

Kyogle Council

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

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 Director Assets & Infrastructure Services, the Acting Director of Planning and Environmental Services, the Manager Corporate Services (Governance), the Personal Assistant to the General Manager.

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5pm.

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 Janet Wilson declared a non-pecuniary interest in the following item/s:

- 16.2 Kyogle Bazaar Outstanding Fees
Reason for Declaration - Involved in the early establishment of the Bazaar.

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

- 16.2 Kyogle Bazaar Outstanding Fees
Reason for Declaration - Friend of the Bazaar organiser.

ITEM 5 QUESTION TIME

Anne Reardon: What are the little red flowers for? Are they are representing anything in particular?

Cr Janet Wilson: They are just for fun.

Anne Reardon: Can Council advertise or signpost the temporary closure of Toonumbar Dam facilities?

General Manager: We will talk to WaterNSW and see what we can arrange.

Michael Reardon: In regard to the Joint Organisational Restructure that was done with the County Councils and Far North Coast Weeds, could I have a letter stating who the executive members are of that committee and who sits on that committee, eg Councillors or Mayors, what is the sitting fee and travelling allowance for such a job?

General Manager: Can I suggest that you actually approach Rous County Council about that because Kyogle Council is no longer a member and no longer has a delegate to Rous.

Michael Reardon: I am still waiting for a response from the three questions I asked at the last meeting: when will I receive that?

General Manager: That response has been prepared and posted. I apologise if you haven't received it in the mail yet.

ITEM 6 PUBLIC ACCESS

Jhabel Downie: I am speaking tonight on behalf of the ratepayers and residents of Ettrick Village and the surrounding area. Telstra has decided to build a 44 metre mobile phone base station in the paddock behind the houses of the village. We, the residents, consider this to be a very poor selection of site if the result is to alleviate the current "black spot" reception difficulties in our rural area.

It is located on the side of a gully and therefore will not have the same coverage as if it was placed on a ridge or hill in the surrounding area.

We have pursued all avenues available to us to negotiate with Telstra and their contracted company Service Stream to relocate the tower to a more appropriate site. Since the original notification received was from Service Stream, we have held four community meetings to inform the local residents of Telstra's intentions to build the tower in the village. Approximately 80 per cent of the local people had no prior knowledge of this.

During these meetings, it was decided by majority vote that we request that the tower be relocated away from the village. We all agreed we wanted the service, just not in such close proximity to the houses.

Many of those attending the meetings had concerns there would be no improvement to their service if the tower is built in the proposed position.

- Only three of the 14 households received formal notification from Telstra/Service Stream indicating there was a submission process available
- We received the notification to lodge a submission only 10 days before the cut-off date. At the first meeting we decided to request an extension of 21 days.
- Our initial correspondence with Joel Rodski (Service Stream) was to request this extension. He responded by giving us a 14 day extension.
- We then lodged a submission and signed a petition from all attending the meeting, requesting a representative of Telstra/Service Stream come out to speak to use and answer our questions.
- We received no reply.
- After three weeks of silence we then rang Service Stream Head Office to be told Joel Rodski was no longer in their employ and Peter Carapalotti had taken over the management of the contract.
- Peter Carapalotti was very understanding of our situation it seemed, and even privately admitted to us he did not understand why this location was chosen as it did not appear "ideal".
- Further research led us to find on the government's own website the legislation that deems any new mobile phone tower installation to be classified as "High Impact Facility" therefore requiring local government and State Government approval.
- We then lodged a complaint with ACMA (Australian Communication and Media Authority). Our interaction number was CSC2017-22111.
- The officer was very interested to know we had been informed that the site was a "Low Impact Facility" however, as it was an entirely new site, and not just an addition to an existing site, it is classified as a "High Impact Facility" requiring local government approval.
- We then contacted Kyogle Council Planning Department regarding your approval of this site, which was never given.
- Your Council officer has been investigating for us, but at last contact he was still awaiting a response from Peter Carapalotti.
- Under advice from ACMA, the legal representation from Council is the only option for us to have this tower relocated.

We, the ratepayers and residents of Etrick Village, thereby request that Kyogle Council indeed legally represent us in this matter.

We request that Councillors come out and inspect the site for themselves to fully understand the impact this will have on our village if it proceeds.

We also request the Councillors to research how this 44m monopole tower with a 7m x 5m base station (plus all other infrastructure that goes with it) will impact on the land values of the properties in the immediate vicinity.

We urge Councillors to understand the rural panoramic views of at least four properties will be directly impacted by this tower.

Allan Marsh - Item 13B.1: I am the Managing Director FE Marsh and Co, a local building firm, and executor of the estate of Monica Marsh, my mother who passed away recently and I am speaking in those two capacities.

I wanted to speak briefly about the proposed amendment to the Local Environment Plan (LEP) 2012. It concerns the approval of a precast concrete plant in Craig Street, which adjoins our property on three sides.

I would like to point out that my mother and father's residence known as Merrigan Estate originally stretched half way to Lismore. It is probably the most historic site in Kyogle. It even had its own brickworks 100 years ago. The original owner was Andrew Campbell and there were recently some photographs of the original Merrigan homestead on display in the main street. The current property has been constructed on that same site.

We developed the estate as a light industrial estate; we've sold off two blocks and we've gone to a lot of trouble to keep it a light industrial area so it is compatible with adjoining neighbours.

There has been an unapproved development of the site in question, to the point where they have to now seek retrospective approval. I don't think it's suitable for the light industrial area it is currently zoned as. The size of the building is quite large, 1400 square metres. It is twice as high -- it is 10 metres high, which is double the height of all existing buildings there and will look out of place at the entrance to Kyogle. I think it's important that Kyogle's entrance, the appearance of the town, is maintained.

There were noise readings submitted with the proposal, but there were none taken at the residence of my mother. I can only assume they must have been adverse and they declined to submit them -- I don't know the reason. But I will get my own noise readings carried out.

This would create a precedent that could result in further larger scale developments which are not in keeping with what we have been trying to do in that area. We also have a rural residential entitlement as part of my mother's land which would not be able to proceed if this large factory was erected right next to it.

There is a koala habitat on adjoining land. That is something that was erroneously mentioned in SEPP No 44.

I just ask councillors to consider very carefully what they are approving with this amendment to the LEP.

ITEM 7 CONFIRMATION OF MINUTES**7.1 CONFIRMATION OF THE MINUTES OF 10 JULY 2017 ORDINARY COUNCIL MEETING****REPORT BY: GENERAL MANAGER'S DEPARTMENT****CONTACT: GENERAL MANAGER**

140817/01 RESOLVED

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

That Council adopt the Minutes of the Ordinary Meeting held on 10 July 2017.

CARRIED

FOR VOTE - Unanimous vote

ITEM 8 MAYORAL MINUTE

Moved Councillor Danielle Mulholland, seconded Councillor Lindsay Passfield.

That Council write to the NSW Premier and the Minister for the Environment, asking that the waste levy be immediately lifted.

Cr Robert Dwyer foreshadowed a motion:

That Council write to Keep Australia Beautiful about the waste levy and seeking its support in having it lifted

140817/02 RESOLVED

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

That Council write to the NSW Premier and the Minister for the Environment, asking that the waste levy be immediately lifted.

CARRIED

FOR VOTE - Unanimous vote

140817/03 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor Hayden Doolan.

That Council write to Keep Australia Beautiful about the waste levy and seeking its support in having it lifted.

CARRIED

FOR VOTE - Unanimous vote

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

140817/04 RESOLVED

Moved by Councillor Earle Grundy, seconded by Councillor Maggie May.

That Council receives and notes the report, *Questions from the Last Council Meeting*.

CARRIED

FOR VOTE - Unanimous vote

ITEM 11 DELEGATES REPORTS**11.1 DELEGATES' REPORT; COUNCILLORS DANIELLE MULHOLLAND AND
MAGGIE MAY - NATIONAL GENERAL ASSEMBLY OF LOCAL
GOVERNMENT**

REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: COUNCILLORS DANIELLE MULHOLLAND AND MAGGIE MAY

140817/05 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Maggie May.

That Council:

1. Receive and note the report, *Delegates' Report: Councillors Danielle Mulholland and Maggie May - National General Assembly of Local Government*.
2. Authorises the Mayor to develop criteria around rural grant funding and provide the criteria to Kevin Hogan's office for consideration of inclusion by the Federal Government when determining grant allocations.

CARRIED

FOR VOTE - Unanimous vote

**11.2 DELEGATE'S REPORT; COUNCILLOR LINDSAY PASSFIELD - NATIONAL
TIMBER COUNCILS' ASSOCIATION****REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: COUNCILLOR LINDSAY PASSFIELD**

140817/06 RESOLVED

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

That Council receives and notes the report, *Delegates Report: Cr Lindsay Passfield - National Timber Councils' Association.*

CARRIED

FOR VOTE - Unanimous vote

ITEM 12 INFORMATION PAPERS**12.1 MONTHLY FINANCE REPORT - JULY 2017****REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER FINANCIAL SERVICES**

140817/07 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Kylie Thomas.

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

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT JULY 2017**REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER FINANCIAL SERVICES**

140817/08 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 13 GENERAL MANAGER'S REPORT**ITEM 13A ASSETS AND INFRASTRUCTURE SERVICES REPORT**

Nil.

ITEM 13B PLANNING AND ENVIRONMENTAL SERVICES REPORT**13B.1 FINALISATION OF LEP AMENDMENT NO. 12- PLANNING PROPOSAL TO PERMIT DEVELOPMENT OF A CONCRETE WORKS AT 4 CRAIG STREET, KYOGLE WITH THE CONSENT OF COUNCIL**

REPORT BY: PLANNING AND ENVIRONMENTAL SERVICES
CONTACT: SENIOR TOWN PLANNER

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

That Council:

1. Receives and notes the report on the finalisation of KLEP amendment number 12.
2. Supports the planning proposal to amend Schedule 1 of the KLEP to include concrete works (pre-cast concrete products manufacturing facility) as a use that is permitted with the consent of Council on land at 4-8 Craig Street, Kyogle.
3. Pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, requests Parliamentary Counsel's Office to prepare a draft legal instrument.
4. Upon receiving from Parliamentary Counsel's Office a draft instrument and an Opinion that the plan can be made, exercises 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.
5. Give notice advising commencement of the LEP amendment in *The Richmond River Express Examiner*.

Councillor Janet Wilson foreshadowed a motion:

That Council defer consideration of KLEP amendment number 12 until after the appointment of a new Director of Planning and Environmental Services.

140817/09 RESOLVED

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

That Council:

1. Receives and notes the report on the finalisation of KLEP amendment number 12.
2. Supports the planning proposal to amend Schedule 1 of the KLEP to include concrete works (pre-cast concrete products manufacturing facility) as a use that is permitted with the consent of Council on land at 4-8 Craig Street, Kyogle.
3. Pursuant to section 59(1) of the *Environmental Planning and Assessment Act 1979*, requests Parliamentary Counsel's Office to prepare a draft legal instrument.
4. Upon receiving from Parliamentary Counsel's Office a draft instrument and an Opinion that the plan can be made, exercises 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.
5. Give notice advising commencement of the LEP amendment in *The Richmond River Express Examiner*.

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

AGAINST VOTE - Janet Wilson

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

For	Against
Cr Danielle Mulholland	Cr Janet Wilson
Cr John Burley	
Cr Robert Dwyer	
Cr Lindsay Passfield	
Cr Kylie Thomas	
Cr Earle Grundy	
Cr Hayden Doolan	
Cr Maggie May	

Councillor Janet Wilson's foreshadowed motion lapsed.

ITEM 13C GENERAL MANAGER'S REPORT**13C.1 COMMUNITY ASSISTANCE POLICY**

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

140817/10 RESOLVED

Moved by Councillor Earle Grundy, seconded by Councillor Hayden Doolan.

That Council:

1. Receives and notes the report, *Community Assistance Policy*.
2. Adopts the attached Community Assistance Policy

CARRIED

FOR VOTE - Unanimous vote

13C.2 REGIONAL LIBRARY AGREEMENT

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

140817/11 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Kylie Thomas.

That Council:

1. Receives and notes the report, Regional Library Agreement.
2. Agrees to enter into the Management Agreement - Richmond Upper Clarence Regional Library with Richmond Valley Council.
3. Authorises the common seal to be affixed in the presence of the Mayor and General Manager to the Management Agreement for the Richmond Upper Clarence Regional Library.
4. Authorises the Mayor and General Manager to sign the Management Agreement for the Richmond Upper Clarence Regional Library.
5. Adopt the Library Act 1939 No 40

CARRIED

FOR VOTE - Unanimous vote

13C.3 DRAFT COMMUNITY ENGAGEMENT STRATEGY

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

140817/12 RESOLVED

Moved by Councillor Robert Dwyer, seconded by Councillor John Burley.

That Council:

1. Receives and notes the report, *Draft Community Engagement Strategy*.
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2. Adopt the Draft Community Engagement Strategy for public exhibition for a period of at least 28 days and seek submissions from the community on its content.

CARRIED

FOR VOTE - Unanimous vote

13C.4 JUNE 2017 QUARTERLY BUDGET REVIEW

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

140817/13 RESOLVED

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

That Council:

1. Receives and notes the June 2017 Quarterly Budget/Delivery Plan Review Statement.
2. Incorporate the funds identified as revotes in the June 2017 budget review into the 2017/2018 budget.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Maggie May: I believe that the Northern Rivers National Parks and Wildlife Service has been undergoing a restructure which involved some staff reductions, in particular staff reductions in the Kyogle office. My concern is that these staff reductions will have ramifications for fire control, weed control, and maintenance and access to the smaller National Parks. What does the Council know about this restructure of the National Parks and Wildlife Service and the ramifications for firefighting, weed control, and maintenance and access to our National Parks?

Cr John Burley: Adam Marshall, Minister for Regional Development, has been speaking a lot about money for conference centres in different areas to boost communities and help businesses. Can Council indicate to the Minister that we are interested in attracting some of that funding.

Cr Earle Grundy: At the 13 June meeting, the Mayor brought forward a Mayoral Minute for Community Assistance Funding for four things, one was a new tank for CWA in Tabulam, another was for NAIDOC celebrations at Bonalbo Central School, another was to tidy up a problem for the amount of money we gave as a grant to the organisation involved in the Bonalbo Village Maintenance Program.

A representative of Tabulam CWA contacted me last Monday and indicated that they have not heard anything official from Council about the funding. We have, certainly on the western side of the range, major problems with people not being engaged by this Council. Not getting answers to their problems or their requests. I had hoped this was changing. I have enquired and apparently this was an oversight, but how can I be guaranteed that these sorts of oversights won't continue to happen? What is changing in the whole attitude of the office that we sit in now that is going to reassure me that these sorts of oversights won't keep happening. The thirteenth of June is a long time ago for people to be waiting for their subsidy for their new tank.

General Manager: I assume you would prefer an answer in writing as we have already discussed the matter. However, I can say there was one resolution passed outside the normal process of the Community Assistance Funding and unfortunately that was tied up in the things that the former Director of Planning and Environmental Services was not able to complete before he left and no one else had done it on his behalf. No one realised that was the case until you raised the matter with me and I have since asked people to take care of that.

Cr Kylie Thomas: Can Council have a Gradys Creek/Lions Road Bridge renewal program update in the next Council-wide newsletter please?

Cr Lindsay Passfield: Can we have some guidance on the nature of questions that can be asked during Questions for the Next Ordinary Meeting? Some of the questions experienced in the life of this Council have caused management to produce a report which have required a fair amount of the staff's time. That's a new thing. In previous councils, if you wanted a report you put in a notice of motion. I would like guidance from the General Manager and the Mayor as to what style of question, what level of management and staff resource is acceptable to be devoted to a question raised in this section as opposed to a notice of motion.

Cr Robert Dwyer: What has happened to the signage for Alcorn Park? We were assured that was going to be addressed, but it hasn't eventuated as yet.

General Manager: There is quite a large sign saying Alcorn Park out the front of the park, which has been up for about six to seven months. It's on the edge of the road, facing the Summerland Way.

Cr Robert Dwyer: At the last meeting when Cr Wilson put in a notice of motion regarding plastic bags, I made comment to the newspapers being thrown on out and creating a waste problem. Can Council speak to the paper distributors insisting that the papers be inserted into mailboxes, and if no mail box exists, no paper be left at the residence. The local paper, the Talking Turkey, inserts the paper in mail boxes and I think we should insist that the other paper distributors do the same. There are heaps of these papers lying around, they are wrapped in plastic sheeting and will take time to break down.

ITEM 16 CONFIDENTIAL BUSINESS PAPER**ITEM 16.01 MOVE INTO CLOSED COUNCIL****16.1 WRITE OFF OF OUTSTANDING RATES AND CHARGES MR AND MRS MARQUIS****16.2 KYOGLE BAZAAR OUTSTNDING FEES**

These reports are CONFIDENTIAL in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (b) The personal hardship of any resident or ratepayer

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.

140817/14 RESOLVED

Moved by Councillor Kylie Thomas, seconded by Councillor Hayden Doolan.

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 7.07pm. The public and the media left the chamber.

ITEM 16.02 OPEN COUNCIL RESUMES**140817/17 RESOLVED**

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

That Council move out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Maggie May

Open Council resumed at 7.20pm.

Councillors Janet Wilson and Maggie May returned to the meeting at 7.20pm.

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

**16,1 WRITE OFF OF OUTSTANDING RATES AND CHARGES MR AND MRS
MARQUIS CONFIDENTIAL**

**REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER CORPORATE SERVICES**

140817/15 RESOLVED

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

That Council, in accordance with Section 131 of the Local Government Regulation 2005, write off the debt of \$89,990.64, on assessment 10071955, owed by Mr and Mrs Marquis.

CARRIED

FOR VOTE - Unanimous vote

16,2 KYOGLE BAZAAR OUTSTANDING FEES CONFIDENTIAL

**REPORT BY: GENERAL MANAGER'S DEPARTMENT
CONTACT: MANAGER CORPORATE SERVICES**

140817/16 RESOLVED

Moved by Councillor Danielle Mulholland, seconded by Councillor Hayden Doolan.

That Council

1. Receives and notes the report, Kyogle Bazaar Outstanding Fees.
2. In accordance with Section 213 (5) (c) of the Local Government Regulation 2005, believes on reasonable grounds that an attempt to recover the debt would not be cost effective, write off the debt of \$1799 owed by Ms Steriovich in relation to the Kyogle Bazaar Amphitheatre Account.

CARRIED

FOR VOTE - Danielle Mulholland, Bob Dwyer, Hayden Doolan, Earle Grundy, John Burley

AGAINST VOTE - Lindsay Passfield, Kylie Thomas

ABSENT. DID NOT VOTE - Janet Wilson, Maggie May

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.22pm.