



MINUTES

Ordinary Council Meeting

9 April 2018

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 9 APRIL 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: Acting General Manager, Director Assets and Infrastructure Works, Director Planning and Environmental Services, Finance Manager, Executive Assistant to the General Manager

MEETING COMMENCEMENT

The Mayor declared the meeting open at 5pm.

1 APOLOGIES

Councillor Kylie Thomas

1.1 LEAVE OF ABSENCE

RESOLVED CO/0418/1

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

That a leave of absence be granted to Cr Kylie Thomas.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

2 OPENING PRAYER

The Mayor read the opening prayer.

3 TRADITIONAL LANDS ACKNOWLEDGEMENT

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

4 DECLARATION OF INTERESTS

Councillor Janet Wilson declared an interest in the following item(s):

- o Item 1.1 Confidential Tender 2017 /18-010 Kyogle Memorial Institute Hall Refurbishment.
Reason for declaration - Involved in a business relationship with the Art Gallery Co-ordinator.

Acting General Manager declared a non-pecuniary in the following item(s):

- o Item 1.1 Confidential Tender 2017 /18-010 Kyogle Memorial Institute Hall Refurbishment.
Reason for declaration - Volunteer at the Roxy Gallery.

Finance Manager declared a non-pecuniary interest in the following item(s):

- o Item 15.1 Stronger Country Communities Funding.
Reason for declaration - Committee member of the Kyogle Soccer Club.

5 QUESTION TIME

Peter Porropat: In relation to the tower at Lillian Rock: I am the closest resident to the proposed tower and I would like to see Council stand by the residents in some way and support me and the community out there. My driveway is eight metres from the tower which is a 50 metre structure. This tower is going to have a lot of impact on me and my land. I grow 100 avocado trees, the majority of which are down where the tower is. I have to mulch, feed, fertilise and slash around there, right up to the tower. Is there a way that Council can stand by us and help stop this tower?

Mayor: Council did resolve at the last meeting to write to Telstra and local State and Federal Members of Parliament on behalf of affected residents outlining their concerns.

Councillor Maggie May: Have you approached the Federal Member Kevin Hogan about this?

Peter Porropat: As a community we have and I personally contacted Thomas George.

Sally Longley: I am another person who lives within 300 metres of the proposed tower site. We put out a petition opposing the tower site which received 400 signatures on line and 180 signatures on the hard copy. We have all sent submissions to everyone and 88 per cent of people who sent submissions to Telstra opposed the site. Why is it when 88 percent of people oppose the site and so many people have sent in petitions, that they can still do this sort of stuff? The community doesn't want the tower at this site; we are all in a really terrible state health wise, emotionally and mentally. They tell you to put in your submissions, so we do and then they just ignore them. How can they get away with that?

Mayor: Council has a letter from Telstra which I am happy to provide a copy to community members. It was received on 5 April from Telstra and it outlines the consultation process they have been through. I know that doesn't really help you, but it will give you the most up to date information that we have. As I said before we have made representations on the community's behalf around the Telstra tower and we haven't had any response to date. I tried to arrange a meeting with Thomas George and community members, but he has now said it is a Federal issue and that we have to get on to Kevin Hogan. This Saturday Thomas George and Kevin Hogan will be attending a function together, so I will approach them there about who is responsible.

Mark Hill: Who is the actual designated consent authority for this development under the terms of the Environmental Assessment Act?

Director Planning and Environmental Services: This development can be treated as exempt and complying development under the State Environmental Infrastructure SEPP. Under those circumstances, Council isn't required to be the determining authority. A certified practitioner can be the consent authority and that is the case on this occasion. That can be a private organisation. Council is not required, by virtue of the SEPP, to be the determining authority on this occasion.

Mark Hill: That's not my reading or understanding of the EPAA. I have directed questions to the State Planning Minister about this and broken down the various sub clauses of Section 45 and Section 48 and hopefully he will provide the correct legal answer.

6 PUBLIC ACCESS

Helen Hill: We have heard from Service Stream and Telstra that Council is not the consent authority for the proposed mobile phone tower at Lillian Rock. I have spoken to Thomas George and he assures me that he is not the consent authority and he keeps putting me on to Kevin Hogan. We have had several people write to Kevin Hogan and he says it's not a Federal matter. So we feel like we are not being heard. We have had so many submissions and petitions opposing the site. We are not against technology; we just believe it is a totally inappropriate site. It feels like we are banging our heads against a wall. Is there not something more Council can do for us?

We have almost 500 people sign petitions against the site. We are living in a rural environment, a village like setting with lots of families around and the site is inappropriate for a mobile phone tower. Just 50 metres away there is a ridge that would service Telstra better because the proposed

site on Lillian Rock Road is not in the line of sight. We believe Telstra is appropriating Federal funding to put their position forward. We acknowledge that it is a Blackspot Program and that Kyogle is on a list of priority funding. But it's interesting that Kyogle and a few of the other places on the priority funding list are all in the swinging seats.

We are all very emotional about this and we are all prepared to keep fighting and do what it takes. We have an avenue to look at objections in the Land and Environment Court and I think people will be going that far, if that is what it takes.

Councillor Janet Wilson: I don't understand how Kevin Hogan can say that Telstra is not a Federal responsibility. Surely he didn't tell you that?

Helen Hill: Yes he did. We have that from at least three people, in writing, from Kevin Hogan's office. Thomas George rang me last week and he advised me to speak to Kevin Hogan's office. We have not yet requested a meeting with Kevin Hogan but we will be on the phone tomorrow.

Mayor: We have a resolution that Council make representations on the community's behalf and I will be happy to make representations to Mr Hogan when I see him on Saturday. But it is my understanding that it is a Federal issue.

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 12 MARCH 2018

RESOLVED CO/0418/2

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council adopts the minutes of the Ordinary meeting held on 12 March 2018.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; COUNCIL SUPPORT FOR STREET LIBRARIES.****RESOLVED CO/0418/3**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Support the concept of "Street Libraries";
2. Support the implementation of Street Libraries across the Kyogle Council area; and
3. Register our Street Libraries on the national database.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; NEW ECONOMIC DEVELOPMENT POLICY**RESOLVED CO/0418/4**

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council staff produce a new Economic Development Policy.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0418/5**

Moved by Cr John Burley, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

11 REPORTS FROM DELEGATES

Nil

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - MARCH 2018****RESOLVED CO/0418/6**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

12.2 WORKS PROGRAM PROGRESS REPORT -- MARCH 2018**RESOLVED CO/0418/7**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

12.3 LIONS ROAD THANKS**RESOLVED CO/0418/8**

Moved by Cr Earle Grundy, seconded by Cr Lindsay Passfield

That Council thanks Council staff and the Director of Assets and Infrastructure for completing the six Lions Roads bridges under trying circumstances and in a reasonable amount of time.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

13 ASSETS AND INFRASTRUCTURE REPORTS

Nil

14 PLANNING AND ENVIRONMENT REPORTS

Nil

15 GENERAL MANAGER'S REPORTS**15.1 STRONGER COUNTRY COMMUNITIES FUNDING****MOTION**

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council

1. Receives and notes the report, *Stronger Country Communities Funding*
2. Endorses the project list for applications under Round Two of the Stronger Country Communities Fund as per the attached table
3. Incorporates these projects into the final draft Operational Plan 2018/19 and Delivery Program 2019/22 before placing on public display.

FORESHADOWED MOTION

Cr Danielle Mulholland foreshadowed a motion:

That Council include a short form of the funded projects from rounds one and two of SCC funding in the minutes and on the Council website.

RESOLVED CO/0418/9

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council

1. Receives and notes the report, *Stronger Country Communities Funding*
2. Endorses the project list for applications under Round Two of the Stronger Country Communities Fund as per the attached table
3. Incorporates these projects into the final draft Operational Plan 2018/19 and Delivery Program 2019/22 before placing on public display.

CARRIED

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

AGAINST VOTE - Cr Maggie May

ABSENT. DID NOT VOTE - Cr Kylie Thomas

RESOLVED CO/0418/10

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council include a short form of the funded projects from rounds one and two of SCC funding in the minutes and on the Council website.

CARRIED

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

AGAINST VOTE - Cr Maggie May

ABSENT. DID NOT VOTE - Cr Kylie Thomas

Project Name	Project Value	Council Funding	Other Funding	SCC Funding	SCC Round
Bonalbo Caravan Park Improvements	\$50,000	\$0	\$0	\$50,000	2
Bonalbo Hall Improvements	\$50,000	\$0	\$0	\$50,000	2
Bonalbo Norman Johnson Park Improvements	\$170,000	\$90,000	\$0	\$80,000	2
Bonalbo Pool Improvements	\$60,000	\$10,000	\$0	\$50,000	2
Bonalbo Showground Sewer	\$50,000	\$0	\$0	\$50,000	2
Kyogle Acquatic Centre Redevelopment Stage 1	\$500,000	\$95,664	\$250,000	\$154,336	1
Kyogle Amphitheatre Stage	\$100,000	\$0	\$0	\$100,000	1
Kyogle Anzac Park Redevelopment and outdoor gym expansion	\$172,576	\$28,036	\$44,540	\$100,000	1
Kyogle Greening Main Street	\$180,000	\$80,000	\$0	\$100,000	1
Kyogle High School Sports Ground	\$50,000	\$0	\$0	\$50,000	2
Kyogle Memorial Institute Hall Upgrade	\$640,000	\$150,000	\$270,000	\$220,000	1
Kyogle Recreation Reserve Improvements (Caravan Park Cabins)	\$280,000	\$110,000		\$170,000	1
Kyogle Recreation Reserve Improvements (Labyrinth)	\$40,000	\$20,000	\$0	\$20,000	1
Kyogle Rifle Range Improvements	\$75,000	\$0	\$0	\$75,000	2
Kyogle Rugby League Football Grounds	\$74,000	\$0	\$4,000	\$70,000	2
Mallanganee Public Toilets	\$50,000	\$0	\$0	\$50,000	2
Mallanganee Sports Ground Improvements	\$180,000	\$50,737	\$0	\$129,263	2
Mummulgum Hall Improvements	\$50,000	\$0	\$0	\$50,000	2
Old Bonalbo Footpaths	\$70,000	\$20,000	\$0	\$50,000	2
Old Bonalbo Hall Improvements	\$59,000	\$0	\$9,000	\$50,000	2
Old Bonalbo Pioneer Park Improvements	\$80,000	\$22,095	\$0	\$57,905	2
Tabulam Hall Improvements	\$50,000	\$0	\$0	\$50,000	2
Tabulam Sports Ground improvements	\$78,000	\$28,000	\$0	\$50,000	2
Tourism/way finding signage across all villages and Kyogle	\$140,000	\$0	\$0	\$140,000	2
Wiangaree Aboody Park Improvements	\$60,000	\$10,000	\$0	\$50,000	2
Wiangaree Hall Improvements	\$50,000	\$0	\$0	\$50,000	2
Wiangaree Rodeo Grounds Improvements	\$70,000	\$0	\$0	\$70,000	2
Woodenbong Hall Air Conditioning	\$55,000	\$0	\$0	\$55,000	2
Woodenbong Recreational Reserve Improvements	\$100,000	\$0	\$0	\$100,000	1
Woodenbong Showground Improvements	\$50,000	\$0	\$0	\$50,000	2
Woodenbong Sporting Improvements	\$65,000	\$15,000	\$0	\$50,000	2
	\$3,698,576	\$729,532	\$577,540	\$2,391,504	

15.2 DRAFT OPERATIONAL PLAN 2018/2019 AND DELIVERY PROGRAM 2018/2022**RESOLVED CO/0418/11**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Draft Operational Plan 2018/2019 and Delivery Program 2018/2022*
2. Incorporates the adopted project list for Round Two of the Stronger Country Communities Fund into the *Draft Operational Plan 2018/19 and Delivery Program 2018/2022* before placing on public exhibition.
3. Places the *Draft Operational Plan 2018/2019 and Delivery Program 2018/2022* on public exhibition for a minimum of 28 days and seek submissions from the community on its content.
4. Places the *Draft Fees and Charges 2018/2019* on public exhibition for a minimum of 28 days and seek submissions from the community on its content.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

16 URGENT BUSINESS WITHOUT NOTICE

Nil

17 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Maggie May: I would like a costing for giving staff who participated on the Lions Road Bridge project a day off.

Cr Janet Wilson: Why are the Toonumbar Road legs of the proposed Border Ranges Rally included in the current proposal when an undertaking was given to remove them?

Cr Janet Wilson: Why has the Old Cob of Corn Road stage been included in the proposed Border Ranges Rally when we know from the environmental study in 2009 that it is a core koala habitat?

Cr Hayden Doolan: Is it possible to change the signs to Bonalbo on the Summerland Way/Anzac Drive intersection to four wheel drive access only as it is not possible to traverse that road in a two wheel drive vehicle.

Director of Assets and Infrastructure Service: It is possible and we can do it.

Cr Robert Dwyer: At the last Council meeting a question was asked about a two letters that were supposedly sent to Council to be CCd to all Councillors. The General Manager indicated that they had been circulated to all Councillors. I was going to challenge that at the time, but I wanted to make sure of my facts and I can now say for certain that I only received one. So I would like the staff to check out why I didn't receive the second letter.

Mayor: Cr Dwyer you may need to ask the IT manager to check out your iPad because I know that the General Manager sent the letters again to all councillors. It's a worry because what else could you be missing?

18 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0418/12**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

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:

1.1 Tender 2017/18-010 Kyogle Memorial Institute Hall Refurbishment

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

ABSENT. DID NOT VOTE - Cr Kylie Thomas

Council closed its meeting at 6.03pm. The public and the media left the chamber.

Having declared an interest in Confidential Item 1.1 Tender 2017/18-010 Kyogle Memorial Institute Hall Refurbishment, Cr Janet Wilson left the meeting.

RESOLVED CO/0418/13

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas, Cr Janet Wilson

Open Council resumed at 6.20pm.

Cr Janet Wilson returned to the meeting at 6.20pm.

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

Item 1.1 Tender 2017/18-010 Kyogle Memorial Institute Hall Refurbishment

Moved by Cr Maggie May, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, *Tender 2017/18-010 Kyogle Memorial Institute Hall Refurbishment*.
2. Accepts the tender from TnW Construction Pty Ltd including Optional Additional Works items A2, D, E, F and G for the amount of \$696,636.60 (incl GST).

CARRIED

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

ABSENT DID NOT VOTE - Cr Janet Wilson, Cr Kylie Thomas

Moved by Cr Maggie May, seconded by Cr Hayden Doolan

That Council prioritise the heritage value of the KMI in the restoration program being undertaken in Tender 2017/18-010 Kyogle Memorial Institute Hall Refurbishment.

CARRIED

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

ABSENT DID NOT VOTE - Cr Janet Wilson, Cr Kylie Thomas

The Meeting closed at 6.22pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 May 2018.

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CHAIRPERSON