dwyer and Chris Simpson left the meeting at 6.26 p.m.

Moved by Councillor Lindsay Passfield, seconded by Councillor Danielle Mulholland.

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 December 2012 to 31 January 2013 only in relation to DA2012/55, DA2012/39 in which Councillors Janet Wilson, Robert Dwyer and Chris Simpson have declared an interest was received and noted.

CARRIED

FOR VOTE – Unanimous vote

ABSENT. DID NOT VOTE – Janet Wilson, Robert Dwyer, Chris Simpson

Councillors Janet Wilson, Robert Dwyer and Chris Simpson returned to the meeting at 6.27 p.m.

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 DECEMBER 2012 QUARTERLY BUDGET REVIEW

110213/11 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Maggie Creedy.

1. That the December 2012, Quarterly Budget Review Statement was received and noted.
2. That Council approve the variation of estimates contained in the table below:

STATEMENT OF SIGNIFICANT VARIANCES		
DECEMBER QUARTER BUDGET REVIEW		
DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Administration - Computer Expenses		40,000
Administration - Computer Equipment		(40,000)
Finance - Rates Income	50,000	
Finance - Interest Income	88,324	
Town Planning - Grant LEP	15,000	
Commercial Waste - Improvements		60,000
Regional Roads - Block Grant	4,220	
Regional Roads - Flood Damage Grant	106,963	
Regional Roads - Flood Damage Expenditure		106,963
Regional Roads - Operating Costs		160,000
Regional Roads - Capital Expenditure		20,000
Urban Roads - Construction		23,121
Rural Roads - Flood Damage Grant	666,479	
Rural Roads - Flood Damage Expenditure		695,479
Rural Roads - Operating Costs		245,000
Rural Roads - Section 94 Income	64,212	
Rural Roads - Construction		82,411
Engineering & Works - Private Works Income	60,000	
Engineering & Works - Private Works Expenses		60,000
Engineering & Works - Employment Costs		(174,541)
Engineering & Works - Recoveries		(180,439)
Bridges - Construction		207,204
Stormwater - Income	15,004	
Stormwater - Maintenance costs		15,004
Stormwater - Capital Grants & Subsidies	23,100	
Stormwater - Flood Mitigation		23,100
State Highways - Work Order Income	2,533,231	
State Highways - Work Order Expenses		2,218,292
Quarries - Income	231,000	
Quarries - Operating Costs		193,000
Totals	3,857,533	3,754,594
	Net Adjustment	102,939

CARRIED

FOR VOTE - Unanimous vote

13D.2 FINANCIAL ASSISTANCE APPLICATIONS AS AT 31 JANUARY 2013

110213/12 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Lindsay Passfield.

That Council grant financial assistance to the following Organisations:

Applicant	Reason for Request	Funds to be allocated
Bonalbo Show Society	To obtain permission to use Kubota Lawn Mower for 6 hours prior to Annual Show.	\$360.00
Bonalbo & District Community Association Hall	To purchase a hand washing sink and mixer tap for community Café.	\$950.00
Kyogle Amateur Theatre Society (KATS)	To purchase fire retardant stage backdrop for performances.	\$1,000.00
Bonalbo RSL Sub-Branch	To purchase HD Brush cutter to maintain gardens at Patrick McNamee Park Bonalbo	\$969.00
Kyogle & District Kennel Club	To upgrade dog show ring arena at Kyogle Showground to international standard.	\$1,000.00
Total		\$4,279.00

That Council grant financial assistance to the following Individuals:

Applicant	Reason for Request	Funds to be allocated
Ethan Skinner	To play representative cricket in Melbourne in December 2012	\$250.00
Jacob Skinner	To play representative cricket in Melbourne in December 2012	\$250.00
Total		\$500.00

CARRIED

FOR VOTE - Unanimous vote

13D.3 FUTURES FUNDING APPLICATIONS

Having declared an interest, Councillors Janet Wilson & Robert Dwyer left the meeting at 6.32 p.m.

110213/13 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Lindsay Passfield.

- (a) That the following applications be approved:
1. Wiangaree Rodeo and Sports Committee Inc. funding of \$3,200 (Kyogle Project)
 2. Kyogle Acoustic Music Society funding of \$2,680 (Kyogle Project)
 3. Tabulam Racing Club funding of \$3,500 (Mummulgum/Mallanganee/Tabulam Projects)
- (b) That Council approach the State Government to provide assistance with Kyogle Family Support Service Inc's proposed "Creating the Future Program".
- (c) That Council approach Tenterfield Shire Council to partner the delivery of the Kyogle Family Support Service Inc's proposed "Creating the Future Program".

CARRIED

FOR VOTE - Chris Simpson, Ross Brown, John Burley, Lindsay Passfield, Michael Reardon, Danielle Mulholland

AGAINST VOTE - Maggie Creedy

ABSENT. DID NOT VOTE - Janet Wilson, Bob Dwyer

A motion was moved by Councillor Maggie Creedy, seconded by Councillor John Burley

That the following application be approved:

1. Kyogle Showground Reserve Trust requesting funding of \$4,367(LGA Project)

The motion was put to the vote and was CARRIED.

110213/14 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor John Burley

That the following application be approved:

1. Kyogle Showground Reserve Trust requesting funding of \$4,367(LGA Project)

CARRIED

FOR VOTE - Chris Simpson, Maggie Creedy, John Burley, Michael Reardon, Ross Brown

AGAINST VOTE - Lindsay Passfield, Danielle Mulholland

ABSENT. DID NOT VOTE - Janet Wilson, Bob Dwyer

Councillors Janet Wilson and Robert Dwyer returned to the meeting at 6.45 p.m.

13D.4 REVIEW OF CUSTOMER SERVICE POLICY

110213/15 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Janet Wilson.

That the Customer Service Policy be adopted.

CARRIED

FOR VOTE - Unanimous vote

13D.5 REVIEW OF DELIVERY PROGRAM AND OPERATIONAL PLAN

110213/16 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Danielle Mulholland.

That the 31 December 2012 review of the Delivery Program and Operational Plan be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13E COMMUNITY SERVICES REPORT

13E.1 COMMUNITY FUNDING SUPPORT POLICY

110213/17 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Janet Wilson.

That the Community Funding Support Policy be adopted.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Danielle Mulholland, seconded by Councillor Chris Simpson

That Kyogle Council establish a Community Funding Support Committee to improve transparency in assessing funding applications and foster partnerships with the community to determine priorities and best practice.

An amendment was moved by Councillor Lindsay Passfield, seconded by Councillor John Burley

That a report in relation to the establishment of a Community Funding Support Committee be presented to Council at a future meeting.

The amendment was put to the vote and was LOST.

FOR VOTE - Chris Simpson, Lindsay Passfield

AGAINST VOTE - Ross Brown, Janet Wilson, Maggie Creedy, Bob Dwyer, John Burley, Michael Reardon, Danielle Mulholland

The motion was put to the vote and was CARRIED.

110213/18 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Chris Simpson

That Kyogle Council establish a Community Funding Support Committee to improve transparency in assessing funding applications and foster partnerships with the community to determine priorities and best practice.

CARRIED

FOR VOTE - Chris Simpson, Ross Brown, Janet Wilson, Maggie Creedy, Bob Dwyer, Michael Reardon, Danielle Mulholland

AGAINST VOTE - John Burley, Lindsay Passfield

13E.2 COMMUNITY ENGAGEMENT STRATEGY REVIEW

110213/19 RESOLVED

Moved by Councillor Chris Simpson, seconded Councillor Danielle Mulholland

That a workshop in relation to the Community Engagement Strategy be held before any further development.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 MODEL CODE OF CONDUCT

110213/20 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer.

1. That the Model Code of Conduct for Local Councils in NSW – March 2013 be adopted.
2. That the Public Officer, currently Mrs Carol O'Neill be appointed as the Complaints Co-ordinator for Kyogle Council.
3. That the Responsible Accounting Officer, currently Mr Glenn Rose be appointed as the alternate Complaints Co-ordinator for Kyogle Council.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Maggie Creedy, seconded by Councillor Lindsay Passfield

4. That a detailed list of all amendments that have been made to the existing Code of Conduct be provided to all Councillors.

The motion was put to the vote and was CARRIED.

110213/21 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Lindsay Passfield

4. That a detailed list of all amendments that have been made to the existing Code of Conduct be provided to all Councillors.

CARRIED

FOR VOTE - Unanimous vote

A motion was moved by Councillor Danielle Mulholland, seconded Councillor Janet Wilson

That all Councillors receive training in the new Code of Conduct as soon as possible.

The motion was put to the vote and was CARRIED.

110213/22 RESOLVED

Moved by Councillor Danielle Mulholland, seconded Councillor Janet Wilson

That all Councillors receive training in the new Code of Conduct as soon as possible.

CARRIED

FOR VOTE - Unanimous vote

13F.2 CONDUCT REVIEW COMMITTEE MEMBERSHIP

110213/23 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Danielle Mulholland.

That Council appoint the following members of the Conduct Review Committee up to and including 31 December 2016.

- Ms. Pat Anderson
- Mr. Dallas Franklin
- Mr. Geoff McNamara
- Mr Gary Faulks
- Mr Collin Cooper

CARRIED

FOR VOTE - Unanimous vote

13F.3 CODE OF MEETING PRACTICE

110213/24 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Chris Simpson.

That the amended Draft Code of Meeting Practice be placed on public display for a period of 42 days.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

The meeting was adjourned at 7.12p.m. for a meal break.

The meeting reconvened at 7.36 p.m.

12.4 COUNCIL RESOLUTIONS REQUIRING ACTION

Consideration of this item had been deferred to allow Councillors to view a late attachment.

110213/25 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson.

That the Council resolutions requiring action report be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Robert Dwyer

If a Councillor declares an interest in a matter forming part of an item, should the Councillor be excluded from that part of the item only? Once the part is discussed, should the Councillor return to consider the remainder of the item?

Response: It was agreed that this should be the procedure and will be implemented immediately.

Councillor Janet Wilson

Does the amended State Emergency Rescue Management (SERM) Act impact on Local Government through the devolution of responsibilities for recovery?

Response: The SERM Act does devolve recovery to Local Government, but the LEMC recommends to LEOCON after an event whether there is a need for a Recovery Committee to be established.

Councillor Chris Simpson

Is there a checklist available for customers with potential new business as a guide to the development application process? There is rumour that individuals have approached Council with business opportunities, and have abandoned them due to the response from staff.

Response: There is no checklist currently available. The Mayor advised that it would be appropriate for proponents to make use of the Planning Committee to discuss potential developments.

Councillor Lindsay Passfield

Woodenbong Progress Association has no security of tenure over the primitive camping area (crown land) and no authority to enforce rules and manage the facility adequately. The association is seeking a licence to secure tenure of the site. Requested a report for a plan of management for the next meeting.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVED INTO CLOSED MEETING

Item 16.1 – Easement Agreement

Item 16.2 – Unapproved Event at Roseberry Creek

These items are classified **CONFIDENTIAL** under Section 10A(2)(a), (d) and (g) 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
- (d) commercial information of a confidential nature
- (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.

110213/26 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer.

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 7.48pm. The public and media left the Chamber.

16.02 OPEN COUNCIL RESUMES

110213/29 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer.

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

Open Council resumed at 8. 28 p.m.

CARRIED

FOR VOTE – Unanimous vote

16.1 EASEMENT AGREEMENT

RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson.

That the Easement Agreement report be received and noted.

CARRIED

FOR VOTE - Unanimous vote

16.2 UNAPPROVED EVENT AT ROSEBERRY CREEK

RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Maggie Creedy.

That Council issue fines and costs up to the value of \$6,000.00 to each of the three individuals in relation to the non-compliance with the Prevention Notice and offences under the *Protection of the Environment Operations Act 1997*, the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*.

CARRIED

FOR VOTE - Chris Simpson, Ross Brown, Janet Wilson, Maggie Creedy, Bob Dwyer, John Burley, Lindsay Passfield, Michael Reardon
AGAINST VOTE - Danielle Mulholland

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 8.28 p.m.