

## **Kyogle Council**

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

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

Cr Robert Dwyer declared a non-pecuniary interest in the following item

- o Item No 16.1 Tender For the Construction of the New Kyogle Museum and Associated Works - Tender Number RFT-10008061

Reason for the Declaration -- Member of the Kyogle Historical Society in a non-executive position

### **ITEM 5 QUESTION TIME**

Mrs Anne Reardon:

I'm here as a concerned citizen to ask Council what it intends to do about the water hyacinth on the lagoon in Anzac Park. Water hyacinth is a noxious weed and is known as the world's worst aquatic noxious weed due to its ability to rapidly cover entire waterways. What is Council going to do about the water hyacinth in the lagoon?

General Manager:

We have been trying unsuccessfully for some years to control the water hyacinth. We have tried spraying and various techniques as recommended by Far North Coast Weeds. Our current plan of attack is to wait until winter when the growth of the water hyacinth slows down, then we are going to mechanically harvest the water hyacinth - pull the weed out of the lagoon -- and then we will restart the chemical control process.

### **ITEM 6 PUBLIC ACCESS**

Julia Curtis - Grady's Creek Road Bridges Detour

I am here as a representative for people who live at Lynches Creek and Gradys Creek in relation to the detour that is currently in use through Lynches Creek and The Risk.

We have found the detour to be a significant safety concern and we have a couple of requests we would like to make to Council.

We request that appropriate and adequate detour signage be installed at Wiangaree, The Risk and all the way to the Mt Lindesay Highway. The signage to pay particular attention to: "local traffic only", "this is a two-way road" and corner signage on creeks.

The signage at Wiangaree is ambiguous and I believe quite dangerous. There is shade cloth hanging over one side, sometimes two sides, depending how the wind blows.

The first sign says Gradys Creek Road Closed; Local Traffic Only, the next sign says Detour Ahead and then there is another Detour sign with an arrow which sends all the traffic up Lynches Creek. Confused motorists turn up Lynches Creek Road rather than continue on to the Mt Lindesay Highway.

On the other side of that signage is a yellow sign that says Detour which is covered in shade cloth. There is no sign that says Detour Queensland Ahead.

The next sign down Lynches Creek is a very small information sign which has information about the Gradys Creek Road closures. The writing is so small I can't read it from my car. As a result, traffic is stopping in the middle of the road at The Risk, which is a major thoroughfare, to read the sign. We are also having caravans up and down Lynches Creek going over Simes Road which really dangerous as the road isn't adequate for that kind of usage.

Residents would like:

- an update on the RMS NSW live traffic service that provides motorists with detour information;
- clear signage that says local use only;
- road narrows signs - there are sections of the road which are too narrow for two vehicles to pass unless the vehicles move on to the road shoulder;
- regular bridge/road updates to residents via Facebook, the council website or by email
- signage along Lynches Creek, in particular Two Way Usage, Road Narrows, Sharp and Unpredictable Corners Ahead.

At present people using the detour are not driving to the conditions of a country road. There seems to be a disconnect between motorists and the reality of the condition of the road.

Acting Director Assets and Infrastructure Services:

Council is already working on the sign at the intersection of Lynches Creek Road and The Summerland Way to make it less ambiguous and make it clear it is for local traffic only.

In terms of the RMS NSW live traffic site, Council uses the Myroadinfo site as it is not an RMS detour. The NSW and Queensland live traffic sites won't put the information on their sites as the detour is not on their roads.

Councillor Lindsay Passfield:

I understand that the northern entry point at Rathdowney to The Lions Road has a sign that says Lions Road Closed Due to Bridge Maintenance. If we have sign at Wiangaree that says Lions Road Closed Due to Bridge Maintenance rather than Gradys Creek road closed, that may get the traffic, in particular the caravans, off that road.

Councillor Danielle Mulholland:

The General Manager has advised me that an email distribution list has been set up for the Gradys Creek bridge closures. Your email address will be added to that list and you will get those updates.

**ITEM 7 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE 13 FEBRUARY 2017  
ORDINARY COUNCIL MEETING**

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

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**030317/01 RESOLVED**

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

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

**CARRIED**

FOR VOTE - Unanimous vote

**7.2 CONFIRMATION OF THE MINUTES OF THE 1 MARCH 2017  
EXTRAORDINARY COUNCIL MEETING**

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

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**030317/02 RESOLVED**

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

That Council adopt the Minutes of the Extraordinary Meeting held on 1 March 2017.

**CARRIED**

FOR VOTE - Unanimous vote

**030317/03 RESOLVED**

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

That Council amend the Order of Business and bring forward the Confidential Item No 16.1 Tender for the Construction of the New Kyogle Museum and Associated Works - Tender Number RFT-10008061 to consider now.

**CARRIED**

FOR VOTE - Unanimous vote

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## **ITEM 16 CONFIDENTIAL BUSINESS PAPER**

### **16.01 MOVE INTO CLOSED COUNCIL**

#### **ITEM 16.1 TENDER FOR THE CONSTRUCTION OF THE NEW KYOGLE MUSEUM**

This report is 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.

#### **030317/04 RESOLVED**

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

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 5.14pm. The public and the media left the chamber.

### **16.02 OPEN COUNCIL RESUMES**

#### **030317/08 RESOLVED**

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

That Council move out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

Open Council resumed at 6.38 pm.

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

**ITEM 16.1 TENDER FOR THE CONSTRUCTION OF THE NEW KYOGLE MUSEUM AND ASSOCIATED WORKS - TENDER NUMBER 10008061**

**030317/05 RESOLVED**

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

That Council receives and notes the report, *Tenders For The Construction Of The New Kyogle Museum and Associated Works - Tender Number RFT-10008061*.

**CARRIED**

FOR VOTE - Unanimous vote

**030317/06 RESOLVED**

Moved by Councillor Passfield, seconded by Councillor Kylie Thomas:

That Council:

1. Authorises the General Manager to award the Contract to the preferred tenderer M&K Construction Group at the tendered value of \$599,830 (incl GST).
2. Allocates an additional \$168,820 to the Museum building construction project W779, and reduces the budget against W900, W901, and W281 to zero.

**CARRIED**

FOR VOTE - Lindsay Passfield, Danielle Mulholland, Bob Dwyer, Kylie Thomas, Hayden Doolan, Earle Grundy, John Burley

AGAINST VOTE - Janet Wilson, Maggie May

**030317/07 RESOLVED**

Moved by Councillor Kylie Thomas, seconded by Councillor Earle Grundy.

That Council authorises the General Manager to dispose of the contents of the Horseshoe Creek Hall by way of donation.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 8 MAYORAL MINUTE**

**8.1 MAYORAL MINUTE - BUISNESS LEADERS FORUM 2017**

**REPORT BY: KYOGLE COUNCIL MAYOR**  
**CONTACT: DIRECTOR PLANNING AND ENVIRONMENT**

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**030317/09 RESOLVED**

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

That Council receives and notes the Mayoral Minute in relation to the Business Leaders Forum 2017.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 9 NOTICES OF MOTION**

Nil.

**ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

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

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**030317/10 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Earle Grundy.

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

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 11 DELEGATES REPORTS**

**11.1 DELEGATES REPORT: COUNCILLOR EARLE GRUNDY - WEST OF THE RANGE AUSTRALIA DAY COMMITTEE**

**REPORT BY: COUNCILLOR EARLE GRUNDY**  
**CONTACT: GENERAL MANAGER**

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**030317/11 RESOLVED**

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

That Council receives and notes the delegates report provided by Cr Earle Grundy on the West of the Range 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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**030317/12 RESOLVED**

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

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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**030317/13 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor John Burley.

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

**CARRIED**

FOR VOTE - Unanimous vote

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**ITEM 13 GENERAL MANAGER'S REPORT**

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

**13A.1 SUBMISSIONS RECEIVED ON NAMING OF NEW BRIDGE ON DUCK CREEK ROAD**

**REPORT BY: ASSETS AND INFRASTRUCTURE WORKS**

**CONTACT: ACTING DIRECTOR ASSETS AND INFRASTRUCTURE WORKS**

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**030317/14 RESOLVED**

Moved by Councillor Earle Grundy, seconded by Councillor Lindsay Passfield.

That Council:

1. Receives and notes the report, Submissions Received on Naming of New Bridge on Duck Creek Road.
2. Formally adopt the name "McKees Bridge" for the newly constructed bridge located 9.7km from Clarence Way on Duck Creek Road.

**CARRIED**

FOR VOTE - Unanimous vote

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

**13B.1 FINALISATION OF LEP AMENDMENT NO. 10- PLANNING PROPOSAL TO PERMIT CARAVAN PARKS IN ZONES RU1 AND RU2 AND ASSOCIATED DEVELOPMENT CONTROL PLAN PROVISIONS**

**REPORT BY: PLANNING AND ENVIRONMENTAL SERVICES**

**CONTACT: DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

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**030317/15 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor John Burley.

That Council:

1. Supports the planning proposal to amend the Kyogle Local Environmental Plan 2012 to permit the development of caravan parks in Zones RU1 Primary Production and RU2 Rural Landscape with the consent of Council.
2. Pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, requests Parliamentary Counsel's Office prepare a draft legal instrument.
3. Upon receiving from Parliamentary Counsel's Office a draft instrument and an Opinion that the plan can be made, exercises its delegation and Council's

delegate make the plan and request NSW Planning and Environment to carry out notification of the making of the plan.

4. Places a notice advising commencement of the LEP amendment in the *Richmond River Express Examiner*.
5. Pursuant to Part 3 Division 3 Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000*, approves the associated amendments to the Kyogle Development Control Plan 2014 as detailed in Attachment 4 of this report.
6. Places a notice advising approval and commencement of the DCP provisions in the *Richmond River Express Examiner*, pursuant to Part 3 Division 3 Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000*.

**CARRIED**

FOR VOTE - Unanimous vote

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

<b>FOR</b>	<b>AGAINST</b>
Cr Danielle Mulholland	
Cr Maggie May	
Cr Janet Wilson	
Cr John Burley	
Cr Hayden Doolan	
Cr Earle Grundy	
Cr Kylie Thomas	
Cr Lindsay Passfield	
Cr Robert Dwyer	

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

#### **13C.1 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

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

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#### **030317/16 RESOLVED**

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

That Council:

1. Receive motions from Councillors by close of business on Thursday 30 March 2017 to allow inclusion in Council's April Council meeting agenda and that the motions fall under the following principles:
  - Be relevant to the work of local government nationally
  - Be consistent with the themes of the Assembly

- Complement or build on the policy objectives of your state and territory local government association
  - Propose a clear action and outcome, and
  - Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
2. Adopt the motions proposed to be included in the National General Assembly Business Papers at the April Council Meeting.
  3. Nominate the Mayor and Councillor Maggie May to attend and represent Kyogle Council at the 2017 National General Assembly of Local Government to be held from 18 to 21 June 2017 in Canberra.

**CARRIED**

FOR VOTE - Unanimous vote

### **13C.2            BRANDING AND PHOTOGRAPHIC COMPETITIONS**

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

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#### **030317/17    RESOLVED**

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

That Council:

1. Receives and notes the report, *Branding and Photographic Competitions*.
2. Confirms the winners and placegetters of the branding competition are:
  - 1<sup>st</sup> Jasmine Phillips
  - 2<sup>nd</sup> Rebecca O'Meara
  - 3<sup>rd</sup> Rebecca Kocass
3. Confirms the winners of the six categories of the photographic competition are:
  - Best Village Life entry - Sandy Kelly
  - Best Governance and Community Service entry - Sandy Kelly
  - Best Ageing in Place, Disability Services and Respite Care entry - Krystal Finch
  - Best Agriculture entry - Bec Sneath
  - Best Visitor Attraction entry - Margaret Rollings
  - Best overall entry - Bec Sneath

**CARRIED**

FOR VOTE - Unanimous vote

### **13C.3            355 COMMITTEE REVIEW**

**REPORT BY:    OFFICE OF THE GENERAL MANAGER**  
**CONTACT:      MANAGER CORPORATE SERVICES**

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

That Council:

1. Receives and notes the report, *Review of Section 355 Committees*.
2. Adopts the revised Charter for Council's section 355 Australia Day Committees.
3. Adopts the use of the following governance templates for the Fairymount Festival and Youth Advisory section 355 Committees:
  - a. Agenda
  - b. Finance and Acquittal
  - c. Notification of Office Bearers

Councillor Lindsay Passfield moved an amendment, second by Cr Kylie Thomas:

That Council

1. Receives and notes the report, *Review of Section 355 Committees*.
2. Adopts the revised Charter for Council's section 355 Australia Day Committees, with the amendment to 3.6 to read: Community representative nominations to be advertised and committee appointments to be ratified by Council.
3. Adopts the use of the following governance templates for the Fairymount Festival and Youth Advisory section 355 Committees:
  - a. Agenda
  - b. Finance and Acquittal
  - c. Notification of Office Bearers

**CARRIED**

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

The amendment became the motion.

### **030317/18 RESOLVED**

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

That Council

1. Receives and notes the report, *Review of Section 355 Committees*.
2. Adopts the revised Charter for Council's section 355 Australia Day Committees, with the amendment to 3.6 to read: Community representative nominations to be advertised and committee appointments to be ratified by Council.
3. Adopts the use of the following governance templates for the Fairymount Festival and Youth Advisory section 355 Committees:
  - a. Agenda
  - b. Finance and Acquittal
  - c. Notification of Office Bearers

**CARRIED**

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

**13C.4 SUMMERLAND WAY PROMOTIONAL COMMITTEE**

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

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**030317/19 RESOLVED**

Moved by Councillor Earle Grundy, seconded by Councillor Janet Wilson.

That Council receives and notes the report, *Summerland Way Promotional Committee*.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Councillor Maggie May:

- Can the management plan for the new museum be presented to Council?

General Manager:

I can send you the Private Public Partnership documentation and all the construction specifications and approvals that have been put in place. There isn't a management plan as such.

Councillor Maggie May:

- Now that we have approved the building and it's going to be a reality, when will we have a management plan?

General Manager:

We will have a lease with the Historical Society and a Public Private Partnership Agreement. I will send you all those and they should be reasonably self-explanatory.

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Councillor Lindsay Passfield:

- When will Mt Lindesay Road and Clarence Road be slashed?

Acting Director Assets and Infrastructure Services:

It's underway at the moment. The crew is coming through Yabbra and continuing north after that.

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 7.12pm.

Signature of Chairperson.....