

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 8 May 2017.

PRESENT

Cr Danielle Mulholland (Mayor in the Chair), Cr Maggie May, Cr Earle Grundy, Cr Janet Wilson, Cr Kylie Thomas, Cr John Burley, Cr Robert Dwyer, Cr Lindsay Passfield and Cr Hayden Doolan.

IN ATTENDANCE

The General Manager, the Acting Director Assets and Infrastructure Services, the Director of Planning and Environment, the Manager Corporate Services (Governance), the Personal Assistant to the General Manager.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5pm.

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 Kylie Thomas declared that as the owner of a bridge building company she had an ongoing conflict with Council's bridge building and maintenance program. She asked that councillors seeking to discuss the program give her the opportunity to leave the Chamber before any discussion takes place.

In regards to tonight's meeting Cr Thomas declared an interest in the following items;

- Item 12.2 Works Program Progress Report, project numbers W 721, 748, 792, 793 and 794.
- Reason for Declaration - Owner of a bridge building company

ITEM 5 QUESTION TIME

Michael Reardon: Seeing we've spent \$2 million on a road that goes nowhere, what is Council going to do with the situation of the conference centre being closed down and dismantled at Toonumbar Dam? If we could get a response to that in the paper, so that the general public knows what's going on, it would be handy. It also needs to be considered that we have in excess of \$200,000 being spent on tourism and economic development in this town and I have heard nothing from Council about this matter, but I know plenty about it outside of here.

Mayor: Council will take that question on notice.

ITEM 6 PUBLIC ACCESS

Nil

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE 10 APRIL 2017 ORDINARY COUNCIL MEETING

**REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER**

080517/01 RESOLVED

Moved by Councillor John Burley, seconded by Councillor Kylie Thomas.

That Council adopt the Minutes of the Ordinary Meeting held on 10 April 2017.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - COUNCILLOR LINDSAY PASSFIELD; REVIEW OF SETTLEMENT STRATEGY

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER

080517/02 RESOLVED

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

That Council initiate discussions with Tenterfield Shire Council to rationalise settlement strategies along the boundary between Kyogle and Tenterfield local government areas adjacent to the villages of Woodenbong, Urbenville and Tabulam.

CARRIED

FOR VOTE - Janet Wilson, Lindsay Passfield, Danielle Mulholland, Bob Dwyer, Maggie May, Hayden Doolan, Earle Grundy, John Burley
AGAINST VOTE - Kylie Thomas

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER

080517/03 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Hayden Doolan.

That Council receives and notes the report, *Questions from the Last Council Meeting*.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 MONTHLY FINANCE REPORT

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER FINANCIAL SERVICES

080517/04 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor John Burley.

That Council receives and notes the information contained in the Monthly Financial Report.

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT APRIL 2017

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER FINANCIAL SERVICES

080517/04 RESOLVED

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

That Council receives and notes the information contained in the Works Program Progress Report April 2017.

CARRIED

FOR VOTE - Unanimous vote

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

That Council write to the relevant Minister expressing concern about the ramifications of changes at Toonumbar Dam given that Council has invested substantial funds, along with the Federal Government, to upgrade infrastructure to this facility to promote economic development and tourism in this region. And request that Council be consulted as a major stakeholder in any decision about the future of this facility.

Councillor Danielle Mulholland moved an amendment, seconded by Councillor Hayden Doolan.

That Council write to Water NSW and Department of Premier and Cabinet expressing concern about the ramifications of changes at Toonumbar Dam given that Council has invested substantial funds, along with the Federal Government, to upgrade infrastructure to this facility to promote economic development and tourism in this region. And request that Council be consulted as a major stakeholder in any decision about the future of this facility.

CARRIED

FOR VOTE - Janet Wilson, Danielle Mulholland, Bob Dwyer, Maggie May, Kylie Thomas, Hayden Doolan, Earle Grundy, John Burley
AGAINST VOTE - Lindsay Passfield

The amendment became the motion.

080517/05 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Hayden Doolan.

That Council write to Water NSW and Department of Premier and Cabinet expressing concern about the ramifications of changes at Toonumbar Dam given that Council has invested substantial funds, along with the Federal Government, to upgrade infrastructure to this facility to promote economic development and tourism in this region. And request that Council be consulted as a major stakeholder in any decision about the future of this facility.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A ASSETS AND INFRASTRUCTURE SERVICES REPORT

13A.1 PROPOSED EVENT - 2017 YOWIE COUNTRY RALLY

REPORT BY: ASSETS AND INFRASTRUCTURE WORKS

CONTACT: ACTING DIRECTOR ASSETS AND INFRASTRUCTURE WORKS

080517/06 RESOLVED

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

That Council:

1. Receives and notes the report, *Proposed Event - 2017 Yowie Country Rally*;
2. Agrees in principle to the holding of the 2017 Yowie Country Rally to allow for consultation with affected property owners prior to consideration of an approval for the event to proceed;
3. Be presented with a further report after the initial consultation with affected property owners.

CARRIED

FOR VOTE - Lindsay Passfield, Danielle Mulholland, Bob Dwyer, Kylie Thomas, Hayden Doolan, Earle Grundy, John Burley
AGAINST VOTE - Janet Wilson, Maggie May

ITEM 13B PLANNING AND ENVIRONMENTAL SERVICES REPORT

13B.1 DRAFT DISABILITY INCLUSION ACTION PLAN

REPORT BY: DIRECTOR PLANNING AND ENVIRONMENT

CONTACT: DIRECTOR PLANNING AND ENVIRONMENT

080517/07 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Hayden Doolan.

That Council:

1. Receives and notes the report, *Draft Disability Inclusion Action Plan*;
2. Publicly exhibits the draft Disability Inclusion Action Plan for a period of 14 days, seeking comment from interested persons.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13C GENERAL MANAGER'S REPORT

13C.1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

REPORT BY: GENERAL MANAGER'S DEPARTMENT

CONTACT: MANAGER CORPORATE SERVICES

080517/08 RESOLVED

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

That Council:

1. Receives and notes the report, *Payment of Expenses and Provision of Facilities for Councillors*.
2. Places the *Payment of Expenses and Provision of Facilities for Councillors* policy on public exhibition for 28 days, closing 5 June 2017 and seek submissions from the community on its content.

CARRIED

FOR VOTE - Unanimous vote

**13C.2 FINALISATION OF THE PROCLAMATION WITH REFERENCE TO
FAR NORTH COAST COUNTY COUNCIL ASSETS**

**REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: GENERAL MANAGER**

080517/09 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor John Burley.

That Council:

1. Receives and notes the report, *Finalisation of the Proclamation With Reference to Far North Coast County Council Assets* and the update of the status of the Service Level Agreement for Weed Biosecurity and Associated Services provided by Rous County Council for the period 1 July 2016 to 31 December 2016;
2. Accepts the amount of \$85,801.38 as full and final settlement of the dissolution of Far North Coast County Council and the General Manager be authorised to sign this acceptance.
3. Delegate to the position of Weed Biosecurity and Bush Regeneration Coordinator, Rous County Council the functions of Kyogle Council, as a local control authority, under sections 12, 18, 18A, 20(3), 36A, 45 and 64 of the Act.

CARRIED

FOR VOTE - Unanimous vote

13C.3 MARCH 2017 QUARTERLY BUDGET REVIEW

**REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER FINANCIAL SERVICES**

080517/10 RESOLVED

Moved by Councillor Earle Grundy, seconded by Councillor Hayden Doolan.

That Council:

1. Receives and notes the March 2017, Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

STATEMENT OF SIGNIFICANT VARIANCES
MARCH QUARTER BUDGET REVIEW

DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Governance - Employment Costs		(20,000)
Governance - Election Expenses		(20,000)
Governance - Advertising Costs		(12,000)
Administration - Office Expenses		(21,000)
Administration - Other		(6,000)
Personnel - Operating Revenue	(30,000)	
Personnel - Employment Costs		(93,800)
Personnel - Other		20,000
Personnel - Tools, Clothing & Signage		40,000
Finance - Rates Income	(38,000)	
Finance - Interest Income	38,000	
Finance - Operating Costs		(20,000)
Finance - Loan Interest		(303,330)
Finance - Loan Income	(10,000,000)	
Finance - Principal Repayments		(867,335)
Crown Reserves - Operating Revenue	(562)	
Crown Reserves - Operating Costs		1,500
Town Planning - Operating Revenue	5,500	
Town Planning - Operating Costs		5,500
Environmental Health - Operating Revenue	10,000	
Environmental Health - FNCCC Refund	85,801	
Environmental Health - Employment Costs		(20,000)
Environmental Health - Noxious Plants		(9,500)
Environmental Health - Sundries		4,500
Other Waste Management - Operating Revenue	3,400	
Other Waste Management - Collection Costs		(30,000)
Other Waste Management - NEWF Contribution		(887)
Economic Development - Grants	5,500	
Economic Development - Operating Costs		5,500
Public Libraries - Operating Revenue	2,600	
Public Libraries - Operating Costs		2,600
Regional Roads - Operating Revenue	(12,640)	
Regional Roads - Capital Expenditure MR 141		(191,433)
Regional Roads - Capital Expenditure MR 361		(25,296)
Regional Roads - Capital Expenditure MR 544		(141,137)
Regional Roads - Capital Expenditure Bridges		28,000
Urban Local Roads - Capital Expenditure		(41,262)
Rural Local Roads - Operating Costs		10,000
Rural Local Roads - Capital Expenditure		(120,000)
Bridges - Operating Costs		30,000
Bridges - Capital Expenditure		547,001
Emergency Services - RFS Contribution		106,800
Parks & Gardens - Operating Revenue	6,208	
Parks & Gardens - Capital Expenditure		7,390
Stormwater Management - Capital Expenditure		13,917
State Highways - Operating Revenue	550,000	
State Highways - Operating Costs		500,000
Quarries - Operating Revenue	35,000	
Quarries - Operating Costs		25,000
Water Fund - Operating Costs		5,000
Water Fund - Sale of House	5,000	
Sewer Fund - Operating Revenue	40,000	
Sewer Fund - Operating Costs		20,777
Domestic Waste Management - Operating Revenue	6,500	
Totals	(9,287,693)	(569,475)
	Net Adjustment	(8,718,218)

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Maggie May:

- In regard to the Geneva and Hill Streets reseal, I notice the money is in budget for the project, but the work has to wait for the water treatment works to be completed. Is that the case and is the project on track? I am worried about that road.

Acting Director of Assets and Infrastructure Services: Council is reviewing the design at the moment. It's not the water treatment plant; it's the water main that has to be replaced before we can start those works. The water main replacement is scheduled to start in June and the road works will start on the back of that.

Councillor Earle Grundy:

- Can I please be provided with some information in regard to the soil removal at the Tabulam pre-school?

General Manager: The operator of the Tabulam Pre-school is trying to project manage the construction of the new pre-school. A soil expert did some testing on the soil at the new pre-school site and discovered lead contamination. The traces of lead are too high for a pre-school environment but would have been suitable for normal residential development. The pre-school has removed the affected soil and has stockpiled it on site and is now concerned about the cost of disposing of it. What is not clear at this stage is: what disposal options the pre-school has looked at; what costings they have gone into; what their budget for the project is; whether or not the budget included this work as part of the project; or if the budget has any sort of contingencies. The pre-school has asked Council to waive the disposal fees for the soil at the Kyogle landfill so they can get rid of the material for free. What Council has looked at to date suggests that it may be cheaper to take the soil to Tenterfield, because somewhere along the line we have to pay the waste levy where Tenterfield does not. And there is probably no difference in haulage costs to take it to the Tenterfield landfill or the Kyogle landfill. Council has asked the pre-school to get detailed, firm quotes on transport costs so we can have a look at the costing options and go from there. Council can talk about the matter at the next workshop and then look at it the next Council meeting; we are just waiting to get the information we requested from the project manager.

Councillor Grundy:

- Did the pre-school have to remove 500mm of the soil? I thought for lead they would only have to take out the top 100mm or 200mm. So why can't 300mm just be tipped back in and compacted? It would save a lot of money. Now they have stirred the soil up and mixed it, what is the new level of lead contamination in the stockpile?

It could be that the soil's been mixed enough that the contamination level is low enough that it can be safely put back in. Is anyone looking in to these sorts of things?

General Manager: Yes, these issues have been looked at. The pre-school may well have over excavated, but there's nothing that can be done about that now. The soil has been stockpiled on site and mixed together. The stockpile has been sampled and it still has too much lead to be used around a pre-school but not enough to be classified as industrial waste. As such it can go to a licensed landfill such as Kyogle or Tenterfield. So yes it must be taken off site now and disposed of, but no, it doesn't have to go an expensive industrial waste facility.

Councillor Kylie Thomas:

- For the public record, today I have sent an email to the Acting Director Assets and Infrastructure Services regarding a request for information in relation to the sealing of a section of road between what's happening at Toonumbar and the Afterlea Public School.
- I have had a question from a member of the public regarding the development in Craig Street, Kyogle. Are there any limits, or has there been any limits, placed on the Grahams Concrete development? There are concerns about the new silos that have been erected and how they affect the visual amenity of the area. My question is what are the consent conditions of the development approval?

Director of Planning and Environment: Staff are currently investigating the approval history of that site, with the view to reporting back to the General Manager. It is quite complicated because it is a long-standing site.

Councillor Lindsay Passfield:

- Earlier this year the Woodenbong Arts Group was advised it could not get an exhibition into the Roxy Gallery for about 18 months. So they have put their own exhibition on starting today. I note that there is an exhibition for a Michael John Taylor starting today at the Roxy Gallery. I don't know who the artist is, but my point is we have upwards of 40 people in the Woodenbong Arts Group that have been exhibiting their works in the gallery for a number of years and they could not get a guernsey; I am concerned about the situation and I would like to know why it has occurred?

Councillor Janet Wilson: Michael John Taylor is an international artist who lives at Kyogle and has lived here for many years. He does not exhibit very often. The bookings at the Roxy Gallery are such that it takes up to two years to find a space. The Woodenbong Arts Group applied for an exhibition and they normally are slotted in, but something happened this year, I can't remember what. I suggest that you speak to the Gallery Director about that because there was nothing malicious about the decision, it centred on the number of bookings the gallery already had. The current exhibition is actually filling a gap because of an exhibition that had fallen through, but I am not sure of the details.

Director of Planning and Environment: I understand that the situation is as explained by Cr Wilson or something along those lines. I am happy to investigate and report back to the Council.

Councillor Robert Dwyer:

- Councillors were advised by email last week that Council would meet the cost of tickets for Councillors attending the Kyogle and District Business Awards night. My question is why should ratepayers be expected to pay for Councillors to attend a public function? I think it's totally inappropriate and I would like to see that withdrawn.

General Manager: Councillor Dwyer is referring to the invitation that was sent out to Councillors to attend the Kyogle and District Chamber of Commerce Business Awards dinner. As part of Council's sponsorship of the awards, we have received six free tickets. Rather than have a debate who around gets the six free tickets, and looking at the existing Payment of Expenses and Provision of the Facilities for Councillors Policy, a decision was made to say that all Councillors should be invited and Council would cover the costs of any of the Councillors who wish to attend, given that we have six free tickets. So unless we have seven, eight or nine Councillors wanting to attend, it won't cost any more than the sponsorship. And if it is that we have seven, eight or nine Councillors who want to attend, I don't think it's reasonable that we have a debate around which Councillors get the free tickets and which Councillors don't.

Councillor Dwyer:

- In that case, I would like to see the wording rephrased to highlight the fact that Council is getting six complementary tickets. It is not a very good look for Councillors to be seen to be getting freebies after Council has increased rates above the pegged limit.

General Manager: It is perhaps good timing then that Council is putting out on public display Council's Payment of Expenses and Provision of the Facilities for Councillors Policy and the community can have a broader discussion around what they believe, or don't believe, ratepayer funding should be spent on in terms of providing Councillors with facilities and covering Councillors' expenses.

Councillor Danielle Mulholland:

- Has the Woodenbong Art Group received their community financial assistance funding?

Manager Corporate Service (Governance): I will take the question on notice.

- Is it possible to put the Council meeting recordings on the website as a sound file? This would enable people who can't attend the meetings and can't get to Kyogle to get a copy of the recording to listen to the meeting proceedings.

General Manager: I will take the question on notice.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

Nil

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.09pm.

Signature of Chairperson.....