



MINUTES

Ordinary Council Meeting

9 December 2019

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 9 DECEMBER 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, Director Assets and Infrastructure Services, Director Planning and Environmental Services, Manager Corporate Services, Executive Assistance to the General Manager

1 OPEN MEETING

The Mayor declared the meeting open at 5pm and advised those in attendance that the meeting was being webcast and that they should refrain from making defamatory statements.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

3 OPENING PRAYER

The Mayor read the opening prayer.

4 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the meeting was being held on the traditional lands of the Bundjalung people and acknowledged Elder past, present and future.

5 DECLARATION OF INTERESTS

Cr Maggie May declared an interest in the follow item(s):

1. Item 13.4 Drought Communities Funding Program Extension
Reason for declaration – Trustee for a community hall.

6 PUBLIC FORUM

Mr Les Hellyar, of Lynchs Creek, addressed public forum in relation to Item 13.2 Additional External Grant Funding - Alcorns Bridge.

Mrs Di Pratt, of Mummulgum, addressed public forum in relation to Item 13.4 Drought Communities Funding Program Extension requesting funding for Mummulgum Tennis Club facilities.

7 CONFIRMATION OF MINUTES**7.1 COUNCIL REPORT - 11 NOVEMBER 2019****RESOLVED CO/1219/1**

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council confirms the minutes of the Council meeting of 11 November 2019.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR MAGGIE MAY; WAIVE BULK WATER SERVICE CHARGE****RESOLVED CO/1219/2**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council:

1. Waive the service fee of \$34 for bulk water sales over 100 litres for three months to Kyogle Local Government Area (LGA) residents, subject to review at the March 2020 meeting of Council.
2. Write to the professional water carriers currently accessing the Kyogle Council water supply and ask them to pass on the \$34 fee waiver to their customers.

CARRIED

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

AGAINST VOTE - Cr Earle Grundy

9.2 NOTICE OF MOTION - CR JOHN BURLEY; TOONUMBAR DAM**RESOLVED CO/1219/3**

Moved by Cr John Burley, seconded by Cr Hayden Doolan

That Council writes to the NSW Minister for Water the Hon Melinda Pavey MP, and the Chief Executive Officer of WaterNSW Mr David Harris requesting them to both urgently commit to increasing the capacity and security of Toonumbar Dam by raising the dam wall 6m at an estimated cost of \$50 million.

CARRIED

FOR VOTE - Unanimous vote

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/1219/4**

Moved by Cr Robert Dwyer, seconded by Cr Lindsay Passfield

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

CARRIED

FOR VOTE - Unanimous vote

11 REPORTS FROM DELEGATES

Nil

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - NOVEMBER 2019****RESOLVED CO/1219/5**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receives and notes the information contained in the report, *Monthly Finance Report – November 2019*.

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT - NOVEMBER 2019**RESOLVED CO/1219/6**

Moved by Cr Kylie Thomas, seconded by Cr Janet Wilson

That Council receives and notes the information contained in the report, *Works Program Progress Report – November 2019*.

CARRIED

FOR VOTE - Unanimous vote

13 STAFF REPORTS**13.1 DRAFT OPEN SPACES DESIGN GUIDE****RESOLVED CO/1219/7**

Moved by Cr John Burley, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report Draft Open Spaces Design Guide.
2. Place the Draft Kyogle and Villages Open Space Design Guide on public exhibition for a period of at least two months, and seek submissions from the public prior to considering the adoption of a final document at a future meeting.

CARRIED

FOR VOTE - Unanimous vote

13.2 ADDITIONAL EXTERNAL GRANT FUNDING**RESOLVED CO/1219/8**

Moved by Cr Hayden Doolan, seconded by Cr Maggie May

That Council

1. Receives and notes the report on Additional External Grant Funding
2. Adopts the revised Capital Works Program for Additional Roads to Recovery Funding as per the attachment to this report.
3. Adopts the revised Bridge Capital Works Program as per the attachment to this report.
4. Includes the additional \$50,000 income and expenditure associated with the funding through the Stronger Country Communities Program for the Bonalbo Showgrounds in the current budget.

CARRIED

FOR VOTE - Unanimous vote

13.3 ENVIRONMENTAL UPGRADE AGREEMENTS

RESOLVED CO/1219/9

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council

1. Receives and notes the report on Environmental Upgrade Agreements.
2. Appoint Sustainable Australia Fund to establish, administer and support the delivery of Environmental Upgrade Agreements under the Better Building Finance brand;
3. Delegate to the General Manager the authority to enter into an Environmental Upgrade Agreement under Section 54D(5) of the Local Government Act for any building type listed under Section 54F of the Local Government Act; and
4. Delegate to the General Manager the power to declare and levy an environmental upgrade charge resulting from entering into an Environmental Upgrade Agreement.

CARRIED

FOR VOTE - Unanimous vote

Having previously declared an interest in Item 13.4, Cr Maggie May left the meeting at 5.51pm.

13.4 DROUGHT COMMUNITIES FUNDING PROGRAMME EXTENSION

RESOLVED CO/1219/10

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council

1. Receives and Notes the report on Drought Communities Funding Programme Extension
2. Authorises the General Manager to submit funding applications for the Drought Communities Funding Programme Extension on the following basis;
 - (a) The \$1 million that must be spent by June 2020 be made up of timber bridge replacements undertaken by Council since August 19, 2018 without any other external funding, and an allocation for the preparation of the mandatory Adverse Event Plan required under the programme.
 - (b) The \$1 million that must be spent by December 2020 be made up of;
 - (i) renewable energy projects with an estimated budget of \$400,000
 - (ii) security system for the Kyogle Gym estimated at \$30,000
 - (iii) water supply projects estimated at \$360,000
 - (iv) Community Halls funding assistance program estimated at \$210,000

CARRIED

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

AGAINST VOTE - Cr Robert Dwyer

ABSENT. DID NOT VOTE - Cr Maggie May

Cr May returned to the meeting at 6pm.

13.5 ASBESTOS MANAGEMENT POLICY**RESOLVED CO/1219/11**

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council

1. Receives and notes the report on Asbestos Management Policy
2. Adopts the draft Asbestos Policy included in the attachments to this report.

CARRIED

FOR VOTE - Unanimous vote

13.6 DRAFT COMMUNITY PARTICIPATION PLAN AND AMENDMENT TO DEVELOPMENT CONTROL PLAN**RESOLVED CO/1219/12**

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report on the draft Community Participation Plan and Amendment to the Development Control Plan
2. Adopt the Community Participation Plan as per the draft placed on public display and;
 - (a) Publish the Community Participation Plan on the NSW Planning Portal.
 - (b) Give notice of the adoption of the CPP in the *Richmond River Express Examiner*.
3. Adopt the amended Kyogle Development Control Plan 2014 as per the draft placed on public display and;
 - (a) Give notice of the adoption of the amended DCP in the *Richmond River Express Examiner*.

CARRIED

FOR VOTE - Unanimous vote

13.7 CODE OF CONDUCT COMPLAINTS' REPORT**RESOLVED CO/1219/13**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council receives and notes the report, *Code of Conduct Complaints Report*.

CARRIED

FOR VOTE - Unanimous vote

13.8 TABULAM FLOODPLAIN RISK MANAGEMENT - FINAL STUDY AND PLAN**RESOLVED CO/1219/14**

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report, Tabulam Floodplain Risk Management – Final Study and Plan
2. Adopt the Tabulam Floodplain Risk Management – Study and Plan as per Revision C dated August 30, 2019 with the following changes;
 - (a) Table 3 PM2 Voluntary house raising program to be updated to require the Council Contribution to be met by the property owners.
 - (b) Table 3 RM1 Improve Bruxner Highway evacuation route to be updated to reflect that the responsibility for the cost of this item lies with the NSW Government through the Roads and Maritime Services with Council having an advocacy role only.

CARRIED

FOR VOTE - Unanimous vote

13.9 INTERNAL AUDIT COMMITTEE**RESOLVED CO/1219/15**

Moved by Cr Kylie Thomas, seconded by Cr Janet Wilson

That Council;

1. Receives and notes the report on the Internal Audit Committee
2. Adopts the following composition for the Internal Audit Committee;
 - One Council delegate
 - One alternate Council delegate
 - Three independent external members (not members of the Council)
 - One independent external member (not a member of the Council to be the chairperson).
3. Appoints Councillor Janet Wilson as the alternate Council delegate.

CARRIED

FOR VOTE - Unanimous vote

13.10 PROPOSED FEES FOR HIRE OF HOUSE AND CABINS AT THE KYOGLE GARDENS CARAVAN PARK**RESOLVED CO/1219/16**

Moved by Cr John Burley, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report, *Proposed Fees for Hire of House and Cabins at the Kyogle Gardens Caravan Park*.
2. Adopts the new fee structure for the hire of the house and cabins at the Kyogle Gardens Caravan Park as outlined in the report should there be no submissions received by close of business Wednesday 18 December, 2019 objecting to the proposed fee structure.

CARRIED

FOR VOTE - Unanimous vote

13.11 NAMING OF BUILT ASSETS**RESOLVED CO/1219/17**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council:

1. Receives and notes the report on Naming of Built Assets
2. Adds the names submitted by the Kyogle CWA Evening Branch to the *Kyogle Council List of Words for the Provision of Road and Built Asset Names within the Kyogle Local Government Area*.
3. Adopts the amended *Kyogle Council List of Words for the Provision of Road and Built Asset Names within the Kyogle Local Government Area*.
4. Authorises the General Manager to include additional names and words consistent with the Geographical Names Board of NSW Policy - Place Naming in the *Kyogle Council List of Words for the Provision of Road and Built Asset Names within the Kyogle Local Government Area* based on submissions received from the public from time to time.

CARRIED

FOR VOTE - Unanimous vote

13.12 TRAFFIC COMMITTEE MEETING - 4 DECEMBER 2019**MOTION**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council;

1. Receives and notes the report on the Traffic Committee Meeting 4 December 2019
2. Endorses the following recommendations from the Traffic Committee;
 - (a) Parking on the southern side of Unumgar Street, between the pedestrian crossing and Lindesay Street be restricted to fifteen minutes on school days.
 - (b) That advisory signage to alert motorists to the possibility of pedestrians and slow moving vehicles be erected on Clarence Way in the vicinity of Muli Muli Community.
 - (c) A formal speed limit of 80kmph for trucks and buses on Omagh Road not be supported.
 - (d) A speed limit of 20kmph be imposed for all traffic on bridge 104-3617, Omagh Road.
 - (e) Suitable centreline markings be applied to Omagh Road where sight lines are compromised

AMENDMENT

Moved by Cr Janet Wilson

That Council;

1. Receives and notes the report on the Traffic Committee Meeting 4 December 2019
2. Endorses the following recommendations from the Traffic Committee;
 - (a) Parking on the southern side of Unumgar Street, between the pedestrian crossing and Lindesay Street be restricted to fifteen minutes on school days.
 - (b) That advisory signage to alert motorists to the possibility of pedestrians and slow moving vehicles be erected on Clarence Way in the vicinity of Muli Muli Community.
 - (c) A formal speed limit of 80kmph for trucks and buses on Omagh Road be supported.
 - (d) A speed limit of 20kmph be imposed for all traffic on bridge 104-3617, Omagh Road.
 - (e) Suitable centreline markings be applied to Omagh Road where sight lines are compromised

Cr Wilson withdrew the amendment.

AMENDMENT

Moved by Cr Lindsay Passfield, seconded by Maggie May

That Council;

1. Receives and notes the report on the Traffic Committee Meeting 4 December 2019
2. Endorses the following recommendations from the Traffic Committee;
 - (a) Parking on the southern side of Unumgar Street, between the pedestrian crossing and Lindesay Street be restricted to fifteen minutes on school days.
 - (b) That advisory signage to alert motorists to the possibility of pedestrians and slow moving vehicles be erected on Clarence Way in the vicinity of Muli Muli Community.
 - (c) A formal speed limit of 80kmph for trucks and buses on Omagh Road not be supported.
 - (d) A speed limit of 20kmph be imposed for all traffic on bridge 104-3617, Omagh Road.
 - (e) Suitable centreline markings be applied to Omagh Road where sight lines are compromised
3. Appoint Cr Janet Wilson as the alternate delegate to the Traffic Committee.
4. Ask the Traffic Committee to reconsider an 80kmph speed limit on Omagh Road.

CARRIED

FOR VOTE - Unanimous vote

The amendment became the motion.

RESOLVED CO/1219/18

Moved by Cr Lindsay Passfield, seconded by Cr Maggie May

That Council;

1. Receives and notes the report on the Traffic Committee Meeting 4 December 2019
2. Endorses the following recommendations from the Traffic Committee;
 - (a) Parking on the southern side of Unumgar Street, between the pedestrian crossing and Lindesay Street be restricted to fifteen minutes on school days.
 - (b) That advisory signage to alert motorists to the possibility of pedestrians and slow moving vehicles be erected on Clarence Way in the vicinity of Muli Muli Community.
 - (c) A formal speed limit of 80kmph for trucks and buses on Omagh Road not be supported.
 - (d) A speed limit of 20kmph be imposed for all traffic on bridge 104-3617, Omagh Road.
 - (e) Suitable centreline markings be applied to Omagh Road where sight lines are compromised
3. Appoint Cr Janet Wilson as the alternate delegate to the Traffic Committee.
4. Ask that Traffic Committee to reconsider an 80kmph speed limit on Omagh Road.

CARRIED

FOR VOTE - Unanimous vote

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Maggie May: Does Council currently have the resources to monitor compliance of the Cedar Point Quarry development approval conditions?

Cr Lindsay Passfield: Where is Council at with its application for BlazeAid for Woodenbong?

General Manager: Council is just waiting for confirmation from the Showground Trust that BlazeAid can set up there

Cr Lindsay Passfield: There is a build-up of fuel (fire) at the intersection of Dyraaba and Sandilands Streets, Bonalbo. Can Council have a look at removing this fuel?

16 CONFIDENTIAL BUSINESS PAPER

Nil

17 CLOSE OF MEETING

The Meeting closed at 6.33pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 10 February 2020.

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CHAIRPERSON