

Kyogle Council

Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday, 14 April, 2014.

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, Cr Lindsay Passfield and Cr Michael Reardon.

IN ATTENDANCE

The General Manager, the Executive Manager Infrastructure Works, the Executive Manager Planning and Environment, the Acting 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 5.00pm.

ITEM 1 APOLOGIES

Nil

Leave of Absence

140414/01 RESOLVED

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

1. That Council grant a leave of absence for the May 2014 Ordinary Council meeting for Cr Michael Reardon;
2. That Council grant a leave of absence for the October 2014 Ordinary Council meeting for Cr Maggie Creedy.

CARRIED

FOR VOTE - Unanimous vote

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

- Item No 9.3 Notice of Motion -- Kyogle Road Speed Limit.
Reason for Declaration -- Travel along this road regularly to get to and from Kyogle.
- Item No 13B.1 Development Applications Outstanding, Received and Determined for the period 1 March 2014 to 31 March 2014 -- 2012/39
Reason for Declaration -- Neighbour of the property owner.

Cr. Ross Brown 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 -- 2013/70
Reason for Declaration -- Neighbour of the property owner.

General Manager Arthur Piggott declared an interest in the following item/s:

- Item No 9.3 Notice of Motion -- Kyogle Road Speed Limit.
Reason for Declaration -- Travel along this road regularly to get to and from Kyogle.

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

Ann Reardon was concerned about the condition of nine trees in Anzac Park, Kyogle, which are located near the children's play equipment. Mrs Reardon said one of the trees was dead, while eight others were in a poor state and shooting from ground level. She said there were overhanging branches which were danger of falling and causing injury. Mrs Reardon said the trees had been reported previously and concerned residents had thought they had been marked for removal. However, to date nothing had been done about them. Mrs Reardon requested that Council remove the trees.

ITEM 6 PUBLIC ACCESS

A letter from Don and Kay McInnes concerning the effects of burning inappropriate materials in household wood fires was circulated to councillors. There were no comments or questions from Councillors.

A letter from Bette Taylor concerning the coal seam gas industry and its potential impacts on the Northern Rivers was circulated to Councillors. There were no comments or questions from Councillors.

ITEM 7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF 10 MARCH 2014 ORDINARY MEETING

REPORT BY GENERAL MANAGER'S OFFICE
CONTACT GENERAL MANAGER ARTHUR PIGGOTT

140414/02 RESOLVED

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

That the Minutes of the Ordinary Meeting held on 10 March, 2014 be adopted.

CARRIED

FOR VOTE - Unanimous vote

7.2 CONFIRMATION OF THE MINUTES OF THE 24 MARCH 2014 EXTRAORDINARY MEETING

REPORT BY GENERAL MANAGER'S OFFICE
CONTACT GENERAL MANAGER ARTHUT PIGGOTT

140414/03 RESOLVED

Moved by Councillor John Burley, seconded by Councillor Chris Simpson:

That the Minutes of the Extraordinary Meeting held on 24 March, 2014 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Nil.

ITEM 9 NOTICES OF MOTION

9.1 NOTICE OF MOTION -- CR ROSS BROWN; CULTURAL AND PLANNING COMMITTEE

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

140414/04 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Danielle Mulholland:

1. That the recommendation to the March 10, 2014 Ordinary Meeting of Council regarding Item 13E.1 Minutes of the Kyogle Council Cultural Planning Committee be resubmitted for Council's Consideration:
2. That the Minutes for the Kyogle LGA Community Cultural Committee be received and noted.

CARRIED

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

AGAINST VOTE - Chris Simpson

9.2 NOTICE OF MOTION -- CR MAGGIE CREEDY; AUDIO RECORDINGS OF COUNCIL MEETINGS

REPORT BY: GENERAL MANAGER
CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

140414/05 RESOLVED

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

1. That starting from the June 2014 Ordinary Council Meeting, in accordance with clauses 11.1 and 11.2 of the Code of Meeting Practice, an official audio recording be taken of all Ordinary, Closed and Extraordinary meetings of Council.
2. That these audio recordings (with the exception of recordings of Closed Meetings) be made available upon request to:
 - Councillors
 - Council staff
 - The public (a minimal charge may apply)

3. That Council identify a way to make these audio recordings available electronically within one week of each meeting.

4. That at the next review of the Code of Meeting Practice the code be amended to include the above resolutions.

CARRIED

FOR VOTE - Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

9.3 NOTICE OF MOTION -- CR CHRIS SIMPSON; PROPOSED SPEED LIMIT REDUCTION KYOGLE ROAD

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER ARTHUR PIGGOTT

Moved by Councillor Chris Simpson, seconded by Councillor Michael Reardon:

1. That Kyogle Council rejects the Roads and Maritime Services proposed speed reduction for Kyogle Road from 100km/h to 80km/h;

2. That Council notify the following parties of this decision:

- Roads and Maritime Services
- The Hon Thomas George MP
- The Hon Kevin Hogan MP
- The Hon Don Page MP
- Kyogle Council Traffic Committee.

LOST

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

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

ITEM 10 QUESTIONS WITH NOTICE FROM COUNCILLORS

10.1 QUESTIONS FROM THE LAST COUNCIL MEETING

REPORT BY GENERAL MANAGER

CONTACT GENERAL MANAGER ARTHUR PIGGOTT

140414/06 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS

11.1 DELEGATE'S REPORT -- DOWNS TO RIVERS ACTION COMMITTEE

REPORT BY: CR LINDSAY PASSFIELD
CONTACT: CR LINDSAY PASSFIELD

140414/07 RESOLVED

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

That the delegate's report provided by Councillor Lindsay Passfield in respect of the Downs To Rivers Action Committee be received and noted.

CARRIED

FOR VOTE - Unanimous vote

11.2 DELEGATE'S REPORT -- NATIONAL TIMBER COUNCILS' ASSOCIATION

REPORT BY: CR LINDSAY PASSFIELD
CONTACT: CR LINDSAY PASSFIELD

140414/08 RESOLVED

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

That the delegates report provided by Councillor Lindsay Passfield in respect of the National Timber Councils Association be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 12 INFORMATION PAPERS

12.1 COUNCIL RESOLUTIONS REQUIRING ACTIONS

REPORT BY GENERAL MANAGER
CONTACT GENERAL MANAGER ARTHUR PIGGOTT

140414/09 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

12.2 FINANCIAL REPORT

140414/10 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER'S REPORT

ITEM 13A TECHNICAL SERVICES REPORT

Nil.

ITEM 13B PLANNING SERVICES REPORT

13B.1 DEVELOPMENT APPLICATIONS OUTSTANDING, RECEIVED AND DETERMINED FOR THE PERIOD 1 MARCH 2014 TO 31 MARCH 2014

**REPORT BY PLANNING & ENVIRONMENT
CONTACT EXECUTIVE MANAGER PLANNING & NVIRONMENT GREG MEYERS**

140414/11 RESOLVED

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

1. That, with the exception of the following items in which Councillors Chris Simpson, Ross Brown and Danielle Mulholland have declared an interest,
 - Cr Simpson 13B.1 Development Applications Received, Determined and Outstanding DA2012/39 - Reason for Declaration - Neighbour of the property owner.
 - Cr Brown 13B.1 Development Applications Received, Determined and Outstanding DA2013/70 - Reason for Declaration - Neighbour of the property owner.

- Cr Danielle Mulholland Development Applications Received, Determined and Outstanding DA2010/39 - Reason for Declaration - Relative of the applicant.

the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 March to 31 March, 2014 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

Councillors Chris Simpson, Ross Brown, Danielle Mulholland left the meeting at 5.36pm after Cr Mulholland handed the chair to Cr Maggie Creedy.

140414/12 RESOLVED

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

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 March to 31 March 2014 only in relation to DA2012/39, DA2013/70 and DA2010/39 in which Councillors Chris Simpson, Ross Brown and Danielle Mulholland have declared an interest be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson, Ross Brown, Danielle Mulholland

Councillors Chris Simpson, Ross Brown and Danielle Mulholland returned to the meeting at 5.37pm.

Councillor Danielle Mulholland resumed the chair.

13B.2 DEPARTMENT OF PLANNING LOCAL DEVELOPMENT PERFORMANCE MONITORING 2012/13

REPORT BY: PLANNING AND ENVIRONMENT

CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG MEYERS

140414/13 RESOLVED

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

1. That Council receive and note the report on the Department of Planning 2012/13 Local Development Performance Monitoring report.

2. That Council note the strategies and initiatives identified in the report to improve Council's processing times for Development Applications in the future.

CARRIED

FOR VOTE - Unanimous vote

13B.3 SECTION 82A REVIEW OF DETERMINATION FOR DEVELOPMENT APPLICATION 2013/044 MADE ON 11 NOVEMBER 2013 - CHANGE OF USE FROM A DWELLING TO A SERVICED APARTMENT - M & S DONNOLLEY 301 SUMMERLAND WAY KYOGLE

**REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG MEYERS**

140414/14 RESOLVED

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

1. That the report on the Section 82A Review of Determination for development application 2013/044 made on 11 November 2013 for the Change of Use from a Dwelling to a Serviced Apartment at 301 Summerland Way Kyogle be received and noted.
2. That Council, after considering the matters raised and presented by the proponent, delete conditions 6, 10 & 24 identified in the Notice of Determination for Development application 2013/044 issued on 11 November 2013.
3. That Council, retain condition 11 as identified in the Notice of Determination for Development application 2013/044 issued on 11 November 2013.
4. That Council, after taking into consideration their observations from the site visit carried out at 3.30pm on Monday 14 April 2014, the matters raised and presented by both the proponent and the adjoining landowner of 299 Summerland Way Kyogle and the discussion outlined in this report:
 - retain condition 7 as identified in the Notice of Determination for Development application 2013/044 issued on 11 November 2013;

Cr Ross Brown foreshadowed a motion that those persons who made a submission be advised of Council's Review of its Determination of Development Application 2013/044.

CARRIED

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield and Councillor Chris Simpson called for a division under Section 735A of the Local Government Act 1993.

For	Against
Cr Danielle Mulholland	
Cr Ross Brown	
Cr Chris Simpson	
Cr John Burley	
Cr Maggie Creedy	
Cr Janet Wilson	
Cr Robert Dwyer	
Cr Lindsay Passfield	
Cr Michael Reardon	

140414/15 RESOLVED

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

That those persons who made a submission be advised of Council's Review of its Determination of Development Application 2013/044.

CARRIED

FOR VOTE - Unanimous vote

Councillor Lindsay Passfield and Councillor Danielle Mulholland called for a division under Section 735A of the Local Government Act 1993.

For	Against
Cr Danielle Mulholland	
Cr Ross Brown	
Cr Chris Simpson	
Cr John Burley	
Cr Maggie Creedy	
Cr Janet Wilson	
Cr Robert Dwyer	
Cr Lindsay Passfield	
Cr Michael Reardon	

**13B.4 OUTCOMES OF PUBLIC EXHIBITION OF KYOGLE
DEVELOPMENT CONTROL PLAN 2014**

**REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG
 MEYERS**

140414/16 RESOLVED

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

- 1 That Council receive and note the report.
2. That Council hold a workshop on the issue.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13C ENVIRONMENT SERVICES REPORT

**13C.1 DOMESTIC AIR POLLUTION PROTECTION OF THE
 ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010**

**REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG
 MEYERS**

Moved by Councillor Janet Wilson

1. That Council receive and note the report on Domestic Air Pollution – Protection of the Environment Operations (Clean Air) Regulation 2010.
2. That Council support in principal, the consideration of inclusion under Part 2 of Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation and that a further report with a Draft Policy is brought back to Council for further consideration.

The motion lapsed for want of a seconder.

140414/17 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Michael Reardon:

That Council receive and note the report on Domestic Air Pollution – Protection of the Environment Operations (Clean Air) Regulation 2010.

Cr Ross Brown foreshadowed a motion that the issue of Part 2 of Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation be included as an item at Council's workshop.

CARRIED

FOR VOTE - Unanimous vote

140414/18 RESOLVED

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

That the issue Part 2 of Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation of be included as an item at Council's workshop.

CARRIED

FOR VOTE - Unanimous vote

13C.2 NSW COUNCIL LITTER PREVENTION GRANTS PROGRAM KYOGLÉ COUNCIL PROPOSED APPLICATION

REPORT BY: PLANNING AND ENVIRONMENT

**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT GREG
MEYERS**

140414/19 RESOLVED

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

1. That Council receive and note the report on the NSW Council Litter Prevention Grants Program.
2. That Council endorse the submission of an application for approximately \$65,000 under Round 2 of the NSW Council Litter Prevention Grants Program.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13D CORPORATE SERVICES REPORT

13D.1 EXTENSION OF TIME TO CLAIM FINANCIAL ASSISTANCE

REPORT BY ADMINISTRATION & COMMUNITY
CONTACT EXECUTIVE MANAGER ADMINISTRATION & COMMUNITY
CAROL O'NEILL

140414/20 RESOLVED

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

1. That Council approves an extension of time to October 14, 2014 for the claiming of \$1,000 Financial Assistance by the Kyogle Junior Cricket Club.
2. That Council approves an extension of time to July 15, 2014 for the claiming of \$1,000 Financial Assistance by the Wadeville Reserve Trust.
3. That Council approves an extension of time to December 14, 2014, for the claiming of \$1,000 Financial Assistance by the Tunglebung Hall Committee.

CARRIED

FOR VOTE - Unanimous vote

ITEM 13E COMMUNITY SERVICES REPORT

Nil.

ITEM 13F GENERAL MANAGER'S REPORT

Nil.

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

GATEWAY TO THE RAINFOREST RESERVE TRUST

140414/21 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Maggie Creedy:

That Council consider the urgent business item.

CARRIED

FOR VOTE - Janet Wilson, John Burley, Danielle Mulholland, Michael Reardon,
Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, Lindsay Passfield

The Mayor declared the matter of the Gateway to the Rainforest Reserve Trust a matter of urgency.

140414/22 RESOLVED

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

That Council establish the Gateway to the Rainforest Reserve Trust.

CARRIED

FOR VOTE - Janet Wilson, John Burley, Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, Lindsay Passfield

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Robert Dwyer

- Advised the meeting that the Kyogle Showground Trust had been successful in receiving two grants in the last couple of weeks. The first was for more than \$33,000 to upgrade the road into the showground and the second was for \$6500 to go towards the cost of painting the roofs of some of the showground buildings. Over the last 12 months, the Kyogle Showground Trust has been successful in winning grants worth about \$60,000 in total.

Cr John Burley

- Advised the meeting he would be away from April 25 to May 1 and asked if that could be taken into account when determining the date for the upcoming Council workshop -- he would prefer if the workshop could be held before he went away or after he returned.

Cr Lindsay Passfield

- Asked if Council could investigate the practicalities of conducting roadside slashing without manned traffic controllers, instead using roadside signs a method currently used by neighbouring Councils.

The Executive Manager Infrastructure Works advised the meeting that Council had looked at using roadside signs and said supervisors are aware they can use that procedure when it is deemed safe. However, he said the nature of the terrain in the Kyogle Council area meant it was not always safe to simply rely on roadside signs. He said a RMS employee involved in roadside slashing had been killed recently in an incident to the south of the Northern Rivers where a truck ran into the tractor. The Executive Manager Infrastructure Works said Council also was currently looking at alternatives to slashing including the use of herbicides to control the growth of roadside vegetation. He said he was also looking at the cost of extending the roadside slashing program to include gravel roads, which are often narrow and overgrown.

Cr Lindsay Passfield

- Asked if there was any short-term measure Council could undertake to lift the load limit from the bridge upstream of Young's property on Duck Creek Road. He said the 10-tonne load limit was making it impossible for the 15 farming families living past the bridge to efficiently transport beef cattle to market or receive fuel and other deliveries.

The Executive Manager Infrastructure Works said the bridge needed to be replaced and it was difficult to find a short-term fix for the problem. However, he said there could be potential to construct a by-pass of the bridge and would provide a report back to the next meeting.

ITEM 16 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.22pm.