

Kyogle Council

Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on 8 April 2013.

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5.00 pm.

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

- Item 13B.2 Development Applications Received, Determined and Outstanding for the period 1 March 2013 to 31 March 2013 – 2011/181

Reason for Declaration – Neighbour of the property owner

Cr. Chris Simpson declared an interest in the following item/s:

- Item 13B.2 Development Applications Received, Determined and Outstanding for the period 1 March 2013 to 31 March 2013 – 2012/39

Reason for Declaration – Neighbour of the property owner

Carol O'Neill, Executive Manager Administration and Community declared an interest in the following item/s:

- Item 13B.2 Development Applications Received, Determined and Outstanding for the period 1 March 2013 to 31 March 2013 – 2013/11

Reason for Declaration – Neighbour of the property owner

ITEM 5 QUESTION TIME

- Carol Fickling addressed the Council in relation to:

Some Councillors have informed us that, under the Code of conduct, they were advised not to attend meetings of Kyogle Group Against Gas. (GAG).

Does this mean that they are restricted from attending meetings of groups such as Tidy Towns, Rescue Helicopter, sporting groups, hall committees, church councils and various concerned constituent groups?

How, then, can our elected representatives fully engage with the community? Especially in cases where a large percentage of the community feel strongly about a particular issue?

Would someone point out the clause in the Code that states that councillors cannot attend meetings of such organizations. It is my contention that they should be able to attend any meeting of constituents in order to be informed; not necessarily to become members or to vote.

The Mayor advised that he was not aware of any Councillors being informed that they could not attend GAG meetings under the Code of Conduct.

The General Manager advised that Council has adopted an Expenses & Facilities Policy which outlines which meetings Councillors will be reimbursed for their attendance and which gives an indication of the types of meetings that would be considered suitable to attend on Council's behalf.

- Phil Gome addressed the meeting in relation to:

I would like to refer you to an extract headed "From the Mayor" in the Kyogle Council Newsletter dated March/April 2013.

I quote:

"At the last meeting Council agreed to implement a 3 month trial of audio recording of Council meetings in order to assist with our minute taking.

It was intended that an audio recording be made available on the Kyogle Council website for ease of access by the villages and residents in more remote areas.

However further investigations have revealed that under the NSW Privacy Act, this practice is not recommended and the recordings should be destroyed after they have been used to verify the accuracy of the minutes."

1. Given my preliminary legal advice is that the NSW Privacy Act has no relevance to the recording of a public Council meeting, what advice was obtained prior to making a decision on the placement of the recorded Council meeting on the Council website? If no advice was sought, will advice now be sought from the Director General of the Department of Local Government?

The Mayor advised the matter would be taken on notice.

2. Who made the decision that the record cannot go on the website and what was the decision making process, outside Council?

The Mayor advised the matter would be taken on notice.

3. Were all Councillors included in that decision making process? If not, why not, when the original decision was made and supported by the majority of Councillors at the 11th February 2013 Council meeting? I was at that meeting and heard the discussion and the decision.

The Mayor advised that after Council makes a decision it is the responsibility of staff to implement the decision, taking into account the legalities of the issue.

4. Why does the above extract from the newsletter make no mention of a cd copy being available to residents, and what is Council doing to ensure that residents are informed of the availability of a cd copy before the end of the 3 month trial period.

The General Manager advised that the Council resolution required that cd copies be made available and these have been issued at a fee of \$5.00 per disc.

The Mayor advised the matter would be taken on notice.

- Bree Johnston addressed the Council in relation to:

Who is responsible for the cigarette receptacles in the main street? It was noted that when the receptacles are emptied, the butts that fall on the ground are not picked up.

The Executive Manager Urban & Assets advised that Council is responsible for the receptacles and that if maintenance is required, Council should be notified during normal office hours.

- Ann Reardon addressed the Council in relation to:

When will the time be changed on the town clock to reflect the end of daylight savings?

The Executive Manager Urban & Assets advised that it would be attended to the next day.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF ORDINARY MINUTES

It was noted that the written responses from the Questions with Notice from the Ordinary meeting of Council held on 11 March 2013 were tabled by the General Manager.

080413/1 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Janet Wilson.

That the Minutes of the Ordinary Meeting held on 11 March, 2013 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - COUNCILLOR ROBERT DWYER; MEMBERSHIP OF NOROC

Moved by Councillor Robert Dwyer, seconded by Councillor Chris Simpson.

1. That Kyogle Council give NOROC the required twelve months' notice to cease being a member of NOROC.
2. Further, that prior to the expiration of the twelve months' notice, the matter be reconsidered by Council.

The motion was put to the vote and was LOST.

FOR VOTE - Chris Simpson, Maggie Creedy, Bob Dwyer, Michael Reardon
AGAINST VOTE - Ross Brown, Janet Wilson, Lindsay Passfield, Danielle Mulholland, John Burley

080413/2 RESOLVED

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

That management brings a report to the May 2013 Council meeting, detailing the costs and benefits of NOROC membership, and the implications for NOROC if Kyogle Council was to terminate its membership.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Danielle Mulholland, Lindsay Passfield
AGAINST VOTE - Chris Simpson, Maggie Creedy, Bob Dwyer, Michael Reardon

9.2 NOTICE OF MOTION - COUNCILLOR DANIELLE MULHOLLAND; BONALBO HOSPITAL TENDER

Councillor Janet Wilson left the meeting at 5.38 pm.

080413/3 RESOLVED

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

That Kyogle Council write a letter to the Area Health Board to request information around the recently completed tender process for Bonalbo Hospital and the implications for the Bonalbo community.

CARRIED

FOR VOTE - Chris Simpson, Ross Brown, Maggie Creedy, Bob Dwyer, John Burley, Lindsay Passfield, Michael Reardon, Danielle Mulholland

ABSENT - DID NOT VOTE - Janet Wilson

9.3 NOTICE OF MOTION - COUNCILLOR DANIELLE MULHOLLAND; WEBSITE REVIEW & UPDATE

The Notice of Motion – Councillor Danielle Mulholland; Website Review & Update was withdrawn by Councillor Danielle Mulholland.

9.4 NOTICE OF MOTION - COUNCILLOR DANIELLE MULHOLLAND; NATIONAL GENERAL ASSEMBLY

080413/4 RESOLVED

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

That Kyogle Council consider motions for the upcoming National General Assembly of Local Government in June 2013. [Closing dates for submissions 26th April]

CARRIED

FOR VOTE - Unanimous vote

080413/5 RESOLVED

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

That the following motions be forwarded to the National General Assembly of Local Government.

1. That the Federal Government establish a Rural Timber Bridges Program for the replacement of timber bridges which are the responsibility of Local Government.

2. That the Roads to Recovery funding program be expanded and made permanent to assist local Council's in long term strategic planning and budgetary considerations.
3. That the Regional Local Community Infrastructure Program be reintroduced to assist Local Government with the renewal and refurbishment of existing community infrastructure and provision of new infrastructure where required.
4. That funding be provided to Local Governments to improve the resilience of infrastructure that is repeatedly exposed to damage by natural disasters such as flooding, bushfire etc.

CARRIED

FOR VOTE - Unanimous vote

9.5 NOTICE OF MOTION - COUNCILLOR MAGGIE CREEDY; PLACEMENT OF PUBLIC NOTICE ADVERTISEMENTS

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

That all Council public notices that are placed in The Northern Star newspaper, in the Council Newsletter or on the Council website also be placed in The Express Examiner newspaper.

Councillor Janet Wilson returned to the meeting at 5.55 pm.

An amendment was proposed by Councillor Ross Brown, seconded Councillor Danielle Mulholland.

That a report be presented to Council that explains issues and costs around additional advertisements in the Richmond River Express Examiner newspaper including a comparison between deleting our advertisements in the Northern Star and advertising solely in the Express Examiner.

The amendment was put to the vote and was carried.

FOR VOTE - Janet Wilson, Lindsay Passfield, Ross Brown, Danielle Mulholland, John Burley

AGAINST VOTE - Chris Simpson, Maggie Creedy, Bob Dwyer, Michael Reardon

The amendment became the motion.

080413/6 RESOLVED

Moved by Councillor Ross Brown, seconded Councillor Danielle Mulholland.

That a report be presented to Council that explains issues and costs around additional advertisements in the Richmond River Express Examiner newspaper including a comparison between deleting our advertisements in the Northern Star and advertising solely in the Express Examiner.

FOR VOTE - Janet Wilson, Lindsay Passfield, Ross Brown, Danielle Mulholland, John Burley

AGAINST VOTE - Chris Simpson, Maggie Creedy, Bob Dwyer, Michael Reardon

080413/7 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Janet Wilson.

That a review of the Community Engagement Policy is to include the use of media.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland

AGAINST VOTE - Chris Simpson, Maggie Creedy, Bob Dwyer, Michael Reardon

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM LAST COUNCIL MEETING

080413/8 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

080413/9 RESOLVED

Moved by Councillor Chris Simpson, seconded by Councillor Danielle Mulholland.

That a report be provided to the next Council meeting in relation to the Richmond Valley Council Economic Brief document discussions.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

12.1 FINANCIAL REPORT MARCH 2013

080413/10 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Chris Simpson.

That the information contained in the Monthly Finance Report – March 2013 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

12.2 COUNCIL RESOLUTIONS REQUIRING ACTION

Councillor Danielle Mulholland left the meeting at 6.08 pm.

Councillor Danielle Mulholland returned to the meeting at 6.09 pm.

080413/11 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER 'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 MINUTES OF TECHNICAL SERVICES COMMITTEE MEETING - MARCH 2013

080413/12 RESOLVED

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

That Council advertise and call for submissions for the proposed naming of the Kyogle pedestrian underpass to the "WK (Bill) Grove Pedestrian Way".

CARRIED

FOR VOTE - Unanimous vote

ITEM 13B PLANNING SERVICES REPORT

13B.1 MINUTES OF PLANNING & ENVIRONMENT SERVICES COMMITTEE MEETING - MARCH 2013

080413/13 RESOLVED

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

1. That Council commit to put in place actions to increase the diversion from landfill towards the 66% diversion target
2. That Council consult with the community in relation to the proposal to introduce Option 2 – a fortnightly green waste collection service to meet waste reduction targets and provide an improved level of service.

CARRIED

FOR VOTE - Unanimous vote

13B.2 DEVELOPMENT APPLICATIONS DETERMINED, RECEIVED AND OUTSTANDING FOR THE PERIOD 1 MARCH 2013 TO 31 MARCH 2013

080413/14 RESOLVED

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

1. That, with the exception of the following items in which Councillors Danielle Mulholland and Councillor Chris Simpson have declared an interest,
 - Cr Danielle Mulholland 13B.1 Development Applications Received, Determined and Outstanding DA 2011/181
 - Cr Chris Simpson 13B.1 Development Applications Received, Determined and Outstanding DA 2012/39

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 March 2013 to 31 March 2013 be received and noted.

CARRIED

FOR VOTE – Unanimous vote

Having declared an interest in Item 13B.2, Councillors Danielle Mulholland and Chris Simpson and the Executive Manager Administration & Community left the meeting at 6.14 pm.

Moved by Councillor Lindsay Passfield, seconded by Councillor Robert Dwyer

2. That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 March 2013 to 31 March 2013 only in relation to DA11/181 and DA12/39 In which Councillors Danielle Mulholland and Chris Simpson have declared an interest be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT DID NOT VOTE – Danielle Mulholland, Chris Simpson

Councillors Danielle Mulholland and Chris Simpson and the Executive Manager Administration and Community returned to the meeting at 6.14 pm.

13B.3 AFFORDABLE HOUSING STRATEGY

080413/15 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Danielle Mulholland.

1. That the Draft Northern Rivers Regional Affordable Housing Strategy Report be received and noted.

CARRIED

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

AGAINST VOTE - Maggie Creedy, Michael Reardon

080413/16 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Danielle Mulholland.

That the report be referred back to the Planning and Environment Committee for further discussion.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Michael Reardon, Danielle Mulholland

AGAINST VOTE - Chris Simpson, Maggie Creedy, Bob Dwyer

ITEM 13C ENVIRONMENT SERVICES REPORT

13C.1 CONSTRUCTION SITE WASTE MINIMISATION POLICY

080413/17 RESOLVED

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

1. That the Construction Site Waste Minimisation and Management Policy report be received and noted.
2. That Council adopt the Construction Site Waste Minimisation and Management Policy.
3. That Council advises the Environmental Protection Authority of the adoption of the Construction Site Waste Minimisation Management Policy.

CARRIED

FOR VOTE - Chris Simpson, Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

AGAINST VOTE - Maggie Creedy, Bob Dwyer, Michael Reardon, Danielle Mulholland

ITEM 13D CORPORATE SERVICES REPORT

13D.1 MINUTES OF ADMINISTRATION AND COMMUNITY COMMITTEE MEETING HELD 25 MARCH 2013

080413/18 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Danielle Mulholland.

1. That the Draft Event Management Policy item be deferred until the next Administration and Community Committee meeting.
2. That the Community Funding Support Charter be adopted.
3. That Councillors Danielle Mulholland and Chris Simpson be the two (2) Councillors on the Community Funding Committee.
4. That three (3) community members be recruited to form part of the Community Funding Committee.

CARRIED

FOR VOTE - Unanimous vote

13D.2 TELECONFERENCING FACILITIES

080413/19 RESOLVED

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

1. That the report on Teleconferencing facilities be received and noted.
2. That an article be placed in the Newsletter advising that there is a facility for up to five callers to currently be involved in meetings through teleconferencing to gauge interest.
3. That Council considers allocating funds in the 2013/2014 budget to upgrade the phone system.

CARRIED

FOR VOTE - Chris Simpson, Ross Brown, Janet Wilson, Maggie Creedy, Bob Dwyer, John Burley, Lindsay Passfield, Danielle Mulholland
AGAINST VOTE - Michael Reardon

13D.3 REALLOCATION OF FUTURES FUNDING

080413/20 RESOLVED

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

That Council approve the reallocation of the \$3,500 Futures Funding made to Wadeville Recreation Reserve. These funds previously allocated for a community event now to be used for capital works to soundproof the Hanging Rock Hall.

CARRIED

FOR VOTE - Unanimous vote

13D.4 LIBRARY FUNDING

080413/21 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Chris Simpson.

That Council write to the Minister for the Arts, the Hon George Souris MP, through Mr Thomas George MP, Member for Lismore, calling upon the government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW public libraries.

CARRIED

FOR VOTE - Unanimous vote

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

Councillor Ross Brown

1. What deadline do the staff believe should be put on the submission of Notice of Motion to allow for staff time to comment.
2. Is it possible for Council to develop a planning instrument that would allow boundary adjustment to 90% level and what would be the process if it is possible.
3. Is it possible for Council to develop a planning instrument to allow second detached dwelling on land larger than the minimum lot size.

Councillor Lindsay Passfield

1. Can an upgrade of Racecourse Road Tabulam be integrated into the maintenance program to permit these repairs to be completed before the 7th & 8th June, 2013?
2. A letter has been received from the President of Urbenville RSL seeking a meeting with the Mayor, General Manager and Councillor Lindsay Passfield to discuss the Memorial gates at Urbenville with a view to improving the amenity of Memorial Gates prior to Anzac Day. The heritage listed gates have subsided and the plaques need to be elevated above flood level, which is to be undertaken by the RSL. Council assistance is requested to provide crusher dust to improve drainage and elevation prior to Anzac Day and in conjunction with the maintenance work to Clarence Way which is scheduled in the coming year.

Councillor Danielle Mulholland

What strategies, policies, models, planning documents are in place to proactively build community sustainability? Giving consideration to increasing population, preventing population drift, economic community development, attracting and maintaining essential services etc.

Councillor John Burley

Why are the public toilets at Anzac Park unable to be used during the day? Can they be unlocked and made available to the public using the recreation area?

Councillor Janet Wilson

Is it possible to provide a cover sheet at the beginning of the Committee business papers, to précis the key points of the content of the reports to assist Councillors who are not on the Committee?

ITEM 16 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.47 p.m.

Signature of Chairperson.....