



MINUTES

Ordinary Council Meeting

11 February 2019

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 11 FEBRUARY 2019 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 Planning and Environmental Services, The Director of Assets and Infrastructure Services, the Manager Corporate Services, the Executive Assistant to the General Manager.

The Mayor declared the meeting open at 5pm.

1 APOLOGIES

Nil

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 and acknowledged Elders past and present.

4 DECLARATION OF INTERESTS

Nil

5 QUESTION TIME

William Canty: My question is in regard to the quarry trucks using Omagh Road. After years of discussion by the Council, the Joint Regional Planning Panel (JRPP) and Grahams, the conditions of consent restricted the use of Omagh Road by quarry trucks. Could you tell me the reasons for the restrictions as the people of Omagh Road were not consulted during that period of time.

Mayor: For those that may not know, Council is not the decision making body for that particular development application. The JRPP is the responsible agency for that. Council will not make the decision to modify consent for that development, the JRPP will do that. In terms of why the JRPP did what it did, that would be a question we would need to direct to the JRPP, and we can certainly do that. I can't give you the answer now as to why they made that decision as it wasn't Council's decision.

William Canty: I believe the Council was very much involved in consultation with the JRPP over a period of nine to 10 years and you would have that information.

General Manager: The question you are posing is really for the body that made the decision, rather than Council. There is a body of work, a recommendation and a report that went to the JRPP at the time. What we are doing now is looking at an application for an amendment to that consent. So the same process through the JRPP will apply. Council is the body that has to advertise the application and facilitate the administration side of the decision making process. That means submissions will come into Council and they will be packaged up and handed to the JRPP. Council has employed an external consultant, independent from Council, to undertake the assessment of the application, the submissions that have been received, and to make a recommendation to the JRPP on behalf

of Council. Residents and the community will have an opportunity to make representations to the JRPP in their decision making process, but unfortunately right now Council does not have the dates for their meetings. Council has asked the JRPP to provide that information as quickly as possible so we can disseminate that out to everyone with an interest in the application as well as the wider community so that everyone has the chance to have their voices heard through the JRPP process.

William Canty: I have directed my question to the JRPP, but it doesn't sound as if I will ever find the answer.

General Manager: You can direct that question to the JRPP at their meeting. It is a public meeting and accessible, the same as with a Council meeting, and you will have plenty of opportunities to have your voice heard and your questions answered.

Anne Reardon: Tabled a letter from Mrs June McMahon in regard to issue of Grahams Concrete Quarry trucks using Omagh Road.

General Manager: Council will take Mrs McMahon's letter as a late submission to the application that has been lodged. But she won't get a direct response from Council. It will be up to the JRPP to respond.

Anne Reardon: Has any staff member reported the leaking pipe in the Council Chambers precinct?

General Manager: It will be investigated.

Anne Reardon: What is happening with Australia Day for 2020? Will a letter be sent to the Lions Club to ask if they will run it again because we have to start now, not later in the year? The Council should be running Australia Day. All the other Councils around the region run Australia Day, so why doesn't Kyogle run it?

Mayor: Letters of appreciation have been finalised this afternoon and will be sent to all three committees. The Lions Club is meeting soon to discuss whether they intend to run the Kyogle event next year and Council is waiting for a reply. Bonalbo, Woodenbong and Kyogle Australia Day events were very well run and its very much appreciated by Council that the organisers have run the events to the standard that they have and to say any different or to say that Council needs to run those events is an insult to those committees.

Betty Canty: How will the Kyogle Council ensure that the quarry trucks comply with the JRPP rules governing Omagh Road?

General Manager: Council is partnering with our agents NEWLOG, the North East Weight of Loads Group, who do the heavy vehicle monitoring on our behalf and on behalf of Ballina, Lismore, and Richmond Valley Councils. Council relies, to an extent, on local residents to help us identify truck movements. However, the matter is complicated because only trucks from a certain location are not allowed to drive on Omagh Road, whereas other quarry operations from the same operator don't have the same restriction. So, not every truck with Grahams Quarry written on it using Omagh Road is necessarily breaching consent conditions for the Cedar Point Quarry. Our agents have done a reasonably comprehensive check on those operators and they have been found to be in breach of both the load limit over the Cedar Point Bridge and using Edenville Road. Council has taken action on those breaches, NEWLOG is prosecuting over the load limit breaches, and Council has issued a Penalty Infringement Notice (PIN) for the infringement on Edenville Road. Council is also a customer of that quarry and took action under its Statement of Business Ethics advising the quarry operator that as it had breached its consent conditions, Council was unable to do business with them. Council waited until a three month period had passed where there had been no further detection of breaches of the consent conditions or load limits before Council started re-using them as a customer. So while Grahams Quarry trucks may still be using Omagh Road they may not necessarily be breaching consent conditions for the Cedar Point Quarry as they are allowed to use Omagh Road for their other operations. Council has spoken to the operators of Grahams Quarries and they do still have some activity in their Pines Road Quarry, but that should cease in the not too distant future when they start operations at their Dobies Bight quarry. After that, it may become a little bit easier for Council as the regulator. It is a complex situation but I believe Council has provided a fair and reasonable regulatory response.

Cheryl Beacroft: With regard to the amendment to the DA for the quarry, does the community or the residents have ability to access and respond to Council's assessment and recommendations before they go to the JRPP. And how long will the process take?

Director Planning and Environmental Services: The assessment report will become a matter of public record. The usual process is that on the completion of the assessment report, which is then put into the public realm, the JRPP will set a date for the panel meeting within 14 days of the production of the report. There will be a period of time when that assessment report is publically available prior to the notification of the JRPP meeting. During that time residents will have the opportunity to scrutinise the recommendations and the contents of the report, allowing them to reflect on that when they make their presentations to the panel. The consultation period finished in 1 February and I would image the assessment process would probably be completed during February or early March, at the latest. An independent consultant is undertaking that assessment. There could be three possible outcomes of that assessment: it could be a recommendation to approve, a recommendation to refuse or a request for further information. In the case of a request for further information, it will push the determination date back. We should have more clarity on the timeframe for the completion of the process at the beginning of March.

Cr Robert Dwyer: Can we have an update on the timeframe when Cedar Point Bridge will be usable for the quarry operations.

Director Assets and Technical Services: Council has engaged Western Sydney University, Australia's leading experts in this area relating to older type bridges. Council has undertaken a structural check of the bridge and has just carried out geotechnical investigations of the footings. Once Council's geotechnical consultants have prepared their report, it will be sent to Western Sydney University for an assessment on whether or not the foundations are suitable. Once we have all that information, Western Sydney University will be able to tell Council if the bridge is suitable to upgrade to carry a heavier load. Once Council has that determination, and providing it's a positive determination, Council will then have to source funding to upgrade the bridge. Council has not done a full costing of an upgrade, but it's believed it's likely to cost around \$1 million. If it can be done for that price, it will represent a massive saving to Council as the cost to rebuild the bridge is around the \$5 million mark. It's unknown how long it will take to secure funding for the bridge upgrade, but the construction phase of an upgrade could be as little as three or four months.

6 PUBLIC ACCESS

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 10 DECEMBER 2018

RESOLVED CO/0219/1

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council confirms the minutes of the 10 December 2018 Council meeting.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr John Burley

8 MAYORAL MINUTE**8.1 MAYORAL MINUTE****RESOLVED CO/0219/2**

Moved by Cr Danielle Mulholland, seconded by Cr Kylie Thomas

That Council receives and notes the Mayoral Minute on the Northern Rivers Joint Organisation's Statement of Strategic Priorities.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr John Burley

9 NOTICES OF MOTION

Nil

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0219/3**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr John Burley

11 REPORTS FROM DELEGATES

Nil

Cr John Burley joined the meeting at 5.24pm.

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - JANUARY 2019****RESOLVED CO/0219/4**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council receives and notes the information contained in the Monthly Finance Report - January 2019.

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT - JANUARY 2019**RESOLVED CO/0219/5**

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 - January 2019*.

CARRIED

FOR VOTE - Unanimous vote

12.3 SERVICE LEVEL AGREEMENT STATUS REPORT - ROUS COUNTY COUNCIL**MOTION**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council receives and notes the Service Level Agreement Status Report provided by Rous County Council for the provision of noxious weeds management services.

FORESHADOWED MOTION

Moved by Cr Kylie Thomas

That Council explore better targets which incorporate local Landcare Groups and other stakeholders for a more cohesive approach to weed management.

RESOLVED CO/0219/6

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council receives and notes the Service Level Agreement Status Report provided by Rous County Council for the provision of noxious weeds management services

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/0219/7

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

That Council explore better targets which engage local Landcare Groups and other stakeholders for a more cohesive approach to weed management.

CARRIED

FOR VOTE - Unanimous vote

13 ASSETS AND INFRASTRUCTURE REPORTS**13.1 NAMES PROPOSED FOR TWO NEW BRIDGES ON LYNCHES CREEK ROAD****RESOLVED CO/0219/8**

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council

1. Receives and notes the report "*Names Proposed for Two New Bridges on Lynches Creek Road*";
2. Formally adopts the name "Hyde Bridge" for the newly constructed bridge on Lynches Creek Road 9.4km from Summerland Way;
3. Formally adopts the name "Campbell Bridge" for the newly constructed bridge on Lynches Creek Road 8.5km from Summerland Way.

CARRIED

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

AGAINST VOTE - Crs Maggie May and Kylie Thomas

13.2 SUBMISSIONS RECEIVED ON PROPOSAL TO NAME PARK "WALLIS PARK"

MOTION

Moved by Cr Robert Dwyer, seconded by Cr John Burley

That Council

1. Receives and notes the report "*Submissions Received on Proposal to Name Park "Wallis Park"*".
2. Formally adopt the name "Malcolm Wallis Park" for the area of parkland currently referred to as "Amphitheatre Park".

AMENDMENT

Moved by Cr Lindsay Passfield, seconded by Cr Danielle Mulholland

That Council

1. Receives and notes the report "*Submissions Received on Proposal to Name Park "Wallis Park"*".
2. Formally adopt the name "Malcolm Wallis Visitor Information Centre" for the Kyogle Visitor Information Centre.

CARRIED

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

AGAINST VOTE - Cr Robert Dwyer

The amendment became of the motion.

RESOLVED CO/0219/9

Moved by Cr Lindsay Passfield, seconded by Cr Danielle Mulholland

That Council

1. Receives and notes the report "*Submissions Received on Proposal to Name Park "Wallis Park"*".
2. Formally adopt the name "Malcolm Wallis Visitor Information Centre" for the Kyogle Visitor Information Centre.

CARRIED

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

AGAINST VOTE - Cr Robert Dwyer

13.3 SAFETY MEASURES AT NEW BRIDGES ON LYNCHES CREEK ROAD

RESOLVED CO/0219/10

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council receives and notes the report *Safety Measures at New Bridges on Lynchs Creek Road*.

CARRIED

FOR VOTE - Unanimous vote

14 PLANNING AND ENVIRONMENT REPORTS

14.1 TREND ANALYSIS KYOGLE COUNCIL COMMUNITY SURVEYS 2007-2017

RESOLVED CO/0219/11

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council receive and note the report, *Trend Analysis Kyogle Council Community Surveys 2007-2017*.

CARRIED

FOR VOTE - Unanimous vote

14.2 PROPOSED 2019 WORKING DOG RALLY - ENDORSEMENT OF EVENT

MOTION

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report on the proposed 2019 'Working Dog Rally';
2. Endorse the principle of the event, subject to the award of all necessary approvals and permits;
3. Develops an assessment framework to objectively analyse the economic benefit and any community impact of proposed events to inform future event management practices and policy development.

AMENDMENT

Moved by Cr Maggie May, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report on the proposed 2019 'Working Dog Rally';
2. Endorse the principle of the event, subject to the award of all necessary approvals and permits;

LOST

For: Crs Maggie May, Janet Wilson.

Against: Crs Robert Dwyer, Kylie Thomas, Hayden Doolan, Danielle Mulholland, John Burley, Earle Grundy, Lindsay Passfield.

RESOLVED CO/0219/12

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report on the proposed 2019 'Working Dog Rally';
2. Endorse the principle of the event, subject to the award of all necessary approvals and permits;
3. Develops an assessment framework to objectively analyse the economic benefit and any community impact of proposed events to inform future event management practices and policy development.

CARRIED

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

AGAINST VOTE - Crs Janet Wilson and Maggie May

15 GENERAL MANAGER'S REPORTS**15.1 DECEMBER BUDGET REVIEW****RESOLVED CO/0219/13**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the December 2018 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

STATEMENT OF SIGNIFICANT VARIANCES		
DECEMBER QUARTER BUDGET REVIEW		
DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Strategic & Community Services - Art Gallery Employment		31,545
Strategic & Community Services - Art Gallery other		20,000
Regional Roads - Grants	7,287	
Regional Roads - Capital Grants	1,087,340	
Regional Roads - Capital Expenditure MR 150		(41,726)
Regional Roads - Capital Expenditure MR 361		(90,000)
Regional Roads - Capital Expenditure MR 622		131,726
Urban Roads - Kyogle Streets		30,000
Urban Roads - Capital Expenditure		60,000
Rural Local Roads - Capital Expenditure		8,000
Bridges - Maintenance		50,000
Bridges - Capital Expenditure		350,000
Parks & Gardens - Kyogle Maintenance		52,085
Parks & Gardens - Village Maintenance		25,616
Parks & Gardens - Public Toilets		7,265
Parks & Gardens - Capital Grants	4,805	
Parks & Gardens - Capital Expenditure		90,078
Community Buildings - Internal Rents	10,000	
Community Buildings - Capital Expenditure		59,560
Stormwater - Grants	(60,000)	
Stormwater - Maintenance		(60,000)
Quarries - Revenue	300,000	
Quarries - Operating Costs		110,000
Water - Reservoir Maintenance		19,983
Totals	1,349,432	854,132
	Net Adjustment	495,300

CARRIED

FOR VOTE - Unanimous vote

15.2 LOCAL GOVERNMENT ELECTION ADMINISTRATION

RESOLVED CO/0219/14

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council;

1. Receives and notes the report on Local Government Election Administration
2. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") enter into an election arrangement by contract for the Electoral Commissioner to administer all elections of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, enter into a council poll arrangement by contract for the Electoral Commissioner to administer all council polls of the Council.
4. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, enter into a constitutional referendum arrangement by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

CARRIED

FOR VOTE - Unanimous vote

16 URGENT BUSINESS WITHOUT NOTICE

Nil

17 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Grundy: Can Council conduct a Councillor workshop on the future development of the cultural precinct in the area of the Council administration centre, the library, the museum and the Kyogle Memorial Institute.

Director of Planning and Environmental Services: There are a number of actions Council has already taken towards the development of a master plan for the cultural precinct. At Council's December meeting, Council agreed to commit funds to a public open space design framework and associated with that the production of plans of management. That will give Council a framework to develop master plans for spaces such as a cultural and creative precinct which will take stock of assets such as the library, the gallery, the museum and the cinema. In short, we are making steps towards it.

Cr Kylie Thomas: Can I have a more detailed update on where Council is with the Tip Shop, what it will look like, and how we will run it etc? I have been contacted by a small committee which is interested.

General Manager: Council is waiting on the contractor that deals with container deposit scheme to get back to us about future plans for that service before we proceed with discussions about the Tip Shop.

Cr Lindsay Passfield: The signage has been erected in relation to the rebranding of the Local Government Area and that has generated discussion about cost? Can we put something in newsletter with a breakdown on costs for the signage?

Cr Robert Dwyer: There is a tree near the corner of Anzac Drive and Marwick Street causing visibility issues for motorist. Can Council look at lopping the limbs? The tree itself is on private property, but the limbs spread out across the footpath.

18 CONFIDENTIAL BUSINESS PAPER

RESOLVED CO/0219/15

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

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 Tender 2018/19-004 Supply of Steel Reinforcing Products

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

The Council moved into Closed Council at 6.19pm. The public and the media left the meeting.

RESOLVED CO/0219/17

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

Council moved back into open Council at 6.24pm.

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

18.1 Tender 2018/19-004 Supply of Steel Reinforcing Products

RESOLVED CO/O219/16

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, *Tender 2018/19 Supply of Steel Reinforcing Products*.
2. Accept tenders for contract 2018/19-004 Supply of Steel Reinforcing Products from Liberty Reinforcing Pty Ltd and Neumann Steel Pty Ltd.

CARRIED

FOR VOTE - Unanimous vote

There being no further business, the Mayor declared the Meeting closed at 6.24pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 March 2019.

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CHAIRPERSON