



MINUTES

Ordinary Council Meeting

12 March 2018

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 12 MARCH 2018 AT 5PM**

PRESENT: Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Janet Wilson, Cr Maggie May, Cr Hayden Doolan, Cr Earle Grundy, Cr Kylie Thomas, Cr Lindsay Passfield, Cr Robert Dwyer

IN ATTENDANCE: The General Manager, the Director of Assets and Infrastructure Services, the Manager of Corporate Services, the Executive Assistant to the General Manager.

The Mayor opened the meeting at 5pm.

1 APOLOGIES

Nil

2 OPENING PRAYER

The Mayor read the opening prayer.

3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor acknowledged the meeting was being held on the traditional lands of the Bundjalung people.

4 DECLARATION OF INTERESTS

Councillor Kylie Thomas declared an interest in the following item(s):

- o Item 12.1 Works Program Progress Report - February 2018, specifically cost code items W797, W960 and W985.

Reason for declaration - Personal association with bridge contractor.

5 QUESTION TIME

Anne Reardon: My question is to the Mayor. Why did you allow the gallery to behave as they did at the last Council meeting. I thought that all the jeering that took place was most inappropriate at a Council meeting and those people doing the jeering should have been asked to leave.

Mayor: I don't think anyone was particularly well behaved at the last Council meeting. Both sides of the gallery behaved in a manner which was undesirable. I think all the Councillors were listening to the speaker who had the floor and worrying less about what was going on in the background. There were several times that I had to pull people up and bring them to order as is my duty as the chair of the meeting.

Anne Reardon: I believe there were two letters sent to Council and copied to all Councillors, but only one of the letters went to all Councillors. The letters in question referred to Australia Day. Surely all letters should go out to Councillors that have CC to all Councillors on them.

Mayor: I, and other Councillors, have all received at least half a dozen letters about Australia Day. Unless you can be more specific, I can't provide you with any further information. And I can assure you that all letters that have Councillors CCd on them do go out to all Councillors.

General Manager: I can assure you that if any correspondence comes in and the author has asked that a copy be sent to all Councillors, then that occurs and it occurs in the first instance.

Debbie Johnston: When will we be having some patchworking done on the road West of the Range; it is really starting to fall apart now.

Director Assets and Infrastructure Services: Council has been having quite a lot of problems recently getting cold mix. The plant in Lismore has undergone a major upgrade and they have been having problems producing it. Council is now going to suppliers further afield at Ballina and Grafton and we will be putting on double crew to get through that work as soon as humanly possible.

Melissa Hallett, of Lillian Rock: I am here in relation to residents' concerns in relation to the Telstra mobile phone tower proposed for the corner of Lillian Rock and Kyogle Road. The mobile phone tower is 50 metre high and I believe is a high impact tower, despite Telstra saying it is low impact. Is Telstra trying to use "loopholes" in Council laws to override community concerns and build a high impact tower?

General Manager: The situation with planning consent is that there is the Federal Telecommunications Act and the State Government Environmental Planning and Assessment Act. Councils would normally play their role as a consent authority under the State Government's Environmental Planning and Assessment Act. The State Government also has provisions under the Environmental Planning and Assessment Act that are called State Environmental Planning Policies (SEPPs). Those SEPPs trump any local environmental planning policies. In this case, there is a SEPP for exempt and complying development. Exempt development is development that does not need any consent or approval and complying development is development where consent can be issued by a third party where the development meets set conditions that are determined by the State under that policy. That means it does not require a Council consent. These facilities fit into that category. So regardless of the issues around local impact or specific assessment of that development, Council does not have a role in issuing any form of approval or as a consent authority. So that means that a third party can issue Telstra, as the proponent, with a complying development certificate under State planning legislation.

6 PUBLIC ACCESS

Mark Hill, of Lillian Rock residents opposed to Telstra tower at corner of Lillian Rock Road and Kyogle Road.

I am here today to speak to you on behalf of residents living in close proximity to the proposed Telstra tower at Lillian Rock. I am the owner in residence at 4 Caldera Lane Lillian Rock where I live and work with my wife Helen. With the centre of my living room being about 225 metres from the tower site, I'm the second closest resident to ground zero. My neighbour to the east is the closest, with his bedroom being about 170m out. We have two homes with young families just under 300m north of the Telstra site and my neighbour to the south will enjoy a view of the tower from 350m.

So that's six dwelling within a 300m radius of the site. If we expand our radius to 500m we encompass 10 dwellings and going out to 1000m we have 20 dwellings and a primary school. This area has a fairly high population density in the immediate area of the tower site, and while we are currently zoned RU1 we could conceivably be zoned RU5 in the future. Were this area zoned RU5 this tower would not be able to be classed as "complying development".

I would like to present an analogy. Let's say I have a pig farm and I came to Council with a plan to build a 50m pillar from which I proposed to pump my pig slurry in a finely atomised form such that it fell in a fine mist over all my adjoining neighbour's properties and not on my own. I doubt my proposal would be granted approval. You may laugh at this absurd example, but this is how ARPANSA themselves describe the radiation emissions from a mobile cell tower on their website as "falling to the ground like water from a sprinkler some distance from the tower base".

I would like you to consider the NSW Radiation Control Act of 1990, No 13 Part 1, Section 3, which states that the objects of this Act are as follows: (a) to secure the protection of persons and the environment from exposure to ionising and harmful non-ionising radiation.

Mobile towers emit non-ionising radiation.

It would seem that non-ionising radiation is regarded under the Act as potentially harmful, and seemingly similarly harmful to ionising radiation as both forms of radiation are described in the same line of the Act and one can thus argue that both ionising and non-ionising radiation are actually to be considered environmental pollutants.

Telstra's own EME report for this site shows that the six dwellings within 300m of the tower fall within area of absolute maximum emissions that they predict from this site. And we, the owners and occupiers of these closest residences consider this an unjust impost on our health, wellbeing and livelihoods and we are hereby notifying you that we do not, and will not, consent to this forced irradiation of our properties and bodies.

Regardless of the arguments by Telstra that these levels we will be receiving are safe, neither Telstra nor anyone else can give us a guarantee that they are actually safe.

6.1 TELSTRA MOBILE PHONE TOWER

RESOLVED CO/0318/1

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Kyogle Council write to Telstra and local State and Federal Members of Parliament on behalf of the affected residents outlining their concerns.

CARRIED

FOR VOTE - Unanimous vote

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 12 FEBRUARY 2018

RESOLVED CO/0318/2

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

That Council receives and notes the minutes of the Council meeting of the 12 February 2018.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE

8.1 MAYORAL MINUTE - TRIPLE J ONE NIGHT STAND CONCERT

RESOLVED CO/0318/3

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Kyogle Council supports an application to hold a Triple J One Night Stand concert at either Kyogle and/or Tabulam and that the recipient charity be identified as Kyogle Youth Ventures.

CARRIED

FOR VOTE - Unanimous vote

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR LINDSAY PASSFIELD: ALLOCATION OF STRONGER COUNTRY COMMUNITIES GRANTS****RESOLVED CO/0318/4**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That a report be brought to the 9 April 2018 Ordinary meeting of Council detailing the following:

- a. The total of Stronger Country Communities (SCC) funding allocated to Kyogle Council;
- b. A proposal for the equitable distribution of these funds to Kyogle and the villages;
- c. A list of projects for consideration for funding from previous workshop discussions, the Visions of the Villages Consultancy, and submissions made directly to the State Minister for Lismore Mr Thomas George.

CARRIED

FOR VOTE - Unanimous vote

9.2 NOTICE OF MOTION - CR LINDSAY PASSFIELD: ALL-WEATHER STRATEGIC LINK FROM KYOGLE TO BONALBO**RESOLVED CO/0318/5**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council renew its efforts to secure and develop an all- weather strategic link from Kyogle, via Mt Brown, to Bonalbo.

CARRIED

FOR VOTE - Unanimous vote

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0318/6**

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

11 REPORTS FROM DELEGATES**11.1 DELEGATES REPORT - CR HAYDEN DOOLAN: NSW RURAL FIRE SERVICE ZONE LIAISON COMMITTEE****RESOLVED CO/0318/7**

Moved by Cr Hayden Doolan, seconded by Cr Janet Wilson

That Council receives and notes the report, Delegates Report - Cr Hayden Doolan; Rural Fire Service Zone Liaison Committee.

CARRIED

FOR VOTE - Unanimous vote

11.2 DELEGATE'S REPORT - CR EARLE GRUNDY: LGNSW ANNUAL CONFERENCE**RESOLVED CO/0318/8**

Moved by Cr Earle Grundy, seconded by Cr Hayden Doolan

That Council receives and notes the report, *Delegate's Report - Cr Early Grundy: LGNSW Annual Conference*.

CARRIED

FOR VOTE - Unanimous vote

11.3 DELEGATE'S REPORT - CR DANIELLE MULHOLLAND; NOROC REGIONAL PRIORITIES**RESOLVED CO/0318/9**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council receives and notes the report, *Delegates Report - Cr Danielle Mulholland; NOROC Regional Priorities*.

CARRIED

FOR VOTE - Unanimous vote

12 INFORMATION REPORTS**12.1 WORKS PROGRAM PROGRESS REPORT - FEBRUARY 2018**

Cr Kylie Thomas left the meeting at 5.51pm.

RESOLVED CO/0318/10

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

That Council receives and notes the information contained in the report, *Works Program Progress Report February 2018*.

CARRIED

FOR VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson, Maggie May, Hayden Doolan, Earle Grundy, Lindsay Passfield and Robert Dwyer

ABSENT DID NOT VOTE - Cr Kylie Thomas

Cr Kylie Thomas returned to the meeting at 6pm.

12.2 MONTHLY FINANCE REPORT - FEBRUARY 2018

RESOLVED CO/0318/11

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receives and notes the information contained in the report, *Monthly Finance Report - February 2018*.

CARRIED

FOR VOTE - Unanimous vote

13 ASSETS AND INFRASTRUCTURE REPORTS

13.1 REQUEST TO NAME LANES IN WOODENBONG

MOTION

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council

1. Receives and notes the report, *Request to Name Lanes in Woodenbong*
2. Formally adopt following lane names;
 - Fairbairn Lane - The un-named lane which starts from Unumgar Street at the north-eastern corner of Woodenbong Public Hall and runs in a southerly direction, terminating at Lot 82 DP 751059.
 - Watson Lane - The un-named lane which starts from Unumgar Street at the north-eastern corner of Woodenbong Hotel and runs in a southerly direction, terminating at Glennie Street.
 - Jeffery Lane - The un-named lane which starts from Dalmorton Street at the north-eastern corner of Lot B DP 403397 and runs in a southerly direction, terminating at Glennie Street.
 - Sly Lane - The lane currently named Roseberry Lane at Woodenbong, which starts at Roseberry Street and runs in a westerly direction, terminating at Lot 91 DP 751059

AMENDMENT

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council approve the lane names as identified in the table on Page 39 of the Council agenda.

LOST

FOR VOTE - Crs Danielle Mulholland and Lindsay Passfield

AGAINST VOTE - Crs John Burley, Janet Wilson, Maggie May, Hayden Doolan, Earle Grundy, Kylie Thomas and Robert Dwyer

RESOLVED CO/0318/12

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council

1. Receives and notes the report, *Request to Name Lanes in Woodenbong*
2. Formally adopt following lane names;
 - Fairbairn Lane - The un-named lane which starts from Unumgar Street at the north-eastern corner of Woodenbong Public Hall and runs in a southerly direction, terminating at Lot 82 DP 751059.
 - Watson Lane - The un-named lane which starts from Unumgar Street at the north-eastern corner of Woodenbong Hotel and runs in a southerly direction, terminating at Glennie Street.
 - Jeffery Lane - The un-named lane which starts from Dalmorton Street at the north-eastern corner of Lot B DP 403397 and runs in a southerly direction, terminating at Glennie Street.
 - Sly Lane - The lane currently named Roseberry Lane at Woodenbong, which starts at Roseberry Street and runs in a westerly direction, terminating at Lot 91 DP 751059

CARRIED

FOR VOTE - Unanimous vote

14 PLANNING AND ENVIRONMENT REPORTS**14.1 SERVICE PARTNERSHIP WITH SERVICE NSW****RESOLVED CO/0318/13**

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, *Service Partnership with Service NSW*.
2. Delegate the relevant customer service functions related to the administration of the 'Easy to do Business' program to the Chief Executive Officer, Service NSW in accordance with the Service Partnership Agreement as required under the Service NSW (One-stop Access to Government Services) Act 2013.
3. Authorises the General Manager to execute any necessary partnership documents under the Common Seal of Council.

CARRIED

FOR VOTE - Unanimous vote

14.2 DEVELOPMENT CONTRIBUTIONS AND CHARGES DISCOUNTING POLICY - ADOPTION**RESOLVED CO/0318/14**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council

1. Receives and notes the information contained in the report, *Development Contributions and Charges Discounting Policy Adoption*
2. Adopts the Development Contributions and Charges Discounting Policy.

CARRIED

FOR VOTE - Unanimous vote

Cr Kylie Thomas and Cr Lindsay Passfield called for a division.

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

15 GENERAL MANAGER'S REPORTS**15.1 SIX MONTHLY REVIEW OF DELIVERY PROGRAM AND OPERATIONAL PLAN****RESOLVED CO/0318/15**

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

That Council receives and notes the February 2018 review of the Delivery Program and Operational Plan.

CARRIED

FOR VOTE - Unanimous vote

15.2 CHILD PROTECTION POLICY**RESOLVED CO/0318/16**

Moved by Cr John Burley, seconded by Cr Maggie May

That Council;

1. Receives and notes the information contained in the report, *Child Protection Policy*
2. Adopts the attached Child Protection Policy

CARRIED

FOR VOTE - Unanimous vote

15.3 INTERIM ADJUSTMENTS TO CURRENT BUDGET**RESOLVED CO/0318/17**

Moved by Cr Robert Dwyer, seconded by Cr Hayden Doolan

That Council;

1. Receives and notes the information contained in the report, *Interim Adjustments to Current Budget*;
2. Adjusts the waste transfer budgets by decreasing the Domestic Waste Contribution to Other Waste by \$97,598;
3. Adjusts the Parks and Gardens, Community Buildings, and Urban Streets capital works budgets as outlined in the attached *Stronger Country Communities Projects 2018 March 2018 budget changes*;
4. Adjusts the Water budget to increase User Fees and Charges income by \$30,000 and reduce the capital works budget for Water Supply Renewals (W478) by \$150,000, and reduce the budget for Sewer Mains Extensions Kyogle capital works by \$215,000;
5. Adjusts the Finance budget to remove the General Fund loan repayments of \$585,333;
6. Adjusts the Administration budget to increase the IT Capital Expenditure by \$75,000.

CARRIED

FOR VOTE - Unanimous vote

16 URGENT BUSINESS WITHOUT NOTICE

Nil

17 QUESTIONS FOR NEXT ORDINARY MEETING

Cr John Burley: How much has Council saved on water treatment chemicals since we switched to the off river water storage system? I ask because this year I have noticed we have had more dirty water in the river than we have had clean.

Cr Robert Dwyer: With regard to the cycle pedestrian circuit around Kyogle particularly below Daleys and the bridge that was washed away. Are there any plans in future to have that circuit linked up right round. We have the footpath extended out to the football field at New Park and we have it over through Geneva, but we have the link missing in the middle. Are they are plans to have them all linked up?

General Manager: The Pedestrian Access Mobility Plan includes that link as a long-term plan, but it has not been funded at this stage. It is a project that has been flagged by staff and there are opportunities to discuss funding in Round Two of the Stronger Country Communities Fund and in the upcoming budgetary process. We will make sure it is on the list to be considered in the budget process.

Cr Robert Dwyer: Quite few new houses have been built near the junction of Afterlee and Ettrick Roads and I have had a resident put to me that the current speed limit of 100km an hour should be reduced to 60km an hour in response to the number of children now living in that location. Can Council forward the resident's request to reduce the speed limit to 60km an hour at that location to the Traffic Committee for consideration?

18 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0318/18**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

18.1 Annual Tenders - Late Tenders

This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/0318/19

Moved by Cr Hayden Doolan, seconded by Cr Janet Wilson

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

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

RESOLVED CO/0318/20

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

That Council:

1. Receives and note the report, *Annual Tenders – Late Tenders*
2. Place the following contractors on the list of suppliers for hire of plant from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2017/18 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification and compliance with relevant Council policies and to an upper limit of \$150,000 per contractor:
 - M Hannan
 - Peter Smith
 - Koker Cival
 - Porter Plant
 - Scott Earthmoving & Bulk Haulage
3. Place the following contractors on the list of suppliers for hire of trucks from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2017/18 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification and compliance with relevant Council policies and to an upper limit of \$150,000 per contractor:
 - M Hannan
 - Peter Smith
 - Scott Earthmoving & Bulk Haulage

CARRIED

FOR VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson, Hayden Doolan, Earle Grundy, Kylie Thomas, Lindsay Passfield and Robert Dwyer

AGAINST VOTE - Cr Maggie May

The meeting closed at 6.35pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 9 April 2018.

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CHAIRPERSON