

## **Kyogle Council**

**Confirmed Minutes of the Ordinary Meeting held in the Council Chambers,  
Stratheden Street, Kyogle, on Monday 13 February 2017.**

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### **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) and the Personal Assistant to Planning and Environment.

### **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 13C.4 Delivery Program Six Monthly Review, page 7 Economic Development - fostering sustainable growth  
Reason for declaration - Member of the Kyogle Mountain Bike Club

## **ITEM 5 QUESTION TIME**

Mrs Kathleen Warburton: I am a co-owner of a property on Gradys Creek Road. At a meeting at The Risk Hall we were advised that we would receive email updates on the bridge replacements and so far haven't received any. Will we be getting email updates? Is there a revised completion date for stage one and could that be included in an update please?

Acting Director Assets and Infrastructure: An update is currently being prepared. There has been a couple of short delays and Council wants to have the date right. The updates will be provided in the next couple of weeks once the bridge footings are completed.

Mrs Elva Jones: At the last meeting I attended I asked about the heating of the big pool. Has this been done?

General Manager: The pricing of the heating of the pool has not been done. The pool redevelopment project including the gym, enclosing and heating of the medium size pool is part of a broader design of a complex from the \$250,000 promised by Kevin Hogan during the election campaign. The project has been scoped and forwarded to the Department. There is no intention to cost the heating of the big pool.

Mrs Elva Jones: The chair for disabled people in the big pool is broken, when can we expect a new chair for the pool for people who cannot use the steps?

General Manager: I will have to check where the staff are up to either on repairs or replacement.

Mrs Elva Jones: We have had heatwave conditions and yesterday Kyogle was one pool not open after 6pm. Lismore closes their pool at 3pm but left it open until 8.30pm. I think that Council should look at giving the public extra time when the temperature gets to a certain heat. There are people that work and there is no point going for a swim when the pool shuts at 6pm. Council should look at giving the general public more chance to have a swim during heatwave conditions. Council used to keep the pool open for longer hours once the temperature hit 34 degrees, so I think this should be looked at again to give the public a fair go during these conditions.

General Manager: I have already flagged this with the Councillors and we will have discussions around next year's budget and about the implications of the cost of that and a few other things on the wish list for the pool.

## **ITEM 6 PUBLIC ACCESS**

### **John Hartley - DA 2016-59 (Studders Lane piggery)**

#### *1. Introduction*

- a. Thank you for opportunity*
- b. One of eight surrounding properties that have concerns and objections regarding the piggery (evident by the submissions received)*
- c. Owned property of 17 years, but considered a new comer to the region. Majority of landowners have been there for decades and some are second generation.*
- d. One thing that is in common between all owners is that we have a desire to farm in a sustainable manner; that we want to leave the land better than we found it and we are not just there to make a quick buck at all costs.*
- e. It is understood that Council wishes to promote agriculture and development but we need to be careful that we do not get carried away with a political catchcry and do it at all costs.*
- f. Development should be sustainable and able to add back to the region by looking after the land, being able to expand and create future opportunities and promoting a better lifestyle for all residents. There are no options for this development to expand legally, but this has not stopped the developer in the past.*

#### *2. Why the Development should be refused*

*We ask that the proposed development be refused as the development is not appropriate for the area:*

- Highly visible location of proposed site - on a raised hill surrounded by and in direct line of sight of eight neighbouring properties.*

*This cannot be minimised out due to the height of neighbouring hills surrounding site of development and the fact the site is located in the middle of a small valley.*

- Odour – there is already odour evident from operations and the piggery is not fully stocked  
I note that the consultant has stated they attended the site and there was no odour noticed. Did they attend when there is an easterly blowing, when a southerly comes through, days of high humidity or rainfall, or simply when the conditions best suited the desired outcome?*

- *Rainfall is 76.7% higher than the recommended level. The applicant has identified that the site has rainfall of 1343mm per year and hot humid summers. There will be increased risk of run-off, manure will remain wetter longer and there is an increased chance of odour and animal welfare issues*
- *Extreme weather conditions – too hot/humid too cold. The applicant himself has conceded this in the subsequent information supplied to Council –*
- *It is located within a flood plain and is subject to significant flood events (last 2008)*
- *A detrimental impact on the amenity of the area. Increased traffic, dust, smell. Illegal use of a shed as a sub-standard dwelling. Also galvanised iron shelters scattered around the paddocks*

*Draft DA assessment as submitted by staff*

- *The development will create amenity impacts on dwellings including odour and noise  
Research has shown that rotational outdoor piggeries do not generate odour impacts;*

*This is research most likely conducted by the Australia Pork Council and is somewhat debatable. It is not site specific nor does it take in consideration the area in question. The area in question is surrounded by small hills so the smell is locked in.*

*Simply quoting research such as this and applying it across Australia and assuming it is the same in all areas is really a lazy approach. It is like doing research through Wikipedia. One should understand how the research was conducted and what parameters it as conducted under.*

*An “advantage” of having the piggery illegally operating for the past 14 months is we as residents have experienced the operations and the impacts.*

*I can assure Council that there is odour already present, I myself have notified Council a number times of this with no acknowledgment or action. I also note that a number of submissions make note of odour being evident.*

*Please note Council this is not with full stocking rate. We have no way of contacting the owner as we have received no consultation of approached by the owner or representatives.*

- *Page 46 whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,*

*Animals are provided small corrugated iron shelters secured by steely post. The shelters provide little or no protection for the animals in times of extreme heat, (as recently evidenced) that nor in times of rain or events.*

- *Page 51 - The development will pollute water courses, adjoining properties and the Richmond River  
The developer has already demonstrated a complete lack of knowledge of the water issues or environment.*
  - *Economic impacts - The development will have positive impacts on the local economy as it will generate employment and economic activity.  
The development is proposed to be \$15,000 (as per DA).  
The economic benefit is minimal at best with the benefit going outside of the area.*
3. *On-going compliance*
- a. *Council has a draft recommendation in front of them which is intended to address the issues. However this all rests on the assumption that the developer will comply with the conditions **and** Council has the ability to enforce the conditions.*

*Based on the past 16 months, there is little confidence that this is achievable.*

*This saga has been dragging on for this long and Council has not been able to stop the developer from operating the piggery illegally.*

*Why:*

- *Pigs were on this property in 2015 and originally placed in a water way of the property. If only for the residents it is likely the pigs would still be in this area.*
  - *It took two months for Council to respond to the initial phone request.*
  - *The piggery has been operating fully since April 2016 (this is conceded in the DA)*
  - *In June 2016 the developer had 50 pigs delivered to the property within days of meeting with Council staff and being told to stop operating the piggery*
  - *The DA was lodged in August 2016 and after six months is brought to Council. In this period the developer has increased the size of the piggery.*
- b. *No consultation to date from the developer or their representatives with any surrounding property. (If this was done they would have known about the actual flood levels on this property.*
  - c. *Who will be responsible for compliance monitoring? I have been told by staff that it will be up to residents to monitor compliance as Council does not have the resources.*
  - d. *No contacts/plan provided to residents so who do we go to*
  - e. *How is Council going to enforce the conditions?*
  - f. *What commitment will Councillors give to ratepayers that the development will be enforced?*

#### 4. Conclusion

*The development is not suitable or in keeping with the area.*

*The development/agricultural pursuit is not*

*It will cause significant impact on the existing residents*

*Council has struggled over the past 16 months to get the developer to do the right, what makes it think it can change this moving forward.*

#### **Anthony Zammit - Cedar Point and Horseshoe Creek Halls**

*My name is Anthony Zammit and I have put together a proposal for a five-year plan to save Cedar Point Hall and Horseshoe Creek Hall. We have formed a committee and ask that saving the halls is considered. Over the next month we are available to have discussions over any questions the Councillors may have.*

Councillor Earle Grundy: I have read your submission, you have put a lot of work into it. Do you have letters of support from the groups who are interested in using the halls? Where are these groups now?

Anthony Zammit: No we don't yet, and they can't make any concrete plans yet. A few of them do not want to be mentioned.

Councillor Earle Grundy suggested a meeting with Anthony Zammit and the committee.

Councillor Janet Wilson: I agree there has been a lot of work put into the proposal but the budgeting is difficult. I have done community service budgets for most of my adult life and I don't think they work for the purpose. The other thing I am wondering about is that there are land claims on those pieces of land and under the Act it requires that if we have no strategic purpose for the land then it has to go back, it becomes part of the State Government's processes, they consult community and may come back to Council through the trust at some point.

My view is that at this point in time, given the information that is available, I commend you for trying to keep the two halls going, however I think we have to say that the chances of that happening are very slim for many reasons. The land claims are important and we have to follow that process. We have many community halls which all need some kind of community input and I think it is time for Council to look at community halls in the broader sense and the whole issue of Crown lands and how we use them in the future. We haven't got to that point yet, but it is something that needs to be discussed.

My view is that it is in your best interest to let this go for the moment, because the amount of work that has gone in to the whole process of Crown lands and community halls so far and until we resolve that issue around land claims and how that fits into the State, then I think this is best let it go.

Anthony Zammit: If it's not possible, then we can live with that but can the Council consider saving the buildings for relocation rather than demolishing them? One of the committee members has raised that people could pay for the buildings.

Councillor Janet Wilson: We have ways of putting those ideas forward and I think the General Manager would be very happy to receive those kinds of ideas to be put forward to the Trust.

Anthony Zammit: The halls are the main thing we are interested in saving, not just the parcels of land. In the proposal we have other uses for the land, to make it somewhere for the public to use.

Councillor Janet Wilson: You have been given this information before, until the land claims matter is resolved and the issue is sorted out, we can't give away Crown land.

Councillor Danielle Mulholland: Your request for a meeting has been duly noted.

### **Harmony Walsh - Labyrinth proposal**

*I would like to thank you for the opportunity to again discuss the Labyrinth project. The site behind Alcorn Park is my preferred site for the following reasons.*

*There is very little cost or groundwork involved before the labyrinth could be constructed.*

*It is far enough away from the distraction of the traffic yet easy enough to locate for tourists and has adequate parking.*

*The site is accessible for disabled, infirm or elderly.*

*There is a public toilet close by.*

*The area already has a calm, peaceful atmosphere in a garden setting that is conducive to reflection, prayer or meditation.*

*There is a reasonable amount of privacy which would be enhanced by a planting near the tennis courts, yet the site is not isolated. Being close to the caravan park would discourage misuse and vandalism.*

*Placing the labyrinth in this area would enhance and expand the much underused and underappreciated Alcorn Park area.*

*It also links up with the botanical garden walk and compliments the atmosphere of that area.*

*It would also be an added attraction to the caravan park.*

*I have looked at quite a few other sites and listened and looked at other's suggestions, but I believe that this site is the only one that meets all the requirements to make the labyrinth a success in this town. I ask that you support me in this choice.*

*I am at the present time talking to many community groups, services and organisations. I will be speaking with the schools, hospital and aged care asking for support for the project and educating them on the benefits of the labyrinth. From these groups I am developing a support network to help develop the project. I would request that Council work with this committee so that the labyrinth can be built to enhance the wellbeing of this town.*

Councillor Kylie Thomas: Thank you for coming and I like the idea that you are networking with other groups in the community, not reinventing the wheel but using wheels that are already in place.

### **Steve Arber - DA 2016-59 (Studders Lane piggery)**

*As a third generation ratepayer in the same area, I would like to take this opportunity to say thanks for being able to present to Council and reinforce the neighbour's presentation.*

*The Studders Lane piggery is still a piggery – a free range piggery. There are very big differences in there which John covered. The area is basically destocked, I believe because of rulings Council has put to the owner, so it looks very different to what it looks in the original submissions. I put in some photos, it got worse than that. The regenerated grass areas aren't as prior. The pigs that are there now are ringbarking the trees in the paddock, they will be dead within twelve months. That's what pigs do, they root. The owners, we don't know them, so we should not be judgemental I guess, but from where I see it, these people have come along and haven't respected the Council or the local area. A lot of things have happened there.*

*We believe there is supposed to be a caretaker present. Recently there has been a caretaker go and we've got a new caretaker there. I've spoken to the two prior caretakers, they've got no idea whatsoever of farming practice, or running a piggery. So I ask Council in your meeting to make the decision on this, look hard at the submissions the locals have put in. Lastly, who will monitor this? The application is for 170 pigs, run over a small area which I believe they haven't got enough area to farm successfully that piggery, to rotate it within the time they need to, to sustain a regular income. So who will monitor this, because the neighbours shouldn't be the police.*

Councillor Janet Wilson: When you reflect on last 14 months, do you think their practices have improved or not over the 12 months as they've worked towards?

Steve Arber: I wouldn't say so, not being a farmer at heart myself. I've seen fences go up and different things implemented but as far as farming practice goes, I don't think so.

Councillor Janet Wilson: So does that mean that the caretaker, caretaker is not the right word, it would be a farm manager they would put in, I'm presuming, someone with experience and skills to manage pig farming.

Steve Arber: I they were to put in a full time manager it wouldn't be sustainable, not at the price they'd have to pay to employ someone.



Councillor Janet Wilson: So how do you know that?

Steve Arber: From being a farmer.

**ITEM 7 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE 12 DECEMBER 2016  
ORDINARY COUNCIL MEETING**

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

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**130217/01 RESOLVED**

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

That Council adopt the minutes of the Ordinary Meeting held on 12 December 2016.

**CARRIED**

FOR VOTE - Unanimous vote

**7.2 CONFIRMATION OF THE MINUTES OF THE 17 DECEMBER 2016  
EXTRAORDINARY MEETING**

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

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**130217/02 RESOLVED**

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

That Council adopt the minutes of the Extraordinary Meeting held on 17 December 2016.

**CARRIED**

FOR VOTE - Unanimous vote

**7.3 CONFIRMATION OF THE MINUTES OF THE 30 JANUARY 2017  
EXTRAORDINARY MEETING**

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

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**130217/03 RESOLVED**

Moved by Councillor Earle Grundy, seconded by Councillor Maggie May.

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That Council adopt the minutes of the Extraordinary Meeting held on 30 January 2017.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 8 MAYORAL MINUTE**

Nil.

**ITEM 9 NOTICES OF MOTION**

**9.1 NOTICE OF MOTION - COUNCILLOR LINDSAY PASSFIELD; SECTION 355 COMMITTEES**

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

**CONTACT: GENERAL MANAGER**

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**130217/04 RESOLVED**

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

That Council:

1. Management review existing and prospective Section 355 Committees of Council against the advice provided in the circular of August 2016 and Council's Risk Management Plan to ascertain whether Section 355 classification is appropriate in these applications;
2. Be provided with a report on this review at the 13 March 2017 Ordinary meeting.

**CARRIED**

FOR VOTE - Unanimous vote

**9.2 NOTICE OF MOTION - COUNCILLOR LINDSAY PASSFIELD; UPGRADE OF IMBREYS ROAD/SUMMERLAND WAY INTERSECTION**

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

**CONTACT: GENERAL MANAGER**

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

That Council considers funding the upgrade of Summerland Way / Imbreys Road intersection in the 2017/2018 budget. This upgrade to include widening of the culvert to 15 metres and bitumen sealing of 30 metres from Summerland Way into Imbreys Road.

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Councillor Janet Wilson foreshadowed a motion.

That Council considers funding for a Road Safety Audit and design for the upgrade of the Summerland Way and Imbreys Road intersection in the 2017/18 budget, to be used to submit an application for funding under the Black Spot Program for the upgrade of the intersection.

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

That Council considers funding the upgrade of Summerland Way / Imbreys Road intersection in the 2017/2018 budget. This upgrade to include widening of the culvert to 15 metres and bitumen sealing of 30 metres from Summerland Way into Imbreys Road.

**LOST**

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

**130217/05 RESOLVED**

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

That Council considers funding for a Road Safety Audit and design for the upgrade of the Summerland Way and Imbreys Road intersection in the 2017/18 budget, to be used to submit an application for funding under the Black Spot Program for the upgrade of the intersection.

**CARRIED**

FOR VOTE - Unanimous vote

**9.3 NOTICE OF MOTION - COUNCILLOR JANET WILSON; LABYRINTH PROPOSAL**

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

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**130217/06 RESOLVED**

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

That Council identify Lot 755 DP 1104367 for the purposes of the community project called "Labyrinth - Finding Yourself in Kyogle" and that Council establish a working relationship with the community-based group called "Friends of the Labyrinth" to facilitate the implementation of this initiative within the context of the Crown Reserves Management Plan.

**CARRIED**

FOR VOTE - Unanimous vote

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**ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil.

**ITEM 11 DELEGATES REPORTS**

**11.1 DELEGATES REPORT: COUNCILLOR KYLIE THOMAS - FAIRYMOUNT FESTIVAL**

**REPORT BY: COUNCILLOR KYLIE THOMAS  
CONTACT: GENERAL MANAGER**

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**130217/07 RESOLVED**

Moved by Councillor Kylie Thomas, seconded by Councillor Lindsay Passfield.

That Council receives and notes the delegates report on the Fairymount Festival.

**CARRIED**

FOR VOTE - Unanimous vote

**11.2 DELEGATES REPORT: COUNCILLOR LINDSAY PASSFIELD - WOODENBONG AUSTRALIA DAY COMMITTEE**

**REPORT BY: COUNCILLOR LINDSAY PASSFIELD  
CONTACT: GENERAL MANAGER**

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**130217/08 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Hayden Doolan.

That Council receives and notes the delegates report provided by Cr Lindsay Passfield on the Woodenbong Australia Day Committee.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 12 INFORMATION PAPERS**

**12.1 MONTHLY FINANCE REPORT**

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

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**130217/09 RESOLVED**

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

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT**

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

**CONTACT: MANAGER FINANCIAL SERVICES**

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Moved by Councillor Hayden Doolan, seconded by Councillor Maggie May.

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

Councillor Danielle Mulholland foreshadowed a motion.

That the remaining funds allocated to the Kyogle Christmas tree be utilised to replace the decorations west of the range and in all the villages as a priority and any remaining funds be used to replace the decorations in Kyogle.

**130217/10 RESOLVED**

Moved by Councillor Hayden Doolan, seconded by Councillor Maggie May.

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

**CARRIED**

FOR VOTE - Unanimous vote

**130217/11 RESOLVED**

Moved by Councillor Danielle Mulholland, seconded by Councillor Earle Grundy.

That the remaining funds allocated to the Kyogle Christmas tree be utilised to replace the decorations west of the range and in all the villages as a priority and any remaining funds be used to replace the decorations in Kyogle.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13 GENERAL MANAGER'S REPORT**

**ITEM 13A ASSETS AND INFRASTRUCTURE SERVICES REPORT**

**NAMING OF NEW BRIDGE ON DUCK CREEK ROAD**

**REPORT BY: ASSETS AND URBAN SERVICES**

**CONTACT: ACTING DIRECTOR ASSETS AND URBAN SERVICES**

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Moved by Councillor Hayden Doolan, seconded by Councillor Lindsay Passfield.

That Council:

1. Receives and notes the report, *Naming of New Bridge on Duck Creek Road*.
2. Calls for submissions from the public on the proposed naming of the new bridge on Duck Creek Road at chainage 9.7km as "Barretts Bridge" and that a further report be brought to Council on submissions received.

An amendment was moved by Councillor Earle Grundy, seconded by Councillor Hayden Doolan

That Council:

1. Receives and notes the report, *Naming of New Bridge on Duck Creek Road*.
2. Calls for submissions from the public on the proposed naming of the new bridge on Duck Creek Road at chainage 9.7km as "Browns Bridge" and that a further report be brought to Council on submissions received.

**CARRIED**

FOR VOTE - Unanimous vote

The amendment became the motion.

**130217/12 RESOLVED**

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

That Council:

1. Receives and notes the report, *Naming of New Bridge on Duck Creek Road*.
2. Calls for submissions from the public on the proposed naming of the new bridge on Duck Creek Road at chainage 9.7km as "Browns Bridge" and that a further report be brought to Council on submissions received.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 13B PLANNING AND ENVIRONMENTAL SERVICES REPORT**

**13B.1 DRAFT SOUTH EAST QUEENSLAND REGIONAL PLAN**

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

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**130217/13 RESOLVED**

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

That Council:

1. Receives and notes the report.
2. Writes to the Queensland Department of Infrastructure Local Government and Planning providing further comments regarding the public exhibition of the draft South East Queensland Regional Plan – ShapingSEQ in accordance with the points and matters outlined in Attachment A.

**CARRIED**

FOR VOTE - Unanimous vote

**13B.2 NSW PLANNING REFORMS**

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

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**130217/14 RESOLVED**

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

That Council:

1. Receives and notes the report, *NSW Planning Reforms*.
2. Delegates to the General Manager to finalise the Council's submission to the Department of Planning and Environment on the basis that;
  - a. it is generally supportive of the proposed reform changes outlined in the Department's *Summary of Proposals, January 2017*
  - b. it recommends that the Bill should include provision for the preparation of a standard community engagement plan to apply to all Councils as a default, with discretion for Councils who wish to adopt an amended plan to do so based on a Departmental-provided template.

**CARRIED**

FOR VOTE - Unanimous vote

**13B.3 DETERMINATION OF DEVELOPMENT APPLICATION 2016-59 FOR INTENSIVE LIVESTOCK AGRICULTURE (ROTATIONAL OUTDOOR PIGGERY) AT 126 STUDDERS LANE, CEDAR POINT**

**REPORT BY: DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES  
CONTACT: DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

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**130217/15 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Hayden Doolan.

That Council:

1. Receives and notes the report, *Determination of Development Application 2016-59*.

**CARRIED**

FOR VOTE - Unanimous vote

**13B.4 RECISSION OF RESOLUTION TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO PERMIT CERTAIN COUNCIL DEPOT WORKS AS EXEMPT DEVELOPMENT**

**REPORT BY: PLANNING AND ENVIRONMENTAL SERVICES  
CONTACT: DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES  
MANFRED BOLDY**

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**130217/16 RESOLVED**

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

That Council:

1. Receives and notes the report on the proposed amendment of the *Kyogle Local Environmental Plan 2012* to make certain works at Council depots permissible as exempt development.
2. Resolves to not amend the *Kyogle Local Environmental Plan 2012* to make certain works at Council depots permissible as exempt development.
3. Authorise the Acting General Manager to withdraw the Planning Proposal submitted to the Department of Planning for Gateway Determination.

**CARRIED**

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield called for a division under section 375A of the *Local Government Act 1993 Act*.



| <b>For</b>             | <b>Against</b> |
|------------------------|----------------|
| Cr Danielle Mulholland |                |
| Cr John Burley         |                |
| Cr Maggie May          |                |
| Cr Janet Wilson        |                |
| Cr Hayden Doolan       |                |
| Cr Earle Grundy        |                |
| Cr Kylie Thomas        |                |
| Cr Lindsay Passfield   |                |
| Cr Robert Dwyer        |                |

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

**13C.1 DECEMBER BUDGET REVIEW**

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

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**130217/17 RESOLVED**

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

That Council:

1. Receives and notes the December 2016, Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

| <b>STATEMENT OF SIGNIFICANT VARIANCES</b>       |                             |                 |
|---|-----------------------------|-----------------|
| <b>DECEMBER QUARTER BUDGET REVIEW</b>           |                             |                 |
| <b>DETAILS</b>                                  | <b>QUARTERLY ADJUSTMENT</b> |                 |
|   | <b>INCOME</b>               | <b>EXPENSES</b> |
| Economic Development - Income                   | 50,000                      |                 |
| Economic Development - Expenses                 |                             | 50,000          |
| Regional Roads - MR 361 Operating Costs         |                             | 10,000          |
| Regional Roads - MR 622 Operating Costs         |                             | (10,000)        |
| Regional Roads - Capital Expenditure MR 150     |                             | 7,000           |
| Regional Roads - Capital Expenditure MR 544     |                             | (7,000)         |
| Regional Roads - Capital Expenditure Bridges    |                             | 62,000          |
| Urban Local Roads - Operating Costs Mallangaree |                             | (2,000)         |
| Urban Local Roads - Operating Costs Wiangaree   |                             | 2,000           |
| Emergency Services - Capital Contributions      | 60,000                      |                 |
| Emergency Services - SES Buildings              |                             | 60,000          |
| Community Buildings - Operating Revenue         | 120,000                     |                 |
| Community Buildings - Operating Costs           |                             | 110,000         |
| Stormwater Management - Capital Grants          | 22,000                      |                 |
| Stormwater Management - Flood Mitigation        |                             | 27,500          |
| Quarries - Operating Revenue                    | 230,000                     |                 |
| Quarries - Operating Costs                      |                             | 162,000         |
|   |                             |                 |
| <b>Totals</b>                                   | 482,000                     | 471,500         |
|   | <b>Net Adjustment</b>       | <b>10,500</b>   |

**CARRIED**

FOR VOTE - Unanimous vote

### **13C.2            LEGUME TO WOODENBONG ROAD ALLIANCE**

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

**CONTACT:      GENERAL MANAGER**

### **130217/18    RESOLVED**

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

That Council:

1. Receives and notes the report, *Legume to Woodenbong Road Alliance*.
2. Appoints a representative to the key stakeholder group, and that representative be the current Council delegate to the former committee - Councillor Lindsay Passfield.

**CARRIED**

FOR VOTE - Unanimous vote

### 13C.3            **BORDER RANGES RALLY SURVEY**

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

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Moved by Councillor Kylie Thomas, seconded by Councillor Robert Dwyer.

That Council;

1. Receives and notes the report, *Border Ranges Rally Survey*.
2. Provides in principal support for further motorsport events across the Local Government Area in the future.
3. Invites the Gold Coast Tweed Motorsporting Club to submit a proposal for a future event to allow for consultation with affected property owners prior to consideration of an approval for the event to proceed.

An amendment was moved by Councillor Lindsay Passfield, seconded by Councillor Hayden Doolan

That Council;

1. Receives and notes the report, *Border Ranges Rally Survey*.
2. Invites the Gold Coast Tweed Motorsporting Club to submit a proposal for a future event to allow for consultation with affected property owners prior to consideration of an approval for the event to proceed.

**CARRIED**

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

The amendment became the motion.

Councillor Danielle Mulholland foreshadowed a motion.

That Council establishes a focus group to discuss operation of future motor sport events with organisers and put forward suggestions for consideration.

### **130217/19 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Hayden Doolan.

That Council;

1. Receives and notes the report, *Border Ranges Rally Survey*.
2. Invites the Gold Coast Tweed Motorsporting Club to submit a proposal for a future event to allow for consultation with affected property owners prior to consideration of an approval for the event to proceed.

**CARRIED**

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

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Moved Councillor Danielle Mulholland, seconded Councillor Hayden Doolan

That Council establishes a focus group to discuss operation of future motor sport events with organisers and put forward suggestions for consideration.

**LOST**

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

#### **13C.4 DELIVERY PROGRAM SIX MONTHLY REVIEW**

**REPORT BY: GENERAL MANAGER'S OFFICE**  
**CONTACT: MANAGER CORPORATE SERVICES**

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#### **130217/20 RESOLVED**

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

That Council receives and notes the 31 December 2016 review of the Delivery Program and Operational Plan.

**CARRIED**

FOR VOTE - Unanimous vote

#### **ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

#### **130217/21 RESOLVED**

Moved Councillor Lindsay Passfield, seconded Councillor John Burley

That the consideration of Development Application 2016/59 be considered as urgent business.

**CARRIED**

FOR VOTE - Unanimous vote

The Mayor declared the matter to be of great urgency.

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

That Council:

1. Pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, determine development application 1016-59 for the establishment of intensive livestock agriculture (rotational outdoor piggery) by way of granting consent subject to the conditions contained in Attachment 4 or this report.
2. Prepare a development consent notice to be provided to the applicant.

Councillor Danielle Mulholland foreshadowed a motion.

That Council refuse the development application 2016/59 relating to the piggery on the grounds that it is not consistent with the objectives of the RU1 zone of the Kyogle Local Environment Plan 2012, specifically:

- 1.To minimise conflict between land uses within this zone and land uses within adjoining zones.
- 2.To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.
- 3.To ensure that the productive capacity of agricultural land is appropriately recognised and managed.
- 4.To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.

Councillors Passfield and Wilson withdrew their motion.

### **130217/23 RESOLVED**

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

That Council refuse the development application 2016/59 relating to the piggery on the grounds that it is not consistent with the objectives of the RU1 zone of the Kyogle Local Environment Plan 2012, specifically:

- 1.To minimise conflict between land uses within this zone and land uses within adjoining zones.
- 2.To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.
- 3.To ensure that the productive capacity of agricultural land is appropriately recognised and managed.
- 4.To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.

**CARRIED**

FOR VOTE - Janet Wilson, Danielle Mulholland, Maggie May, Lindsay Passfield, Hayden Doolan, John Burley

AGAINST VOTE - Bob Dwyer, Kylie Thomas, Earle Grundy,

Councillor Lindsay Passfield called for a division Under Section 375A of the *Local Government Act 1993*.

| <b>For</b>             | <b>Against</b>  |
|------------------------|-----------------|
| Cr Danielle Mulholland | Cr Earle Grundy |
| Cr John Burley         | Cr Kylie Thomas |
| Cr Maggie May          | Cr Robert Dwyer |
| Cr Janet Wilson        |                 |
| Cr Hayden Doolan       |                 |
| Cr Lindsay Passfield   |                 |

## **ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Councillor Kylie Thomas

- When will the residents on Gradys Creek be notified on the change to the bridge works program?

Councillor Lindsay Passfield

- Where is the outstanding resolutions of Council report?

General Manager: The outstanding resolutions report and the development applications report are information reports and are now being presented as workshop reports.

- What impact is the lowering of the weir having on Kyogle's water security?

General Manager: In combination with the off stream storage, there is an improvement in water supply security.

Councillor Robert Dwyer

- When will the damaged garden beds in the main street be repaired?

General Manager: I can't give an exact timetable, but the staff have been asked to treat this as a matter of priority. I believe it will be completed before we meet again.

Councillor Danielle Mulholland

- How is it that Lismore City Council was able to extend pool hours during the heatwave, but not Kyogle Council?
- Please extend Council's thanks to David Bevan, David Bell and Kyogle High School for their efforts in providing the artwork for our large waste bins.

## **ITEM 16 CONFIDENTIAL BUSINESS PAPER**

### **ITEM 16.1 INSURANCE TENDER REPORT**

### **ITEM 16.2 REPORT ON TENDERS FOR GENEVA RESERVOIR REPLACEMENT ROOF AND ACCESS - CONTRACT 2017/17-005**

These reports are CONFIDENTIAL in accordance with Section 10A(2)(d) 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

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.

## **130217/24 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Kylie Thomas.

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

Council closed its meeting at 7.42 pm. The public and the media left the chamber.

## **16.02 OPEN COUNCIL RESUMES**

### **130217/2 RESOLVED**

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

That Council move out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

Open Council resumed at 7.53 pm.

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

### **16.1 INSURANCE TENDER REPORT CONFIDENTIAL**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: MANAGER CORPORATE SERVICES (GOVERNANCE)**

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### **130217/25 RESOLVED**

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

That Council:

1. Receives and notes the report, *Tender for Insurance Brokerage Services and Insurance Coverage*.

2. Accepts the offer from JLT Australia for Insurance Brokerage Services and Insurance Coverage.

**CARRIED**

FOR VOTE - Unanimous vote

**16.2 REPORT ON TENDERS FOR GENEVA RESERVOIR REPLACEMENT ROOF AND ACCESS CONTRACT 2016/17-005 CONFIDENTIAL**

**REPORT BY: ASSETS AND INFRASTRUCTURE SERVICES DEPARTMENT  
CONTACT: ACTING DIRECTOR ASSETS AND INFRASTRUCTURE SERVICES**

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**130217/26 RESOLVED**

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

That Council:

1. Receives and notes the report, *Tenders for Geneva Reservoir Replacement Roof and Access – Contract 2016/17-005*.
2. Accepts the BJS Constructions tender for Contract 2016/17-005 for the value of \$169,635.40 (incl GST).

**CARRIED**

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

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 7.53pm.

Signature of Chairperson.....