

## **Kyogle Council**

**Confirmed Minutes of the Ordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Tuesday 14 June 2016.**

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### **PRESENT**

Cr Danielle Mulholland (Mayor in the Chair), Cr Maggie Creedy, Cr Ross Brown, Cr Janet Wilson, Cr John Burley, Cr Robert Dwyer, Cr Lindsay Passfield and Cr Michael Reardon.

### **IN ATTENDANCE**

The General Manager, the Executive Manager Administration and Community, the Executive Manager Planning and Environment, Executive Manager Urban and Assets, the Personal Assistant to the General Manager and Administration and Community.

### **MEETING COMMENCEMENT**

The Mayor declared the meeting open at 5pm.

### **ITEM 1 APOLOGIES**

An apology was received from Councillor Chris Simpson.

### **140616/01 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

That the apology be received.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

### **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**

Councillor John Burley declared an interest in the following item:

- Item 16.4 Organisational Restructure - Appointment of New Directors Positions  
Reason for declaration - Relative of an individual mentioned in the report.

The Executive Manager Administration and Community declared an interest in the following item:

- Item 16.3 Annual Tenders.  
Reason for declaration -- relative of one of the tenderers.

#### **ITEM 5          QUESTION TIME**

Councillor Ross Brown declared an interest and left the meeting at 5.01pm on learning a constituent planned to ask a question of the Council in relation to a piggery on Hillyards Road.

Peter Adams: I am here to talk about the piggery on Hillyards Road which I believe is illegal. It does not have continuous usage rights, that finishes at the 12 month period. Pigs were last seen on that piggery 10 years ago. The property has been sold twice since then, not once was it advertised as an ongoing concern as an operational piggery. I would like to know the person in charge of the piggery, as it is a Council piggery not an EPA piggery. Someone here is in charge of the piggery. The effluent ponds after the last rain event are now just centimetres from the top and we are close to a natural disaster with it. Who is going to do something about it?

Executive Manager Planning and Environment: The piggery in question is not a "Council" piggery. Council has inspection jurisdiction over the piggery, which is slightly different. In terms of what has happened there since the last rainfall, I will take that information on notice and refer the matter to Council's Environmental Health Officer. Council also intends having a meeting with the piggery owners to discuss environmental management issues generally. That meeting comes off the back of an audit of the piggery Council undertook recently. There are a number of concerns Council has in relation to the management of that piggery and they are matters that Council will address with the operators.

Councillor Ross Brown returned to the meeting at 5.06pm.

Anne Reardon, representing Tidy Towns: Is it permissible for Tidy Towns to put signs up at the Saturday markets saying that dogs are not allowed unless they are on a lead?

Executive Manager Planning and Environment: There are provisions dealing with the erection of signs generally that make certain signs exempt. In terms of the actual content of the sign, that is something I will take up with Council's Compliance Officers and I will get back to Tidy Towns with the information tomorrow.

**ITEM 6 PUBLIC ACCESS**

Nil

**ITEM 7 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE 9 MAY 2016 ORDINARY MEETING**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: GENERAL MANAGER**

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**140616/02 RESOLVED**

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

That Council adopt the minutes of the Ordinary Meeting held on 9 May 2016.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

**ITEM 8 MAYORAL MINUTE**

Nil.

**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 OFFICE**

**CONTACT: GENERAL MANAGER**

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**140616/03 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Michael Reardon.

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

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**ITEM 11 DELEGATES REPORTS**

Nil.

**ITEM 12 INFORMATION PAPERS**

**12.1 COUNCIL RESOLUTIONS REQUIRING ACTION**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: GENERAL MANAGER**

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**140616/04 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Michael Reardon.

That Council receives and notes the report, Council Resolutions Requiring Action.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

**12.2 MONTHLY FINANCE REPORT**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY**

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**140616/05 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

**12.3 WORKS PROGRAM PROGRESS REPORT**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY**

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**140616/06 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Michael Reardon.

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That Council receives and notes the information contained in the Works Program Progress Report May 2016.

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Chris Simpson

**ITEM 13 GENERAL MANAGER'S REPORT**

**ITEM 13A TECHNICAL SERVICES REPORT**

Nil.

**ITEM 13B PLANNING SERVICES REPORT**

**13B.1 DEVELOPMENT APPLICATIONS DETERMINED AND OUTSTANDING  
FOR THE PERIOD 28 APRIL 2016 TO 31 MAY 2016**

**REPORT BY: PLANNING AND ENVIRONMENTAL  
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT**

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**140616/07 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That Council receives and notes the information contained in the report Development Applications Determined and Outstanding for the period 28 April 2016 to 31 May

**CARRIED**

FOR VOTE - Unanimous vote  
ABSENT. DID NOT VOTE - Chris Simpson

**ITEM 13C ENVIRONMENT SERVICES REPORT**

Nil.

**ITEM 13D CORPORATE SERVICES REPORT**

**13D.1 CONTRIBUTION TO LEGAL COSTS BATHURST REGIONAL  
COUNCIL**

**REPORT BY: ADMINISTRATION AND COMMUNITY  
CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY**

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**140616/08 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That Council approve a payment of \$648.78 to Local Government NSW as a contribution to legal assistance for Bathurst Regional Council.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

## **13D.2 POLICY REVIEW**

**REPORT BY: ADMINISTRATION AND COMMUNITY**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY**

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Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That Council receives and notes the report, Policy Review.

Councillor Ross Brown foreshadowed a motion:

That Council workshop the policy review before it revokes any policies.

### **140616/09 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That Council receives and notes the report, Policy Review.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

### **140616/10 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Lindsay Passfield.

That Council workshop the policy review before it revokes any policies.

**CARRIED**

FOR VOTE - Ross Brown, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Janet Wilson, John Burley

ABSENT. DID NOT VOTE - Chris Simpson

**ITEM 13E COMMUNITY SERVICES REPORT**

**13E.1 REQUEST TO RENAME KYOGLE SENIOR CENTRE**

**REPORT BY: ADMINISTRATION AND COMMUNITY SERVICES**

**CONTACT: EXECUTIVE MANAGER ADMINISTRATION AND COMMUNITY**

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**140616/11 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Michael Reardon.

That Council:

1. Receives and notes the report, Request to Rename the Kyogle Seniors Centre.
2. Advise the Kyogle Seniors Centre Inc. that it supports the change of name to The Kyogle and District Community Centre.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

**ITEM 13F GENERAL MANAGER'S REPORT**

**13F.1 PROPOSED COUNCILLOR WORKSHOP**

**REPORT BY: GENERAL MANAGER'S OFFICE**

**CONTACT: GENERAL MANAGER DAVID TUXFORD**

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**140616/12 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor Robert Dwyer.

That Council:

1. Hold a Councillor Workshop on Monday 27 June 2016, commencing after the Extraordinary Council Meeting concludes, with the workshop concluding at 8pm.
2. Invite Mr John McKenna, Chief Executive Officer, North Coast Community Housing, to present to Council at the workshop on potential affordable housing projects for Kyogle.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

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## **ITEM 14 URGENT BUSINESS WITHOUT NOTICE**

Nil

## **ITEM 15 QUESTIONS FOR NEXT ORDINARY MEETING**

Councillor Maggie Creedy:

- I am wondering when the Mayor and Deputy Mayor knew about the funding announcement made at the Boorabee Bridge on 13 June 2016.

Councillor Danielle Mulholland advised that she found out about the actual allocation of funding on 12 June 2016, but was not told a place or a time for the announcement. As soon as she received that information from the Member for Page Kevin Hogan all councillors were notified by email.

Councillor Lindsay Passfield:

- On a recent trip to Murwillumbah, I noticed that at the boundary between Kyogle and Tweed Council there was a great big heap of rubbish on the roadside. Who owns it?

Executive Manager Urban and Assets: I saw the same thing on returning from a meeting at Tweed and reported it to Tweed Council directly. The Council was having hard rubbish removal at the time and the officer involved said Council would collect it as soon as possible. I drove past the area yesterday and the rubbish had been removed.

## **ITEM 16 CONFIDENTIAL BUSINESS PAPER**

### **16.01 MOVED INTO CLOSED COMMITTEE**

ITEM 16.1 OCCUPATION AGREEMENT GROVE HOUSE

ITEM 16.2 KYOGLE WATER SUPPLY AUGMENTATION TENDERS

ITEM 16.3 ANNUAL TENDERS

ITEM 16.4 ORGANISATIONAL RESTRUCTURE - APPOINTMENT OF NEW DIRECTORS' POSITIONS

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

- (a) personnel matters concerning particular individuals
- (d) commercial information of a confidential nature

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.



**140616/13 RESOLVED**

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

That Council:

1. Resolve to move into closed council to consider business identified, together with any late reports tabled 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 the 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

ABSENT. DID NOT VOTE - Chris Simpson

Council closed the meeting at 5.33pm. The public and the media left the chamber.

**16.02 OPEN COUNCIL RESUMES**

**140616/18 RESOLVED**

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

That Council move out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

Open Council resumed at 6.15pm.

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

**ITEM 16.1 OCCUPATION AGREEMENT GROVE HOUSE**

**140616/14 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Danielle Mulholland.

That Council:

1. Receives and notes the report on the Occupation Agreement for Grove House

2. Offers an extension of the Occupation Agreement for Grove House to Kyogle Family Support Services for the period 1 May 2016 to 1 May 2018, at a weekly rental of \$175/week inclusive GST.
3. Defer the sale of Grove House to the 2018/2019 year in the Long Term Financial Plan

**CARRIED**

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland

AGAINST VOTE - Michael Reardon, Maggie Creedy, Bob Dwyer

ABSENT. DID NOT VOTE - Chris Simpson

## **ITEM 16.2 KYOGLE WATER SUPPLY AUGMENTATION TENDERS**

### **140616/15 RESOLVED**

Moved by Councillor Ross Brown, seconded by Councillor John Burley.

That Council:

1. Receives and notes the report on the Kyogle Water Supply Augmentation Tenders.
2. Adjust the budget for the Kyogle Water Supply Augmentation construction expenditure to match the Final Estimate column in Table 3 of the report, with the total budget change being an increase of \$922,427.
3. Accepts the tender from CNF and Associates Pty Ltd in the recommended tender amount of \$3,243,375.21 (incl GST) for Contract No:1400438 Associated with the Kyogle Water Supply Augmentation-Mechanical and Electrical Package, and authorises the General Manager to execute the associated documentation.
4. Accepts the tender from MJ Smith Ground Preparations Pty Ltd in the recommended tender amount of \$525,855 (incl GST) for Contract No: 1500764 being the remaining works in Package 2 Richmond River Weir Modifications from Contract 1400437 Civil Works Associated with the Kyogle Water Supply Augmentation and Flood Management Works, and authorises the General Manager to execute the associated documentation.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

## **ITEM 16.3 ANNUAL TENDERS**

### **140616/16 RESOLVED**

Moved by Councillor Lindsay Passfield, seconded by Councillor Ross Brown.

That Council:

1. Place the following contractors on the list of preferred suppliers for hire of plant from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2016/17 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification and compliance with relevant Council policies.

- J Fraser
- Tutt Bryant Hire
- H J Standfield
- Maslen Contracting
- MJ Smith
- D Adams
- Smith Plant
- Kyogle Earthworx
- R Davis
- Sherrin Rentals
- Hazel Bros
- Kenreach Group Pty Ltd
- Stabilcorp Pty Ltd
- M Hannan
- Summacoast Slashing
- Remoplains Pty Ltd
- Richmond Valley Tree Services
- Sharpe Bros
- Ezyquip Hire
- Earth Plant Hire
- Coates Hire

2. Add the following non-conforming tenders to the list upon Council's receipt of required information which was not supplied with the original tender documents.

- I Burley
- P O'Neill
- Farragher
- B Harris
- P J Smith

3. Place the following contractors on the list of preferred suppliers for hire of trucks from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2016/17 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification and compliance with relevant Council policies

- H J Standfield
- Maslen Contractors
- John Miller
- Kyogle Earthworx

- M J Smith
- D Adams
- R Davis
- S Guiney
- M Hanann

4. Add the following non-conforming tenders to the list upon Council's receipt of required information which was not supplied with the original tender documents.

- Kingsbrae
- P J Smith

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Chris Simpson

#### **ITEM 16.4 ORGANISATIONAL RESTRUCTURE - APPOINTMENT OF NEW DIRECTORS' POSITIONS**

##### **140616/17 RESOLVED**

Moved by Councillor Janet Wilson, seconded by Councillor Michael Reardon.

That Council:

1. Receive and note the contents of this report and the decisions made by the interview panel (as per Sect 337 LG Act 1993) in relation to the appointment of Mr Graham Kennett to the position of Director Assets and Infrastructure Services and Mr Manfred Boldy to the position of Director Planning and Environmental Services as per the conditions set out in this report.
2. Appoint the Director Assets and Infrastructure Services as Acting General Manager in the case of an event resulting in the absence of the General Manager from his/her duties.
3. Appoint the Director Planning and Environmental Services as Acting General Manager in the case of an event resulting in the absence of both the General Manager and Director Assets and Infrastructure Services from their duties at the same period of time.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - John Burley, Chris Simpson

#### **MEETING CLOSURE**

There being no further business the Mayor declared the meeting closed at 6.19pm.

Signature of Chairperson.....