

Kyogle Council

Unconfirmed Minutes of the Ordinary Council Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Tuesday, 9 June 2015.

PRESENT

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

IN ATTENDANCE

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

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5.02pm.

ITEM 1 APOLOGIES

An apology was received from Councillor Janet Wilson.

090615/01 RESOLVED

Moved Councillor Ross Brown, seconded Councillor Lindsay Passfield:

That the apology be accepted and a leave of absence be granted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

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. Michael Reardon declared an interest in the following item/s:

- 13B.1 Development Applications Received, Determined and Outstanding for the period 1 May 2015 to 28 May 2015 -- DA 2014/27.
Reason for Declaration -- owner of a quarry.

ITEM 5 QUESTION TIME

Anne Reardon thanked whoever was responsible for having knitting removed from poles in the main street of Kyogle, particularly after what took place recently involving a little boy and a dog.

Mrs Reardon expressed her opposition to the proposal in DA 2014-100 Change of use for the first floor of the Kyogle Memorial Institute to have a café in the relocated art gallery when Kyogle already has seven coffee shops.

She then asked why the DA includes a new access ramp at the Stratheden Street entrance when there is already an entrance into the hall from Stratheden Street. Mrs Reardon also wanted to know who was paying for the DA and where was the funding coming from for the project.

The Acting General Manager responded that the access ramp was required because at the moment the upstairs area of the hall where the RFS is located is an office and not a public access area. To change the area to a public space there needs to be a landing of a certain size outside the door. At the moment that area is part of the ramp which means there's no landing. As a result the ramp needs to be modified and moved a little bit forward so there is a landing outside the doorway.

The money for the project is in the coming year's budget for the refurbishment of the hall.

Alan McGregor, of Kyogle, asked if Councillors supported Malcolm Wallis' endeavours to have a daytime rail service extended to Lismore and Byron Bay.

The Mayor responded that Council would take the question on notice.

Cr Creedy responded that she was fully supportive of the proposal which was definitely needed by the community. She believed that Council should be doing whatever it could to facilitate the project.

Jabelle Downing, of Ettrick, asked why it had taken three months and the matter being raised in Council by Cr Dwyer for Council to investigate roadside clearing at Ettrick when 12 ratepayers and residents had made numerous phone calls, written letters and made personal visits to the Council office to complain about the clearing of the roadside and the bulldozing going on at Iron Pot Creek Road and Knights Road, Ettrick. The subsequent report by Council staff found there was no evidence of clearing.

However, Ms Downing said the evidence of roadside clearing for grazing was still there and she had taken photographs to prove it. Roadsides had been cleared and planted with Rhodes grass which is now 2 foot high and fenced off with an electric fence.

She said the trees removed included banksias, grevilleas, bloodwoods, and some other native species which are still on the side of the road in large mounds.

The Acting General Manager took the matter on notice and asked Ms Downing to provide the information she had to Council. A response in writing will be provided to Ms Downing and circulated to all councillors.

ITEM 6 PUBLIC ACCESS

Nil.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF MINUTES OF ORDINARY MEETING HELD 11 MAY 2015

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT

090615/02 RESOLVED

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

That the Minutes of the Ordinary Meeting held on 11 May 2015 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

**7.2 CONFIRMATION OF MINUTES OF EXTRAORDINARY MEETING HELD 25
MAY 2015**

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT

090615/03 RESOLVED

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

That the Minutes of the Extraordinary Meeting held on 25 May 2015 be adopted.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

ITEM 8 MAYORAL MINUTE

Nil.

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 OFFICE
CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT

090615/04 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

That Council receives and notes the report, Questions From The Last Council Meeting.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

ITEM 11 DELEGATES REPORTS

Nil.

ITEM 12 INFORMATION PAPERS

Nil.

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

13A.1 REQUEST FOR ROAD CLOSURE UPPER DUCK CREEK

REPORT BY: INFRASTRUCTURE WORKS

CONTACT: EXECUTIVE MANAGER INFRASTRUCTURE WORKS JEFF BREEN

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

1. That Council receives and notes the report on *Request for Road Closure Upper Duck Creek*.
2. That Council authorise the closure of the portion of Duck Creek Road from the intersection with Afterlee Road (approximate chainage 18.86) through Lots 28, 21 and 22 of DP751048 to approximate chainage 20.16km as shown on the plan provided in the attachments to this report "*Proposed Road Closure Upper Duck Creek 2015*" on the basis that the road closure leaves no additional parcels of land without legal access.
3. That Council seek formal agreement with the applicant that all costs associated with the closure are to be borne by the applicant, including subsequent purchase and transfer costs.
4. That, subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the closing of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.
5. That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the transfer of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.

Councillor Ross Brown foreshadowed a motion:

That further consideration of this item be deferred until the full process of advertising and objections, if any, are brought back to this Council for consideration.

Councillor Lindsay Passfield moved an amendment, seconded Councillor Michael Reardon:

1. That Council receives and notes the report on *Request for Road Closure Upper Duck Creek*.
2. That Council, subject to there being no objections during public exhibition of this proposal, authorise the closure of the portion of Duck Creek Road from the intersection with Afterlee Road (approximate chainage 18.86) through Lots 28, 21 and 22 of DP751048 to approximate chainage 20.16km as shown on the plan provided in the attachments to this report "*Proposed Road Closure Upper Duck Creek 2015*" on the basis that the road closure leaves no additional parcels of land without legal access.
3. That Council seek formal agreement with the applicant that all costs associated with the closure are to be borne by the applicant, including subsequent purchase and transfer costs.
4. That, subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the closing of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.
5. That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the transfer of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.

CARRIED

FOR VOTE - Lindsay Passfield, Danielle Mulholland, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, John Burley, Chris Simpson

ABSENT. DID NOT VOTE - Janet Wilson

The amendment became the motion.

090615/05 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

1. That Council receives and notes the report on *Request for Road Closure Upper Duck Creek*.
2. That Council, subject to there being no objections during public exhibition of this proposal, authorise the closure of the portion of Duck Creek Road from the intersection with Afterlee Road (approximate chainage 18.86) through Lots 28, 21 and 22 of DP751048 to approximate chainage 20.16km as shown on the plan provided in the attachments to this report "*Proposed Road Closure Upper Duck Creek 2015*" on the basis that the road closure leaves no additional parcels of land without legal access.
3. That Council seek formal agreement with the applicant that all costs associated with the closure are to be borne by the applicant, including subsequent purchase and transfer costs.

4. That, subject to the above, Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the closing of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.
5. That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the transfer of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.'

CARRIED

FOR VOTE - Lindsay Passfield, Danielle Mulholland, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, John Burley, Chris Simpson

ABSENT. DID NOT VOTE - Janet Wilson.

The foreshadowed motion lapsed.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 MAY 2015 TO 28 MAY 2015

**REPORT BY PLANNING AND ENVIRONMENT
CONTACT ACTING EXECUTIVE MANAGER PLANNING AND
ENVIRONMENT LACHLAN BLACK**

090615/06 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Ross Brown:

That, with the exception of the following item in which Councillor Michael Reardon has declared an interest,

- Cr Michael Reardon 13B.1 Development Applications Received, Determined and Outstanding DA2014/27 - Reason for Declaration – Owner of a quarry.

The information contained in the report Development Applications Received, Determined and Outstanding for the 1 May to 28 May, 2015 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Michael Reardon left the meeting at 5.37pm

090615/07 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Chris Simpson:

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 May to 28 May, 2015 only in relation to DA2014/27 in which Councillor Reardon has declared an interest be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Michael Reardon

Cr Reardon returned to the meeting at 5.37pm.

13B.2 DETERMINATION OF DEVELOPMENT APPLICATION 2014-100

REPORT BY: PLANNING AND ENVIRONMENT

**CONTACT: A/EXECUTIVE MANAGER PLANNING AND ENVIRONMENT
LACHLAN BLACK**

Moved by Councillor Ross Brown, seconded by Councillor Maggie Creedy:

1. That Council receive and note the report Determination of Development Application 2014-100.
2. That pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*, development application 2014-100 for the change of use of the first floor of the Kyogle Memorial Institute to an art gallery and external and internal alterations to the building, be determined by way of granting consent subject to the conditions contained in Attachment 3 of this report.
3. That a development consent notice be prepared and provided to the applicant.

Cr Chris Simpson declared a pecuniary interest and left the meeting at 5.43pm.

Cr Simpson returned to the meeting at 5.45pm.

090615/08 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Maggie Creedy:

1. That Council receive and note the report Determination of Development Application 2014-100.

2. That pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*, development application 2014-100 for the change of use of the first floor of the Kyogle Memorial Institute to an art gallery and external and internal alterations to the building, be determined by way of granting consent subject to the conditions contained in Attachment 3 of this report.
3. That a development consent notice be prepared and provided to the applicant.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

Councillor Lindsay Passfield and Councillor Michael Reardon called a Division under Section 735A of the *Local Government Act 1993*.

FOR	AGAINST
Cr Danielle Mulholland	
Cr Robert Dwyer	
Cr Maggie Creedy	
Cr John Burley	
Cr Chris Simpson	
Cr Lindsay Passfield	
Cr Ross Brown	
Cr Michael Reardon	

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

ITEM 13E COMMUNITY SERVICES REPORT

Nil.

ITEM 13F GENERAL MANAGER'S REPORT

13F.1 COUNCIL RESOLUTIONS REQUIRING ACTION

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: ACTING GENERAL MANAGER GRAHAM KENNETT

090615/09 RESOLVED

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

That Council receives and notes the report, Council Resolutions Requiring Action.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

13F.2 MONTHLY FINANCE REPORT - MAY 2015

REPORT BY: ADMINISTRATION AND COMMUNITY

**CONTACT: ACTING EXECUTIVE MANAGER ADMINISTRATION AND
COMMUNITY JOHN WATKINS**

090615/10 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor John Burley:

That Council receives and notes the information contained in the Monthly Financial Report – May 2015.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson

13F.3 COUNCILLOR FEES - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

**REPORT BY: ADMINISTRATION AND COMMUNITY
CONTACT: ACTING EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY JOHN WATKINS**

090615/11 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Michael Reardon:

1. That Council receives and notes the report on Local Government Remuneration Tribunal
2. That Council adopts the following Councillor and Mayoral fees for 2015/2016:

Councillor Annual Fee:	\$11,010
Mayoral Fee:	\$24,030

CARRIED

FOR VOTE - John Burley, Lindsay Passfield, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, Danielle Mulholland, Chris Simpson

ABSENT. DID NOT VOTE - Janet Wilson

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil.

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Robert Dwyer:

- Can Councillors be informed of the make-up of the new Kyogle Australia Day Committee?

Cr Michael Reardon

- Can Council inform the residents of Bonalbo when their bridge is going to be repainted?

ITEM 16 CONFIDENTIAL BUSINESS PAPER

16.01 MOVED INTO CLOSED COMMITTEE

Item 16.1 Annual Tenders

Item 16.2 Contract No 1400437 - Civil Works Associated with the Kyogle Water Augmentation and Flood Modification Works.

These items are classified **CONFIDENTIAL** under Section 10A(2)(a) 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 is closed, as to whether that part of the meeting should be closed.

090615/12 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Michael Reardon:

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 - Janet Wilson

Council closed its meeting at 5.55pm. The public and the media left the Chamber.

16.02 OPEN COUNCIL RESUMES

090615/13 RESOLVED

Moved by Councillor Chris Simpson, seconded by Councillor Ross Brown:

That Council move out of closed Council and into open Council.

CARRIED

FOR VOTE - Unanimous vote
ABSENT. DID NOT VOTE - Janet Wilson

Open Council resumed at 6.15pm.

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

16.1 ANNUAL TENDERS

1. That Council receives and notes the report on Annual Tenders
2. That the following contractors be placed 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 2015/16 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification and compliance with relevant Council policies.

J Fraser
Ian Burley
Tutt Bryant Hire
H J Standfield
Maslen Contracting
MJ Smith
Darren Adams
Smith Plant
Kyogle Earthworx
Conplant
R Davis
Sherrin Rentals
Ace Rentals
Hazel Bros
ASV Sales & Service
North East Cranes Pty Ltd
Rollers Australia Pty Ltd
Holmes's Pty Ltd
O Farragher
Ben Harris
Rockhead Pty Ltd
Kennards Group
Richmond Valley Tree Services
Hastings Deering
Sharpe Bros
Master Hire
C & M Civil

3. That the following contractors be placed 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 2015/16 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
Rockhead Pty Ltd
D Adams
R Davis
Kingsbrae
Holmes's Pty Ltd

**16.2 CONTRACT NO 1400437 - CIVIL WORKS ASSOCIATED WITH THE
KYOGLE WATER SUPPLY AUGMENTATION AND FLOOD MODIFICATION
WORKS CONFIDENTIAL**

That Council receives and notes the report on Contract No:1400437 – Civil Works Associated with the Kyogle Water Supply Augmentation and Flood Modification Works.

That Council accepts the tender from Civil Team Engineering Pty Ltd in the recommended tender amount of \$4,466,094 (incl GST) for Contract No:1400437- Civil Works Associated with the Kyogle Water Supply Augmentation and Flood Modification Works, and authorises the General manager to execute the associated documentation.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.17 p.m.