

Kyogle Council

Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 10 July 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, and Cr Hayden Doolan.

IN ATTENDANCE

The General Manager, the Director Assets & Infrastructure Services, the Director of Planning and Environmental Services, 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

An apology was received from Lindsay Passfield.

100717/01 RESOLVED

Moved Councillor Danielle Mulholland, seconded Councillor Earle Grundy.

That the apology be accepted and a leave of absence be granted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor 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 she was no longer associated with Ozwide Bridge Rail and Civil or its director. She advised that she does not hold any office bearing positions and therefore no longer had any pecuniary interest in Ozwide Bridge Rail and Civil. Cr Thomas said however that if Ozwide Bridge Rail and Civil was involved in any works or tender process she would declare a non-pecuniary interest and leave the chamber due to the importance of public perception.

Cr. John Burley declared a non-pecuniary interest in the following item/s:

- 16.2 General Manager's Performance Agreement Confidential
Reason for Declaration - Relative of person mentioned in report.

Manager Corporate Services (Governance) declared an interest in the following item/s:

- 16.1 Acting General Manager Confidential

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

- 16.1 Acting General Manager Confidential

ITEM 5 QUESTION TIME

Anne Reardon: In relation to the public meeting held about the Gradys Creek bridges; why, when the Mayor was unable to be present but the deputy mayor was present, was Cr Maggie May appointed to chair the meeting?

Cr Maggie May: I offered my services because it's part of my professional capacity to facilitate meetings and that offer was accepted by the Deputy Mayor and the General Manager and I proceeded to do that.

Anne Reardon: It is great to see that the knitting has been taken down from the trees and the poles etc. But why did the Mayor have to apologise publically over the wireless for the knitting being taken down.

Cr Danielle Mulholland: There were a number of people who were most upset that their work had been removed when it had been freshly attached to various infrastructure. I can understand that. We have an event coming up in Kyogle, about which Councillor Wilson has more information.

Cr Janet Wilson: The month of August is an international month devoted to the textile arts. There is a trail that goes all around Australia and what's happening in Kyogle is part of that process. It's part of an international movement called yarn bombing. I will find out more about the event tomorrow, at which stage I will be happy to provide more details.

Anne Reardon: Who gave permission for people to put up the yarn creations on the infrastructure. They are erected quite low on the poles and trees, so low that dogs can come along and urinate on them and then kids come along and possibly touch

the creations. Where are the health regulations in regard to this? Will those yarn creations that have just been put up be taken down?

General Manager: The Council's Art Gallery coordinator approached me about the event, and she said they were going to do some yarn bombing focused on an area in between the library and the Council Chambers. The approval wasn't given formally, it was discussed as a project and I gave in principle support for it. The staff involved in organising it hadn't provided specific details about exactly when and where the yarn items would be installed, so details of the event had not been passed on to the remainder of the staff, hence the confusion which led to it being removed. I have given in principle support to the event and we will give approval for the yarn creations to go up when we are provided with a detailed plan of what is to go up, where and when.

Cr Kylie Thomas: I have also been approached about the yarn art. People are in support of it, but there is concern about how it looks when it's been up for a while and becomes tired, faded and wet. It's been put to me that when it gets to that stage we start looking like Nimbin's ghost town. I fully support the event, but I would like to see more monitoring by the artists to keep the yarn items in good condition.

Cr Janet Wilson: This is a project that is part of a public arts program. Public art operates on public land and property and it's about people in the community sharing their skills and knowledge in the arts. It's not complicated, it's people contributing to community activity and people travel for many miles to see this work and to see public art. This is a growing process; it is not as highly developed in Kyogle as it is in other areas such as Melany and Warwick. However, where it becomes developed the businesses do exceedingly well in the tourism trade. So, I think as a Council we either decide to support public art or we don't. We can look stupid or we can look fabulous; I'm on the side of looking fabulous.

General Manager: When I have discussed this with the Art Gallery Director there will be some guidelines about when the yarn art will be installed and where and how long they will stay up for. The point of the event is to make it as spontaneous as possible, so the guidelines will be relatively simple; along the lines that the yarn items are not to be installed around safety signage; they are to be put up as high as people can put them up comfortably and they are not to stay up too long after the event so they don't stay out in the weather and get tatty.

Lynne Jordan: I am not sure that this is the right forum, but I am about to have a 30 foot Telstra mobile phone tower put within 100 metres of my house at Etrick. I don't know what I can do about it. I had communications with Telstra earlier in the year where they basically said too bad, we don't need to get approvals, it's (the tower) going to go ahead whether you like it or lump it. Is there anything I can do about it? Do I have an avenue to make a complaint?

Director Planning and Environment: There are procedures that Telstra are required to follow. Yes, it's right they don't need approvals for all of their telecommunications installations, but they still have procedural fairness processes to follow and there is also the Telecommunications Ombudsman. I am quite happy to provide you with further detail about that tomorrow and provide you with contact points.

Michael Reardon: I am a concerned ratepayer and business owner. Why is it that we have unregistered quarries operating in the district, eg 432 Ettrick Road, Harris Road, Barkers Vale, Roseberry Creek, Pigman Creek and others. I spent a lot of money keeping mine (quarry) DA approved and registered. All these quarries are operating and have got trucks running out of them at weekends. I would like to know where the fairness is to operators who have got legal operations in this district and pay service levies. If I could have an answer to that in writing, it would be appreciated. As a quarry operator, I can't operate on Saturday and Sunday, yet these guys are.

The residents of Kyogle would like to know where we are at with the operational restructure in Council (the operational restructure that was in process when I was on Council)? I will have that in writing too please.

Where are we at with Toonumbar Dam and the old conference centre and what are councillors doing about it? Can I have that in writing too please.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF 13 JUNE 2017 ORDINARY COUNCIL MEETING

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

100717/02 RESOLVED

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

That Council adopt the Minutes of the Ordinary Meeting held on 13 June 2017.

CARRIED

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

**7.2 CONFIRMATION OF THE MINUTES OF THE 26 JUNE 2017
EXTRAORDINARY COUNCIL MEETING**

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

100717/03 RESOLVED

Moved by Councillor Maggie May, seconded by Councillor Janet Wilson.

That Council adopt the Minutes of the Extraordinary Meeting held on 26 June 2017.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

**9.1 NOTICE OF MOTION - COUNCILLOR JANET WILSON; REDUCING THE
USE OF PLASTIC BAGS IN THE COMMUNITY**

**REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: COUNCILLOR JANET WILSON**

100717/04 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Maggie May.

That Council support an initiative to reduce plastic bag use across the LGA by working with the Kyogle CWA Evening Group, the Chamber of Commerce and Progress Associations to encourage residents to stop using plastic bags.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

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

Moved by Councillor Janet Wilson, seconded by Councillor Robert Dwyer.

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

Cr Wilson foreshadowed a motion:

That Council:

1. Prepare a report on the unexpended funds in the 2016/2017 Budget and how these funds should be used in this financial year to provide a planning framework for the coordination, development and future service delivery for an ageing population;
2. Hold over this report until the new Director of Planning and Environmental Services is appointed.

100717/05 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Robert Dwyer.

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

CARRIED

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

100717/06 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Maggie May.

That Council prepare a report on the unexpended funds in the 2016/2017 Budget and how these funds should be used this financial year to provide a planning framework for the coordination, development and future service delivery for an ageing population.

CARRIED

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

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 MONTHLY FINANCE REPORT - JUNE 2017

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

100717/07 RESOLVED

Moved by Councillor Hayden Doolan, seconded by Councillor Kylie Thomas.

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

CARRIED

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

12.2 WORKS PROGRAM PROGRESS REPORT JUNE 2017

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

100717/08 RESOLVED

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

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

CARRIED

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

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A ASSETS AND INFRASTRUCTURE SERVICES REPORT

Nil.

ITEM 13B PLANNING AND ENVIRONMENTAL SERVICES REPORT

13B.1 ALCOHOL FREE ZONES

REPORT BY: DIRECTOR PLANNING AND ENVIRONMENT
CONTACT: DIRECTOR PLANNING AND ENVIRONMENT

100717/09 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Kylie Thomas.

That Council:

1. Receives and notes the report concerning the re-establishment of Alcohol Free Zones in the Kyogle area.
2. Re-establishes the Alcohol Free Zones in the town of Kyogle and the villages of Woodenbong and Tabulam for the period of July 1, 2017, to June 30, 2021 in accordance with Sections 644 – 644A and 644B of the Local Government Act, 1993.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

13B.2 DEVELOPMENT MANAGEMENT PANEL FUNCTION AND OPERATION POLICY

REPORT BY: DIRECTOR PLANNING AND ENVIRONMENT
CONTACT: DIRECTOR PLANNING AND ENVIRONMENT

100717/10 RESOLVED

Moved by Councillor Hayden Doolan, seconded by Councillor Robert Dwyer.

That Council:

1. Receives and notes the report, *Development Management Panel - Function and Operation Policy*.
2. Rescinds its Development Management Panel – Function and Operation Policy.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

13B.3 DETERMINATION OF DEVELOPMENT APPLICATION 2015-72 FOR SUBDIVISION AT 45 ANZAC DRIVE, GENEVA

**REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: DIRECTOR PLANNING AND ENVIRONMENT**

100717/11 RESOLVED

Moved by Councillor Maggie May, seconded by Councillor Janet Wilson.

That Council:

1. Receives and notes the report, *Determination of Development Application 2015-72*.
2. Pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, determine development application 2015-72 for the subdivision (1 lot into 25 lots) of Lot 1 DP 307050 at 45 Anzac Drive, Geneva by way of granting consent subject to the conditions contained in Attachment 3 of this report as amended on 6 July 2017.
3. Prepare a notice of determination and provide it to the applicant.

CARRIED

FOR VOTE - Janet Wilson, Danielle Mulholland, Bob Dwyer, Maggie May, Hayden Doolan, Earle Grundy, John Burley

AGAINST VOTE - Kylie Thomas

ABSENT. DID NOT VOTE - Lindsay Passfield

Councillor Robert Dwyer called for a Division under Section 375A of the *Local Government Act 1993*.

FOR	AGAINST
Cr Danielle Mulholland	Cr Kylie Thomas
Cr John Burley	
Cr Robert Dwyer	
Cr Earle Grundy	
Cr Hayden Doolan	
Cr Janet Wilson	
Cr Maggie May	

ABSENT. DID NOT VOTE - Lindsay Passfield

13B.4 FUTURE TOWNS PROGRAM

**REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: ECONOMIC DEVELOPMENT OFFICER**

100717/12 RESOLVED

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

That Council:

1. Receives and notes the report, Future Towns Program.
2. Writes to the Kyogle and District Chamber of Commerce and the Kyogle High School thanking them for their valuable co-operation in the project.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

ITEM 13C GENERAL MANAGER'S REPORT

**13C.1 COMMUNITY ASSISTANCE REPORT
REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER CORPORATE SERVICES**

100717/13 RESOLVED

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

That Council:

1. Receives and notes the report, *Community Assistance Policy*.
2. Places the draft *Community Assistance Policy* on public exhibition for 28 days, closing 7 August 2017 and seek submissions from the community on its content.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

13C.2 BUDGET ADDITIONS FOR 2017/18

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

100717/14 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Janet Wilson.

That Council;

1. Receives and notes the report, *Budget Additions for 2017/18*.
2. Includes an additional \$447,825 in the 2017/18 Emergency Services Capital Works Budget with matching income from the Northern Rivers Rural Fire Service.
3. Includes additional budget items in accordance with all approvals received for funding of restoration works under the National Disaster Relief and Recovery Arrangements program for the March 2017 Natural Disaster Events.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor John Burley:

- Can I have an update on the situation with Toonumbar Dam?

General Manager: As I will have to provide a written response to Michael Reardon's Question Time enquiry, I will distribute that response to all councillors. But I can say in brief, that very little has changed since the last meeting. WaterNSW is working with the Fishing Club to get a temporary lease in place for them.

Councillor Earle Gundy:

- The toilets at the Mallanganee Lookout have been taken away. Are there any plans to do a development at that lookout and perhaps rebuild the toilets. The lookout has spectacular 360 degree views to Mount Warning, Tenterfield, the Queensland Border and Whiporie. It's a great spot and I really believe that it has potential to be developed into something, particularly in relation to tourism. I visited the area the other day and I can tell you that people are still making use of the area as a toilet stop even though the toilets are no longer there.

- I know that we have several tourist routes around the National Parks and ranges in the area. Is it possible to erect a few sign posts to say where they start, end and go to? There are routes number one through nine that I know of, and it would be great instead of just having a leaflet with a map, to have a fingerboard signpost saying this is route number 8 or 9 as you are following them around.

Councillor Kylie Thomas:

- Do we have a date for the erection of the fence around the playground at Anzac Park? It is in the budget for the coming year.

General Manager: No we don't have a date yet, we are still in the planning stages. And yes, it is in the budget for this financial year.

- Regarding a brief discussion that three or four of the councillors who were at the Reconciliation March had with General Manager. It was a follow-up on discussions Cr Burley had with people at the Local Aboriginal Land Council about the colours proposed for the town and village signage. We wanted to explore consulting them as they disagreed with the colour scheme we were thinking about. Are we going to consult further with local Aboriginal Land Councils?

General Manager: Yes; I sat down with the consultant doing the branding project last week and went through a number of issues raised at the Councillor workshop. And yes, we are going to follow that up and work through the Gugin Guddaba Local Aboriginal Land Council to come up with a process of consultation with them in terms of village totems in particular. That will be worked into the consultant's engagement. It does mean that the project will take a little bit longer, but we felt that it was a valuable way to get some input in regards to Aboriginal Cultural Heritage, particularly in terms of that art.

Councillor Danielle

- In regard to the Youth Advisory Committee, where is that to in terms of recruiting new members.

Director Planning and Environment: Council has received a range of submissions from people who would like to be on the committee. A report will be prepared for the August meeting for Council's consideration.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

ITEM 16.01 MOVE INTO CLOSED COUNCIL

ITEM 16.1 ACTING GENERAL MANAGER

ITEM 16.2 GENERAL MANAGER'S PERFORMANCE AGREEMENT

These reports are CONFIDENTIAL in accordance with 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.

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 was closed, as to whether that part of the meeting should be closed.

100717/15 RESOLVED

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

That Council:

1. Resolved to move into closed council to consider business identified, together with any late reports tables at the meeting.
2. Pursuant to Section 10A(1)-(3) of the Local Government Act, exclude the media and the public from the meeting on the basis that the business to be considered is classified confidential under provisions of Section 10A(2) as outlined above.
3. Withhold the correspondence and reports relevant to the subject business from the media and the public as required by Section 11(2) of the Local Government Act.

CARRIED

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

Council closed its meeting at 5.58pm. The public and the media left the chamber.

ITEM 16.02 OPEN COUNCIL RESUMES

100717/18 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Maggie May.

That Council move out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Lindsay Passfield, John Burley

Open Council resumed at 6.08pm.

The Mayor read the following resolutions of Closed Council to the meeting.

16.1 ACTING GENERAL MANAGER CONFIDENTIAL

100717/16 RESOLVED

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

That Council;

1. Receives and notes the report, *Acting General Manager*.
2. Welcomes the newly appointed Director Assets and Infrastructure Services Mr Tony Lickiss.
3. Thanks the Director Planning and Environmental Services Mr Manfred Boldy for his service and wishes him well in his new role at Cassowary Coast Regional Council.
4. Appoints Mr Marcus Schintler as Acting General Manager for the period 25 September 2017 to 13 October 2017.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield

16.2 GENERAL MANAGER'S PERFORMANCE AGREEMENT CONFIDENTIAL

100717/17 RESOLVED

Moved by Councillor Earle Grundy, seconded by Councillor Robert Dwyer.

That Council:

- 1.Receives and notes the report, *General Managers Performance Agreement*.
- 2.Endorses the Action Plan submitted in the attachments to the report.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Lindsay Passfield, John Burley

MEETING CLOSURE

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