

Kyogle Council

Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Tuesday 13 June 2017.

PRESENT

Nil

IN ATTENDANCE

The General Manager and the Manager Corporate Services (Governance).

No quorum was present at 5.30pm. The General Manager advised that prior to the meeting formal apologies were received from the following six councillors: Cr Danielle Mulholland, Cr John Burley, Cr Maggie May, Cr Hayden Doolan, Cr Kylie Thomas and Cr Robert Dwyer. All nine Councillors were advised prior to the meeting that six apologies had been received and that a quorum was unlikely.

There was no one in the chair and as no councillors were present the General Manager, in accordance with Section 3.6 Part 2 (c) of the Meeting Code of Practice, adjourned the meeting to the Kyogle Council Chambers on Thursday 15 June at 6pm.

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 Planning and Environment, the Manager Corporate Services (Governance), the Personal Assistant to the General Manager.

MEETING COMMENCEMENT

The Mayor commenced the meeting on Thursday 15 June at 6pm.

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 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. Robert Dwyer declared a non-pecuniary interest in the following item/s:

- Item 16.2 Tenders for the Construction of the Kyogle Museum (Confidential)
Reason for Declaration - non executive committee member.

Cr Maggie May declared a non-pecuniary interest in the following item:

Item 8.1 Mayoral Minute

Reason for Declaration - member of the Country Women's Association.

ITEM 5 QUESTION TIME

Nil

ITEM 6 PUBLIC ACCESS

Victor Rixon, Gradys Creek: At a community meeting held on 6 December, Council representatives spoke to the residents and other affected parties about the bridge renewal project on Gradys Creek Road. Concerns were raised, however most of these were dismissed. Two requests agreed upon were signage and communication. Council gave a commitment to provide plenty of road signage and regular progress updates; neither of which has been fulfilled satisfactorily. In printed information originally given to residents, Council advised that the bridge works were expected to be completed in the 16/17 financial year. Residents were prepared to put up with the road closure, accepting short-term pain for long-term gain. It was advised that each stage would take two months to complete; that is by 30 June. It is now 15 June and not one of the six bridges is complete. We acknowledge the recent flood was responsible for some delay, but it has become an easy point of blame. Stage one was already delayed before the flood and should have been finished before the flood.

On 10 May, I wrote to Councillors addressing my concerns and seeking the opinion of Council's management on the project. This email was forwarded to the General Manager without permission. As I understand, this email was shared at a meeting attended by bridge work staff. This passing around of my email is incredibly unprofessional, a breach of privacy and trust and clearly demonstrates the inability of Councillor representatives to take responsibility of poor management.

The key issues I have are, one Murrays Bridge shouldn't have been removed until Council was able to make it their priority to replace it as quickly as possible. It lacked any common sense to make Boyles Bridge, which had a by-pass, a higher priority than Murrays Bridge, which was completely removed. Please change your plan going forward making removed bridges your priority.

A private contractor would have completed the work in a shorter timeframe. It is time a private contractor be engaged to complete the remaining four bridges.

Number three: Communication with residents and affected parties, including the wider Kyogle community, has not been regular. Please provide regular fortnightly progress updates to all affected.

Simes Road is a non-safe detour. Despite signage at Rathdowney and Wiangaree, tourists are still using this road; so signage is obviously confusing.

Number five: Councillors, what will be done about the unprofessional and irresponsible handling of my email? In particular, that it was shared with Council construction staff.

Number six: Overall, this has been a poorly managed project demonstrated by an obvious budget blowout, long delays and a disregard for the impact on the Kyogle community, businesses, and its tourism industry. Who is accountable for the poor management of such a major government-funded project?

In closing, the whole project and its management needs to be reviewed before stage two begins, with a clear plan of action to rectify all issues I have raised along with those being echoed by the broader Kyogle community.

Cr Janet Wilson: In regard to your email, you sent it to Council and Councillors, are you aware that it is a public document when you do that?

Victor Rixon: Yes, but what has it got to do with the Council construction staff? I sent it to the Councillors for their opinion. I did not want to know what Council construction staff had to say about it. It's got nothing to do with them. The issue is the management of the project, not pouring of concrete.

Cr Janet Wilson: I am not here to debate it, I am just trying to get clear in my mind why, if I write to Council for example, my document can be used by Council for the purposes of resolving the issues that have been raised. So, presumably that is what the staff did.

Victor Rixon: How did that email being shown to the construction staff benefit anyone? That's the question I have?

Cr Janet Wilson: Well, that's quite a different question to the one you originally posed.

Cr Danielle Mulholland: Victor, we have spoken about this and I guess my question is do you have evidence that the email had been shown to construction workers? When we discussed it, you didn't really have any, so has that situation changed?

Victor Rixon: No, it hasn't changed.

Cr Danielle Mulholland: In terms of what Cr Wilson is saying, it's true that when you send an email and you don't flag it as confidential it does become a public document. The questions you asked in that email, some were quite technical, as such that goes into the operational basket, as I explained to you, and that's why the email was forwarded to the General Manager.

General Manager: The email wasn't passed on to bridge construction staff. I am not sure where you've got that information, but that didn't occur. The project more generally was discussed with the bridge construction staff, along with a number of issues that were raised by a number of members of the community, including you. I did not discuss the email with any of the staff working on the bridge except for the overseer. I'm not sure where you are getting your information from, but I can tell you it's not true.

Victor Rixon: The construction staff knew the email was from me; so someone has told them something.

Cr Danielle Mulholland: Victor, I will talk to the Governance Officer after the meeting and get back to you.

Cr Kylie Thomas: Who is going to be responsible for giving a response to questions that Mr Rixon has proposed in his address?

General Manager: Victor has had public access; as part of public access he presents any information he likes to present to Council, councillors have an opportunity to ask him questions, respond to him and give him information. If Victor wants a written response from the General Manager, then he would have to write to Council and seek a response. I am happy to do that. Public access is not normally responded to formally; it's an opportunity to come and present to Council in person. I have given information back to all of the Councillors about this matter. Victor, you specifically stated in your original email you did not want a response from the General Manager, but if you would like one, I am happy to give you one. You need to forward to me through another email, or whatever format you would like, the questions you would like a response to. I have taken notes on the issues you've raised, and have collated issues other people have raised about that project. Council we hold another public meeting, hopefully before the end of the month, and go through all of these issues in person with the community.

Victor: Yes, I would like a response.

Cr Kylie Thomas: Would it be okay with you Victor, if your response from the General Manager was relayed to the Councillors?

Victor: Yes, that's fine.

Peter Allen, Geneva: I would like to address the Council regarding the development application 2015-72.

We received the updated plans, we were asked to send any letters of concern, which we did. The response from Council staff was that all the requirements re legislation and council planning were met by the plan.

However, we consider the plan to be fairly faulty because it doesn't addresses:

1. Stormwater from the proposed road that has a lay back kerb and guttering running west east down a substantial incline, and then along a 90 degree bend in a northerly direction. A heavy downpour will more than likely mean inundation of our property down that road. We all know what sort of volumes of rain we can get in a fairly short period of time here.
2. There is a sewer pump station in the proposal and it is very very close to us. Having worked in the waste water industry for 27 years, I can assure you it doesn't matter what sort of stringent measures you do with your maintenance, pump stations do fail. I'd like to know why there is going to be a pump station virtually right outside our fence, and there will be odours and noise ensuing from it.
3. There will be a massive increase in traffic right alongside our fence. There are no houses currently there but under this plan there will be 22 extra houses. Even if each house only has one car and there is only one movement to and from each residence a day, that's 42 extra movements right next to our house.
4. There is a cul de sac with a 9m radius turning circle on the plans. I am assuming the garbage truck will be required at some time to service homes. How anyone is going to turn around a HR truck in a 9m radius circle is beyond me. I drive trucks for a living and it would be very difficult and possibly even more difficult with a school bus.
5. There is, in the proposal, provision for protection against adverse effects of livestock for the new residents. However, the adjoining property, which is the property this subdivision is being taken from, is a farm with livestock. The only access to that farm is through the proposed development; presumably livestock will be transported to and from right through this development.
6. The proposed entrance to this development is right on what is historically possibly the most dangerous curve in Kyogle. There have been many many accidents there over the years, none fatal that I know of, but many very serious. To ignore that danger would be remiss. There is plenty of scope for movement, or alteration, of this road to further up the road to where the road can actually be widened and a better line of visual traffic available to the people driving.
7. If that does go ahead, the access and egress to our place would cease for the period of construction of this road and I don't know what arrangements have been made, if any, to get us in and out of our property.
8. Size of the blocks. There are 22 blocks, although Council assure me they are within the limits of the Council's scope, but they are not typical of the area; they are not in the same vein as the rest of the neighbourhood. They are much much smaller. One would assume they are almost high density, and if in fact they are high density I would have no idea why Kyogle would need that for.
9. Negative impacts: I have been assured at two meetings, one formal and one informal, that there would be no negative impacts on our lives or lifestyle. Well, we've had no neighbours for 30 plus years and now we are going to have 22 right next door.

We don't oppose the development, we would just like Council to consider alterations to the plan.

James Murray, Gradys Creek: It is with great regret that I address this meeting as the Kyogle Council road program has been excellent in last several years. But Council has never had a good track record on major projects such as bridges, and so it proved to be again on the Gradys Creek Bridge Program.

It is not my intention to lay blame on any person as that would not achieve anything, but I would like the Council to be aware of the debacle that this project has become. Upper Gradys Creek has never been an easy place to access; the railway, the amount of bridges, the sharp curves and terrain have made transport of produce and heavy machinery a challenge. Unfortunately it has not been made easier by engineering blunders over the years and now we have been handed several more. The much vaunted bridge program is in tatters.

When told of the plan to build six bridges in six months, most of the residents were sceptical; and so our doubts have come to fruition. The first two have not been completed despite a fairly dry summer-autumn period and it is obvious that the budget has been blown out. Every dollar over budget is money that should go to other bridge maintenance in other parts of the council. The design of the bridges is poor. They are over engineered, requiring huge amounts of material. Eight piles to each abutment instead of the normal two to three. Up to 100 cubic metres per pier, instead of 15 to 20 for a normal two-pier bridge. The piers are solid blocks and in the first two bridges, but especially at Murrays, they have been built at angles, maybe 35 degrees, to the flow of the creek which will:

- a. have a damming effect putting pressure on the bridge and,
- b. divert flows during floods into the creek bank causing not only massive erosion but in Murrays Bridge we take out the northern abutment of the adjacent rail viaduct.

Even if the bank is armoured, it will cause a ricochet effect causing riverine erosion on both sides of the creek. This process has already occurred at Ross' Bridge. The alignment of the southern approach is poorly executed; it is doubtful that semi-trailers will get on to it. Why wasn't this bridge built on an angle or with a curve such as the new bridges on Running Creek in Queensland. Ross' Bridge alignment is better, but why was it not just one curve and two curves going off the northern end?

While the bridge was being built there was an excavator on site sitting idle for much of the time. Why not utilise this machine while it was there and the road is closed to take a metre out from under the viaduct to bring it into the same 4m height as the other ones on Gradys Creek, enabling easier access for transport of heavy machinery. A good operator like Tony could punch that out in less than a day and the residue could be used as fill for the abutments.

Because of the time it is taking, and will take, it is affecting many people's lives and livelihoods and they are fed up. The residents of Simes Road and Lynches Creek live in a pall of dust. People from unexpected quarters are asking how much longer. For me to access my yards 1.5km away with a vehicle during wet weather requires a 30km trip. Tourism, contractors and other business are losing time and money due to loss of access, not only here but in town as well.

It is too late to change the mistakes made with the first two bridges, but it is not too late to sit back, take a breather and re-evaluate the remaining ones. The residents of Gradys Creek and the wider Kyogle community have had enough. Council has failed us and it is time for Council to sit back and take notice for once. To this end, we ask, no we demand, that on completion of Boyles and Murrays bridges the program shall cease until:

1. There is an independent inquiry into why these bridges were not let out to tender as is required of any project over \$150,000, and why did Council avoid doing so, for a \$3.5 million project;
2. There is a review and change of design;
3. There is a full account of costs incurred so far;
4. What reports were undertaken by Council before this option was taken;
5. And I would also like to know why we aren't getting responses to our emails.

If contractors had performed as poorly as Council has, and it's not the workers on the ground we're talking about, they would go broke and Council would be within their rights to terminate the contract. Sorry to say, you've had your go, time's up. Put the remaining bridges up for design and construct tender and let's get the job done efficiently and quickly.

Cr Kylie Thomas: Would you like any of those questions you brought up at the end of your address answered by staff?

James Murray: Yes, why wasn't it tendered out properly? I would prefer if they could answer tonight and make a decision and just do it because there is a lot of people that are just sick of it. Tourism is suffering; you drive through Lynches Creek and everything is smothered in dust. I think residents there got a fair shock at how much traffic is coming over that road. I had a look at the creek this week, and there wasn't a big flow in this flood, it only came up a couple of feet. But in a gully raker it will go straight at the abutment on the viaduct. There is already a big landslip there, and there is only just enough room to drive a ute between the landslip and the viaduct. So it's going to channel straight into that and it will chew it out and then it will bounce back over the other side and more than likely take out the road on the southern side of the next pier.

Acting Director Assets and Infrastructure: I would like to remind people up there that there was a crunch point coming with the bridges on Gradys Creek. You talked about the effect it's having on people getting in and out of there and on tourism and things like that, but those bridges have been load limited for a long time and a point was coming that access was going to be closed.

James Murray: We understand that. But the design of these bridges is a balls up. It's not good; throw that design away. Go and have a look at the design of the bridge near Cr Mulholland's place; it's a beautiful bridge; the only thing wrong with it is the alignment - there's an 'S' bend on to it.

Mayor: James, the Acting Director Assets and Infrastructure will be in contact.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE 8 MAY 2017 ORDINARY COUNCIL MEETING

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

130617/01 RESOLVED

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

That Council adopt the Minutes of the Ordinary Meeting held on 8 May 2017.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

8.1 MAYORAL MINUTE - COMMUNITY ASSISTANCE FUNDING

REPORT BY: KYOGLE COUNCIL MAYOR

CONTACT: GENERAL MANAGER

Councillor Maggie May left the meeting at 6.27pm.

130617/02 RESOLVED

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

That the Council grant financial assistance under the requirements of Council's Financial Assistance Policy as follows:

- a) Bonalbo Common Trust – an additional \$301 to make a total of \$1,000 when combined with the assistance provided as a result of the Council's resolution to provide \$699 funding at its Ordinary Meeting of 14 November 2016
- b) Tabulam CWA for contribution towards replacement rainwater tank - \$1,000
- c) Bonalbo Central School P & C for a contribution towards NAIDOC Week celebrations - \$1,000.
- d) Tabulam Pre-school – reduced waste disposal fees for the disposal of contaminated soil stockpiled at the new pre-school site with the total charge being equivalent to the EPA waste levy component calculated at \$78.20 per tonne based on weighbridge measurements of actual waste disposed.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Maggie May

Councillor Maggie May returned to the meeting at 6.28pm.

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

130617/03 RESOLVED

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

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 - MAY 2017

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

130617/04 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT MAY 2017

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

130617/05 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A ASSETS AND INFRASTRUCTURE SERVICES REPORT

13A.1 PUBLIC CONSULTATION - PROPOSED YOWIE COUNTRY RALLY 2017

REPORT BY: ASSETS AND INFRASTRUCTURE DEPARTMENT

CONTACT: ACTING DIRECTOR ASSETS AND URBAN SERVICES

130617/06 RESOLVED

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

That Council:

1. Receives and notes the report, Public Consultation - Proposed Yowie Country Rally 2017.
2. Agrees in principle to the holding of the 2017 Yowie Country Rally.
3. Waives the "Application to Conduct Works in the Road Reserve" road closure application fee.
4. Develop the maintenance program to ensure that each of the rally roads has a patch grade in the four weeks prior to the event if required.
5. Assist with the mailing of road closure letters to residents along the roads proposed to be closed.
6. Supports the utilisation of the budget allocation for traffic control to special events to cover the costs associated with the Yowie Country Rally 2017.

CARRIED

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

AGAINST VOTE - Janet Wilson, Maggie May

13A.2 UPDATE MARCH 2017 NATURAL DISASTER EVENT

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER

130617/07 RESOLVED

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

That Council receives and notes the report, *Update March 2017 Natural Disaster Event*.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13B PLANNING AND ENVIRONMENTAL SERVICES REPORT

13B.1 FINALISATION OF LEP AMENDMENT NO. 9- PLANNING PROPOSAL TO REMOVE MINIMUM LOT SIZE IN AN AREA OF KYOGLE AND ASSOCIATED DEVELOPMENT CONTROL PLAN AMENDMENTS

REPORT BY: PLANNING AND ENVIRONMENTAL SERVICES

CONTACT: DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

130617/08 RESOLVED

Moved by Councillor Maggie May, seconded by Councillor John Burley.

That Council:

1. Supports the planning proposal to amend the Kyogle Local Environmental Plan 2012 to change the minimum lot size applying to an area of Kyogle town from 1,500m² to no minimum lot size.
2. Pursuant to section 59(1) of the Environmental Planning and Assessment Act 1979, request Parliamentary Counsel's Office to 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, exercise 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. Give notice of the 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*, approve the associated amendments to the Kyogle Development Control Plan 2014 that relate to subdivisions that create lots less than 500m² in area and the development of dwellings on lots less than 500m² in area, as detailed in Attachment 5 of this report.
6. Give notice of 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 1993*.

| FOR | AGAINST |
|------------------------|----------------|
| Cr Danielle Mulholland | |
| Cr John Burley | |
| Cr Maggie May | |

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|----------------------|--|
| Cr Janet Wilson | |
| Cr Hayden Doolan | |
| Cr Earle Grundy | |
| Cr Kylie Thomas | |
| Cr Lindsay Passfield | |
| Cr Robert Dwyer | |

13B.2 DETERMINATION OF DEVELOPMENT APPLICATION 2015-72 FOR SUBDIVISION AT 45 ANZAC DRIVE, GENEVA

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

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

That Council receives and notes the report, *Determination of Development Application 2015-72*.

Councillor Wilson foreshadowed a motion that Council undertake a workshop on DA 2015-72.

130617/09 RESOLVED

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

That Council receives and notes the report, *Determination of Development Application 2015-72*.

CARRIED

FOR VOTE - Unanimous vote

130617/10 RESOLVED

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

That Council undertake a workshop on DA 2015-72.

CARRIED

FOR VOTE - Unanimous vote

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

| FOR | AGAINST |
|------------------------|----------------|
| Cr Danielle Mulholland | |
| Cr John Burley | |
| Cr Maggie May | |
| Cr Janet Wilson | |
| Cr Hayden Doolan | |

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|----------------------|--|
| Cr Earle Grundy | |
| Cr Kylie Thomas | |
| Cr Lindsay Passfield | |
| Cr Robert Dwyer | |

13B.3 DISABILITY INCLUSION ACTION PLAN

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

130617/11 RESOLVED

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

That Council:

1. Receives and notes the report, *Disability Inclusion Action Plan*.
2. Adopts the Disability Inclusion Action Plan attached to this report.
3. Sends a copy of the adopted Disability Inclusion Action Plan to the Disability Council of NSW for its note in accordance with the requirements of the Local Government NSW '*NSW Disability Inclusion Action Planning Guidelines*'.

CARRIED

FOR VOTE - Unanimous vote

13B.4 ALCOHOL FREE ZONES

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

130617/12 RESOLVED

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

That Council:

1. Receives and notes the report, *Alcohol Free Zones*.
2. Advertise the proposed re-establishment of Alcohol Free Zones in the town of Kyogle and the villages of Woodenbong and Tabulam for the period of 1 July 2017 to 30 June 2021 and public submissions be invited in accordance with Sections 644A - 644B of the Local Government Act 1993.

CARRIED

FOR VOTE - Unanimous vote

13B.5 DA2016-31 was withdrawn prior to the meeting.

ITEM 13C GENERAL MANAGER'S REPORT

13C.1 INNOVATION FUND ROUND 2 APPLICATION RESOLUTION

REPORT BY: GENERAL MANAGER'S DEPARTMENT

CONTACT: MANAGER CORPORATE SERVICES

130617/13 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Earle Grundy.
That Council:

- 1.Receives and notes the report, *Innovation Fund Round Two Application Resolution*
- 2.Notes the proposed project titled *Kyogle Connected* achieves substantial community priorities as outlined in the Community Strategic Plan.
- 3.Notes the project *Kyogle Connected* delivers on the key NSW Government priority, *Better Government Digital Services*.
- 4.Endorses the round two Innovation Fund application titled, *Kyogle Connected*.

CARRIED

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

AGAINST VOTE - Lindsay Passfield

13C.2 ADOPTION OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS

REPORT BY: GENERAL MANAGER'S DEPARTMENT

CONTACT: MANAGER CORPORATE SERVICES

130617/14 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Kylie Thomas.
That Council adopts the policy *Payment of Expenses and Provision of Facilities for Councillors*.

CARRIED

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

AGAINST VOTE - Danielle Mulholland

13C.3 ADOPTION DELIVERY PROGRAM 2017/2021, OPERATIONAL PLAN 2017/2018 AND FEES AND CHARGES 2017/2018
REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER CORPORATE SERVICES

130617/15 RESOLVED

Moved by Councillor John Burley, seconded by Councillor Hayden Doolan.

1. That Council adopt the Delivery Program 2017/2021 and Operational Plan 2017/2018 incorporating the following changes to the draft publically displayed;
 - a) Section 603 Certificate Charge increased from \$75 to \$80 as per OLG Circular
 - b) Interest payable on overdue rates and charges set at 7.5% as per OLG Circular
 - c) Public Halls Financial Assistance budget increased from \$6,721 in 2017/18 to \$8,092 and indexed ongoing at the assumed rates increase percentage
 - d) Update the Capital Works Projects/Asset Replacement table relating to the Clarence Way as per the table below;

| Project / Item | 2017/18 | 2018/19 | 2019/20 | 2010/21 |
|---|----------------|----------------|----------------|----------------|
| Clarence Way (MR361) - Renewals | 274,312 | 277,793 | 277,539 | 277,147 |
| Clarence Way (MR361) – Repair Program (Woodenbong – Urbenville) | 369,726 | | | |
| Clarence Way (MR361) – Repair Program (Bonalbo – Bruxner Hwy) | | 377,108 | 388,422 | 400,074 |
| Repair Program Funding | 184,863 | 188,554 | 194,211 | 200,037 |

- e) Update the Capital Works Projects/Asset Replacement table relating to bridges so that the bridges to be subject to the 50% external funding as per election promise are Back Creek Road 15-7428, Lynches Creek Road 79-8529 and 79-9414, Findon Creek Road 54-4153, and Ettrick Road 45-5967.
 - f) Various minor spelling or typographical errors that do not impact on the nature or intent of the draft document.
2. That a Farmland Rate, to be known as the “Farmland Rate” of 0.409259 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$245.00 which is expected to yield 15.1% of revenue in this category, in accordance with Sections 499 and 537 of the Act.

3. That a Residential Rate, to be known as the “Residential Rate” of 0.632202 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Residential in accordance with Section 516 of the Local Government Act 1993, subject to a base amount of \$245.00 which is expected to yield 44.4% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
4. That a Residential Rate, to be known as the “Residential – Kyogle” Rate of 0.902399 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential - Kyogle (being all rateable land (other than business) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$262.00 which is expected to yield 22.8% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
5. That a Residential Rate, to be known as the “Rural Residential Rate” of 0.505978 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential Rural (being parcels of residential land that are the site of a dwelling and are between 2 and 40 hectares in area, or which do not have a significant and substantial commercial purpose or character) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$245.00 which is expected to yield 22.6% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
6. That a Business Rate, to be known as the “Business Rate” of 0.476496 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Business in accordance with Section 518 of the Local Government Act 1993, subject to a base amount of \$245.00 which is expected to yield 44.7% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
7. That a Business Rate, to be known as the “Business – Kyogle” Rate of 0.900606 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Business - Kyogle (being all rateable land (other than residential) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 518 and 529 of the Local Government Act 1993, subject to a base amount of \$262.00 which is expected to yield 15.2% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;

8. That a Stormwater and Flood Special Rate, to be known as the “Stormwater and Flood Residential” Rate of 0.041455 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 495 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the category of Residential and the sub-category of Residential - Kyogle in accordance with Sections 516 and 529 of the Local Government Act 1993, that is developed land and not able to be defined as vacant land subject to a minimum amount of \$91.00 in accordance with Section 548 of the Local Government Act 1993;
9. That a Stormwater and Flood Special Rate, to be known as the “Stormwater and Flood Business” Rate of 0.041455 cents in the dollar on the Land Value be now made for the rating year 1 July 2017 to 30 June 2018 in accordance with Section 495 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the category of Business and the sub-category of Business - Kyogle in accordance with Sections 518 and 529 of the Local Government Act 1993, that is developed land, not able to be defined as vacant land, subject to a minimum amount of \$91.00 in accordance with Section 548 of the Local Government Act 1993;
10. That the following Water Supply Charges be made for the rating year 1 July 2017 to 30 June 2018, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

Access Charges

| | |
|---------------------------|------------|
| • Vacant Property | \$112.00 |
| • 20mm Connection | \$374.00 |
| • 25mm Connection | \$584.00 |
| • 32mm Connection | \$957.00 |
| • 40mm Connection | \$1,496.00 |
| • 50mm Connection | \$2,338.00 |
| • 80mm Connection | \$5,984.00 |
| • 100mm Connection | \$9,350.00 |
| • Fire Service Connection | \$374.00 |

Consumption Charges

| | |
|---------------------------------------|---------------|
| Consumption up to 200kL usage | \$1.70 per kL |
| Consumption above 200kL usage | \$2.10per kL |
| Home Dialysis allocation first 100 kL | no charge |

11. That the following Residential Sewerage Charges be made for the rating year 1 July 2017 to 30 June 2018, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

| | |
|------------------------|----------|
| Sewerage Annual Charge | \$716.00 |
|------------------------|----------|

12. That the following Non Residential Sewerage Charges be made for the rating year 1 July 2017 to 30 June 2018, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993; subject to a minimum amount of \$688.00 in accordance with Section 542 of the Local Government Act 1993;

(a) Non-Residential Sewerage

Access Charges

| | |
|--------------------|------------|
| • Vacant property | \$115.00 |
| • 20mm Connection | \$281.00 |
| • 25mm Connection | \$438.00 |
| • 32mm Connection | \$719.00 |
| • 40mm Connection | \$1,124.00 |
| • 50mm Connection | \$1,756.00 |
| • 80mm Connection | \$4,496.00 |
| • 100mm Connection | \$7,025.00 |

Consumption Charges

\$1.07 per kl

13. That the following Trade Waste Charges be made for the rating year 1 July 2017 to 30 June 2018, in accordance with Sections 501, 502 and 503 of the Local Government Act 1993;

(a) Trade Waste – Dischargers with pre-treatment

| | |
|------------------------|-----------|
| Annual Trade Waste Fee | \$91.00 |
| Re-inspection Fee | \$68.00 |
| Consumption Charge | \$1.07/kl |

(b) Trade Waste – Dischargers without pre-treatment

| | |
|------------------------|-----------|
| Annual Trade Waste Fee | \$91.00 |
| Re-inspection Fee | \$68.00 |
| Consumption Charge | \$3.12/kl |

(c) Trade Waste – Large dischargers (over 20kl/d)

| | |
|------------------------|--------------------------------|
| Annual Trade Waste Fee | \$520.00 |
| Re-inspection Fee | \$68.00 |
| Excess mass charges | (detailed in Fees and Charges) |

(d) Trade Waste – Discharges with a sewerage dump point

| | |
|------------------------|----------|
| Annual Trade Waste Fee | \$716.00 |
| Re-inspection Fee | \$68.00 |

14. That the following Domestic Waste Management charges be made for the rating year 1 July 2017 to 30 June 2018, in accordance with Section 496 and Sections 501, 502 and 503 of the Local Government Act 1993;
- Waste Management Service availability charge \$51.00
(all rateable properties within the Kyogle LGA garbage collection service area)
 - Occupied Premises \$459.00
 - Additional Domestic Waste Service \$408.00
15. That the following Commercial and Other Waste charges be made for the rating year 1 July 2017 to 30 June 2018, in accordance with Section 501 of the Local Government Act 1993;
- Commercial Properties \$492.00
 - Landfill Management Charge \$40.00
(all rateable properties outside the garbage collection area)
 - Additional Commercial Waste Service \$441.00
16. That the following On Site Sewerage Management charges be made for the rating year 1 July 2017 to 30 June 2018, in accordance with Section 501 of the Local Government Act 1993;
- OSMS Annual Charge \$41.00
17. That Council set the Rate of Interest, to apply for the rating year 1 July 2017 to 30 June 2018, on rates, charges, and debtor accounts which remain unpaid after they become due and payable, at 7.5% per annum, accruing on a daily basis, in accordance with Section 566 of the Local Government Act 1993;
18. That Council adopt the Schedule of Fees and Charges contained in the Draft 2017/2018 Fees and Charges, to include the following changes to the Draft report publically displayed; 603 certificate rate is changed from \$75 to \$80 (OLG Circular No 17-09) and interest rate changed from 8% to 7.5% (OLG Circular No 17-09) in accordance with Sections 608, 609 and 610 of the Local Government Act 1993;
19. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Janet Wilson:

- I have had a number of inquiries about progress in relation to aged care housing and accommodation? The issue of having smaller homes or alternate accommodation for the aged to move into is becoming pressing. What are we doing to encourage people, developers, or not-for-profits to come in and look at what they can do for us in terms of different kinds of accommodation?

Director Planning and Environment: The Council's LEP is fairly generous in different housing styles that it permits, particularly where it has village zones. Here in Kyogle, Council has just adopted an LEP amendment which would allow very small lots and a different style of housing, which we haven't had in Kyogle before. In fact, the LEP amendment was centred around allowing small housing lots for the elderly, but where there is still freehold titles. There are also SEPPs (State Environment Planning Policy) that are available for aged care facilities or aged care housing and they introduce significant concessions in terms of development standards as well. The SEPPs apply to the Kyogle area just as they apply to the rest of the State.

There may be an issue of people not being aware of those different provisions and certainly the Council could do a little bit more to raise awareness of that. But in terms of actually making aged housing happen on the ground, there is not an awful lot Council can do unless it wanted to become a developer and there has been no indication of it wishing to do that.

Some of the other associated things Council is looking at doing for developments for the elderly that don't necessarily benefit from the SEPPs are in the operational plan that has just been adopted. Council included provisions in that for work to be done to the Section 94 contributions; that will result in some significant decrease in contributions, making it more attractive, or so I would like to think, for developers to consider the Kyogle LGA for that style of development.

Council is also looking at doing some work with North Coast Community Housing to identify some land around the LGA including outside of the Kyogle township, particularly Woodenbong and some of the other villages, which they may be interested in. You might be aware they expressed some interest in the Kyogle area and there is some money in the budget to do some mapping and some site analysis to try and identify suitable sites.

There are a number of things afoot and there are a number of benefits people interested in housing developments for the elderly could get if they wanted to pursue it. I take the point that maybe Council could do a little bit more in making people aware of those opportunities.

- I understand what Council has been doing in the terms as explained by the Director Planning and Environment and that's great. I was thinking more about inviting organisations like UnitingCare and the like which provide some level of supported accommodation, but not hostel or nursing home accommodation, for people who are still mobile and want to live independently with some level of supervision, to talk to us.

Director Planning and Environment: Council had some discussions last year and very early this year with an operator of facilities in the area. They have been looking at land. When someone makes an enquiry like that, Council endeavours to help them where we can in terms of probity by trying to identify properties for them or get names of landowners for them. The Council may well be able to provide these sorts of operators or their various associations for aged care with an awareness package of what Kyogle can offer.

Councillor John Burley:

- Can I have a follow up in regard to the Toonumbar Dam retreat and the road?

General Manager: Council has finished sealing the road out to the dam, we just have some signs to go. I have had a response back from the letter we sent to WaterNSW. It is much more positive than what may initially have been thought. Long term they are looking at the potential sale of the Toonumbar Waters Retreat. It's already on its own block of land so can be bought and sold separate to the remainder of the dam. They are looking at a transitional arrangement in consultation with the local fishing club for Bells Bay. They will then develop their long-term plans.

- Will the grant money for the toilets at Toonumbar Dam align with the current situation?

General Manager: I have highlighted that issue with WaterNSW, and they have not specifically said which way they want to go. But they said they are going to talk to the fishing club and then sort out the details with us. At this stage, it looks like they are going to accommodate the upgrade, but I do not have that finalised in writing as yet.

Councillor Kylie Thomas:

- A resident raised a customer request a few weeks ago in relation to a lantana growing at the intersection of Homeleigh Road and Kyogle Road causing a lack of visibility for motorists. Can we follow up with that customer as to what we are doing in relation to that?

Councillor Lindsay Passfield:

- Is there a potential for Council to explore public private partnerships in relation to transitional accommodation for the aged?
- There has been a proliferation in relation to B&Bs across our LGA. I am not sure how many of these, or the signage associated with them, have been subject to a development application. It may be appropriate for management to review Airbnb advertising and have a look at those to make sure they are kosher.

Council Robert Dwyer:

- In light of the tragic accident that occurred yesterday, can Council write to the RTA or appropriate body insisting boom gates be put on the that level crossing?

Councillor Danielle Mulholland:

- I am aware that the shop at the Kyogle tip is closed at present. Is there any way that recyclables can be taken from the tip even if people don't pay for them because the message to the public at the moment is they can't take anything at all?

Director Planning and Environment: Council does take out recyclables, but we take them out in bulk. It's not so much that people are looking at the recyclables, it more that they are looking at reuse. We don't have the facilities set up for effective reuse purposes. In the past we have had what's been called a shop, but I would not go so far as to call it that. The material in there wasn't turning over, the building had significant structural issues in that it had a significant termite infestation and was not terribly safe. As a consequence we have cleared out the shop. We still recycle however. The proposal at the moment is to wait a bit before we do anything further. Council has other priorities we need to deal with, as well as the issue of container deposit legislation that's coming in. We have to look at where Council sits in the scheme of that legislation; where its facility sits in the scheme of that and what we will need for that. Council suspects we may need to use an area at the landfill for use in relation to the container deposit legislation. After that we may look at establishing a better reuse facility. It's not something that Council's landfill staff can do effectively at the moment. The duties that the small number of landfill staff are doing at the moment make it impractical at that location. There are other arrangements and different options we may pursue that I am happy to talk to Councillors about at a workshop. The problem is that we don't have the population such as Lismore or Tweed which have good, effective reuse facilities. At the moment it is not a big priority for us. It would cost the Council more than it would get out of it.

Councillor Maggie May:

- Would it be feasible to lease out the recycling shop if someone was willing to tender and run it independent from Council?

ITEM 16 CONFIDENTIAL BUSINESS PAPER

ITEM 16.01 MOVE INTO CLOSED COUNCIL

ITEM 16.1 ANNUAL TENDERS

ITEM 16.2 TENDERS FOR THE CONSTRUCTION OF THE KYOGLE MUSEUM

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.

130617/16 RESOLVED

Moved by Councillor Janet Wilson, 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 7.26pm. The public and the media left the chamber.

16.02 OPEN COUNCIL RESUMES

130617/19 RESOLVED

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

That Council move out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Hayden Doolan

Open Council resumed at 7.35pm.

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

ITEM 16.1 ANNUAL TENDERS CONFIDENTIAL

REPORT BY: ASSETS AND INFRASTRUCTURE SERVICES

CONTACT: DEPOT COORDINATOR

130617/17 RESOLVED

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

That Council:

1. Place the following contractors on the list of preferred suppliers for hire of plant from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2017/18 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification & compliance with relevant Council policies.
 - J Fraser
 - Tutt Bryant Hire
 - H J Standfield
 - Maslen Contracting
 - MJ Smith
 - Darren Adams
 - Smith Plant
 - Kyogle Earthworx
 - R Davis
 - Sherrin Rentals
 - Hazel Bros
 - Kenreach Hire
 - M Hannan
 - Farragher
 - Harris Bros
 - P J Smith
 - Ezyquip Hire
 - 101 Haulage
 - Conplant
 - T Anderson
 - Versatile Earthworks
 - Keegan Cival
 - North East Cranes P/L
 - Ace Rental
 - Kennards Hire
 - Rollers Australia
 - Kingsbrae Partnership P/L
 - Universal Mobile Tower Hire

2. Add the following contractors to the list upon receipt of required information which was not supplied with the original tender documents.
 - Johno's Tipper & Excavator Hire
 - East Coast Slope Mowers - Slashers

3. Place the following contractors on the list of preferred suppliers for hire of trucks from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2017/18 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification & compliance with relevant Council policies
 - H J Standfield
 - Maslen Contractors
 - John Miller
 - Kyogle Earthworx
 - M J Smith

- P J Smith
- D Adams
- R Davis
- Kingsbrae Partnership P/L
- M Hanann
- T Anderson
- Versatile Earthworks
- 101 Haulage

4. Add the following contractor to the list upon receipt of required information which was not supplied with the original tender documents.
- Johnno's Tipper & Excavator Hire

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Hayden Doolan

**ITEM 16.2 TENDERS FOR THE CONSTRUCTION OF THE KYOGLE MUSEUM
CONFIDENTIAL**

REPORT BY: GENERAL MANAGER'S DEPARTMENT

CONTACT: GENERAL MANAGER

130617/18 RESOLVED

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

That Council:

1. Receives and notes the report, *Tenders for the Construction of the Kyogle Museum*;
2. Authorises the General Manager to enter into negotiations with TNW Constructions to submit a revised tender for the construction of the Kyogle Museum under contract RFT-10008061 and to Award the Contract up to the value of the M&K Construction tender.

CARRIED

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

AGAINST VOTE - Maggie May

ABSENT. DID NOT VOTE - Hayden Doolan

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.38pm.