

## **Kyogle Council**

### **Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 12 May, 2014.**

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#### **PRESENT**

Cr Danielle Mulholland (Mayor in the Chair), Cr Maggie Creedy, Cr Ross Brown, Janet Wilson, Cr Chris Simpson, Cr John Burley, Cr Robert Dwyer, and Cr Lindsay Passfield.

#### **IN ATTENDANCE**

The General Manager, the Executive Manager Infrastructure Works, the Acting Executive Manager Planning and Environment, Executive Manager Urban and Assets, the Personal Assistant to the General Manager and Administration and Community.

#### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 5.02 pm.

#### **ITEM 1 APOLOGIES**

An apology was received from Councillor Michael Reardon who had been granted a leave of absence at the April Ordinary Council Meeting,

#### **RESOLVED**

Moved Councillor Ross Brown, seconded Councillor Lindsay Passfield:

That the apology be accepted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Michael Reardon

#### **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. Danielle Mulholland declared an interest in the following item/s:

- Item No 13B.1 Development Applications Outstanding, Received and Determined for the period 1 March 2014 to 31 March 2014 -- 2010/39  
Reason for Declaration -- Relative of the applicant.

#### **ITEM 5      QUESTION TIME**

Nil.

#### **ITEM 6      PUBLIC ACCESS**

Elva Jones addressed the Council on improvements to street lighting and footpaths in Kyogle and asked Council to consider funding a new historical display proposed for the Kyogle pool.

Mrs Jones requested the Council investigate installing street lighting along the footpath from the railway viaduct to the entrance of the Kyogle Showground and possibly to the rugby league grounds. She told the Council she had had a fall while walking to a meeting of the Kyogle Showground Trust last week about 6.30pm. Mrs Jones said the fall was caused by a lack of adequate street lighting which had resulted in her being unable to see the footpath. She also pointed out that there was no street lighting along the footpath Council had built from Kyogle to the rugby league grounds at New Park, making the footpath almost unusable after dark.

Mrs Jones asked Council to consider building a footpath in Etrick Street, Kyogle. She said there were a number of elderly people living in the area who could not walk on the undulating ground beside the road nor could they walk on the road because of the dangers posed by the loose gravel.

Mrs Jones also proposed a new display be mounted at the Kyogle pool in recognition of the voluntary work undertaken by Tom Dodds, a driving force behind community efforts to have the new Kyogle pool built, and Don Frith, a former Kyogle, Far North Coast and NSW representative swimming referee. She proposed the display include photographs of the two men as well as a NSW referee's blazer owned by Mr Frith. Mrs Jones is currently in possession of the blazer and suggested Council pay to have the blazer mounted.

**ITEM 7 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE 14 APRIL, 2014  
ORDINARY MEETING**

**120514/01 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor Maggie Creedy:

That the Minutes of the Ordinary Meeting held on 14 April, 2014 be adopted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

**ITEM 8 MAYORAL MINUTE**

Nil.

**ITEM 9 NOTICES OF MOTION**

**9.1 NOTICE OF MOTION -- CR LINDSAY PASSFIELD; HEALTH  
SERVICES FOR THE BONALBO AND DISTRICT COMMUNITY**

**120514/02 RESOLVED**

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

That Kyogle Council writes to the NSW Minister for Health, the Hon Jillian Skinner, requesting the following information in relation to provision of medical services to the Bonalbo and district community:

1. What medical services are currently being provided;
2. What plans are in place to restore local hospital services; and
3. In relation to these plans, what is the projected timeline for the re-instatement of comprehensive health services.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

**ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

**120514/03 RESOLVED**

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

That the report on Questions from Last Council Meeting be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

**ITEM 11 DELEGATES REPORTS**

**11.1 DELEGATES REPORT -- MEETING ON GAS PROJECTS IN THE  
NORTHERN RIVERS/NORTH COAST**

**120514/04 RESOLVED**

Moved by Councillor Maggie Creedy, seconded by Councillor Robert Dwyer:

That the delegate's report provided by Councillor Maggie Creedy in respect of the meeting on Gas Projects in the Northern Rivers/North Coast be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

**ITEM 12 INFORMATION PAPERS**

**12.1 COUNCIL RESOLUTIONS REQUIRING ACTIONS**

**120514/05 RESOLVED**

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

That the Council resolutions requiring action report be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

## **12.2 FINANCIAL REPORT**

### **120514/06 RESOLVED**

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

That the information contained in the Monthly Finance Report – April 2014 be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Michael Reardon

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

#### **ITEM 13A TECHNICAL SERVICES REPORT**

Nil.

#### **ITEM 13B PLANNING SERVICES REPORT**

##### **13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 APRIL 2014 TO 30 APRIL 2014**

### **120514/07 RESOLVED**

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

That, with the exception of the following item in which Councillor Danielle Mulholland has declared an interest,

- Cr Mulholland 13B.1 Development Applications Received, Determined and Outstanding DA 2010/39 - Reason for Declaration - Relative of the applicant.

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 April, 2014 to 30 April, 2014 be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Michael Reardon

Councillor Danielle Mulholland left the meeting at 5.19 pm after Cr Mulholland handed the chair to Cr Maggie Creedy.

**120514/08 RESOLVED**

Moved by Councillor Robert Dwyer, seconded by Councillor Ross Brown:

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 April, 2014 to 30 April, 2014 only in relation to DA 2010/39 in which Councillor Mulholland has declared an interest be received and noted.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon, Danielle Mulholland.

Councillor Danielle Mulholland returned to the meeting at 5.20pm.

Councillor Mulholland resumed the chair.

**13B.2 OUTCOME OF PUBLIC EXHIBITION OF KYOGLE DEVELOPMENT CONTROL PLAN 2014**

**120514/09 RESOLVED**

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

1. That Council endorse the changes made to Kyogle Development Control Plan 2014 following its public exhibition and review of submissions received.
2. That pursuant to Part 3 Division 3 Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000* Council approve Kyogle Development Control Plan 2014.
3. That pursuant to Part 3 Division 3 Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000* public notice of the approval of the DCP be given in the Richmond River Express Examiner.
4. That pursuant to Part 3 Division 3 Clause 21(4) of the *Environmental Planning and Assessment Regulation 2000* the commencement date of the Kyogle Development Control Plan 2014 shall be 1 June 2014 and shall be identified in the public notice identified in 3 above.

**CARRIED**

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Chris Simpson, Bob Dwyer

AGAINST VOTE - Maggie Creedy

ABSENT. DID NOT VOTE - Michael Reardon

Councillor Lindsay Passfield and Councillor Chris Simpson called for a division under Section 735A of the *Local Government Act 199*.

<b>For</b>	<b>Against</b>
Cr Danielle Mulholland	
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Chris Simpson	
Cr John Burley	
Cr Janet Wilson	
Cr Robert Dwyer	
	Cr Maggie Creedy

ABSENT. DID NOTE VOTE: Cr Michael Reardon

**ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 13D CORPORATE SERVICES REPORT**

**13D.1 MARCH 2014 QUARTERLY BUDGET REVIEW**

**120514/10 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Janet Wilson:

1. That the March 2013, Quarterly Budget Review Statement be received and noted;
2. That Council approve the variation of estimates contained in the table below

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>MARCH QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Finance - General Rates Income	6,500	
Finance - Interest & Sundry Income	2,300	
Art Galleries - Income	1,200	
Pre Schools - Improvements		10,000
Swimming Pools - Capital Grants	24,840	
Swimming Pools - Improvements		24,840
Parks & Gardens - Capital Grants	28,360	
Parks & Gardens - Improvements		28,360
Plant Operations - Income	25,496	
Plant Operations - Sales	48,504	
Plant Operations - Purchases		74,000
<b>Totals</b>	<b>137,200</b>	<b>137,200</b>
	<b>Net Adjustment</b>	<b>-</b>

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

**13D.2 CHANGES TO WARD BOUNDARIES**

**120514/11 RESOLVED**

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

That the amended Ward boundaries be adopted by Council.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

**ITEM 13E COMMUNITY SERVICES REPORT**

Nil.

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

Nil.

**ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Robert Dwyer

- What new projects has Council's Economic Development Officer taken on recently; what have been the outcomes of these projects; and what are the Economic Development Officer's plans for future projects?

Cr Chris Simpson

- Asked if the details of grant applications made by Council for \$5000 or more be made available to Councillors and the community.



Cr Lindsay Passfield

- What will be the impact on Kyogle Local Government Area businesses of:
  - (a) The 28 tonne load limit on the Summerland Way north of Kyogle at Mt Lindesay;
  - (b) The possible closure of the Mt Lindesay Road to Killarney to all non-local heavy vehicles.

## **ITEM 16      CONFIDENTIAL BUSINESS PAPER**

Mayor Mulholland advised the meeting that Council did not need to go into closed committee in regard to Item 16.1 unless Councillors wanted to discuss details of the tenders.

Cr Robert Dwyer moved:

1. That the report on Architectural Services for the Kyogle Memorial Hall Refurbishment be received and noted;
2. That Council go back to open tender.

Mayor Mulholland advised the meeting that the Council would have to go into Closed Council to consider the item.

### **16.01 MOVED INTO CLOSED COMMITTEE**

Item 16.1 Architectural Services for Kyogle Memorial Hall Refurbishment

This item is classified CONFIDENTIAL under 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.

### **120514/12    RESOLVED**

Moved by Councillor Maggie Creedy, seconded by Councillor Lindsay Passfield:

1. That Council resolve to move into closed council to consider business identified, together with any late reports tabled at the meeting.

2. Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by sections 11(2) of the Local Government Act 1993.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Michael Reardon

Council closed its meeting at 5.27pm. The public and the media left the chamber.

16.02 Open Council resumes

**120514/13 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield:

That Council move out of Closed Council into open Council.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Michael Reardon

The Open Council meeting resumed at 5.54pm.

The Mayor read the following resolution of Closed Council to the meeting:

**Item 16.1 ARCHITECTURAL SERVICES FOR KYOGLE MEMORIAL HALL  
REFURBISHMENT**

**RESOLVED**

That the report on Architectural Services for the Kyogle Memorial Hall Refurbishment be received and noted.

**CARRIED**

FOR VOTE – Unanimous  
ABSENT. DID NOT VOTE -- Michael Reardon

**MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 5.55 pm.