

Kyogle Council

**Unconfirmed Minutes of the Ordinary Meeting held in the Council Chambers,
Stratheden Street, Kyogle, on Monday, 8 September, 2014.**

PRESENT

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

IN ATTENDANCE

The General Manager, the Executive Manager Infrastructure Works, 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 5.00pm

ITEM 1 APOLOGIES

Nil

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

Cr. Michael Reardon declared an interest in the following item/s:

- Item No 14B.1 Development Applications Outstanding, Received and Determined for the period 1 August 2014 to 31 August 2014 - 2014/27
Reason for Declaration -- Owner of a quarry.

Executive Manager Administration and Community Carol O'Neill declared an interest in the following item/s:

- Item No 14B.1 Development Applications Outstanding, Received and Determined for the period 1 August 2014 to 31 August 2014-- 2013/11 Reason for Declaration -- Neighbour of the property owner.
- Item No 14B.1 Development Applications Outstanding, Received and Determined for the period 1 August 2014 to 31 August 2014-- 2014/73 Reason for Declaration -- Relative of the property owner.

ITEM 5 ANNUAL APPOINTMENTS

5.1 ELECTION OF MAYOR

Mayor Danielle Mulholland vacated the position of Chair.

The Returning Officer (being the General Manager) advised:

- “As required by the Local Government Act 1993, Section 227, the election of Mayor was to be by the Councillors from among their numbers”.
- “The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2005”.
- “The Local Government Act appoints the General Manager (or a person appointed by the General Manager) as the Returning Officer. “I will be the Returning Officer. Mrs Carol O’Neill, Director Administration and Community, has been appointed Assistant Returning Officer.”
- “Council is required to determine whether the election is to be by ordinary ballot or open voting or preferential voting. This will require a resolution of Council”.

080914/01 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Maggie Creedy:

That the Returning Officer (being the General Manager) conduct the election of the Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer asked if there were any nominations without notice for the position of Mayor.

Nil were received.

The Returning Officer advised that he had received two nominations for the position of Mayor, and announced them in order of their receipt:

- Cr Danielle Mulholland
- Cr Ross Brown

A draw was then conducted by the Returning Officer for positions on the ballot paper.

Councillor Danielle Mulholland drew first position on the ballot paper and Councillor Ross Brown drew position number two on the ballot paper.

Ballot papers were distributed to each Councillor by the Assistant Returning Officer.

The Assistant Returning Officer collected the completed ballot papers in the ballot box. The Assistant Returning Officer removed the ballot papers, and the Returning Officer counted the ballot papers. The counting was checked by the Assistant Returning Officer.

The vote was as follows:

- Councillor Danielle Mulholland – five votes
- Councillor Ross Brown – four votes

The Returning Officer declared Councillor Danielle Mulholland elected as Mayor.

5.2 ELECTION OF DEPUTY MAYOR

080914/02 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Chris Simpson:

1. That a Deputy Mayor be elected by the Councillors from among their numbers.
2. That the Returning Officer (being the General Manager) conduct the election of the Deputy Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by ordinary ballot.

CARRIED

FOR VOTE - Unanimous vote

The Returning Officer asked if there were any late nominations without notice for the position of Deputy Mayor.

Nil were received.

The Returning Officer advised that he had received two nominations for the position of Deputy Mayor, and announced them in order of their receipt:

- Cr Maggie Creedy
- Cr John Burley

A draw was then conducted by the Returning Officer for positions on the ballot paper.

Councillor Maggie Creedy drew first position on the ballot paper and Councillor John Burley drew position number two on the ballot paper.

Ballot papers were distributed to each Councillor by the Assistant Returning Officer.

The Assistant Returning Officer collected completed ballot papers in the ballot box. The Assistant Returning Officer removed the completed ballot papers from the ballot box, and the Returning Officer counted the ballot papers. The counting was checked by the Assistant Returning Officer.

The vote was as follows:

- Councillor Maggie Creedy -- four votes
- Councillor John Burley -- five votes

The Returning Officer declared Cr John Burley elected as Deputy Mayor.

5.3 COUNCIL COMMITTEES

080914/03 RESOLVED

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

That Council receives and notes the report Council Committees.

CARRIED

FOR VOTE - Unanimous vote

080914/04 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Janet Wilson:

That following Committee List and Councillor memberships be adopted:

Committee	Councillor Member(s)
General Manager's Review Committee	Mayor Deputy Mayor Councillor Maggie Creedy
Traffic Committee	Councillor Chris Simpson
Internal Audit Committee	Councillor Danielle Mulholland Councillor Maggie Creedy
Community Funding Support Committee	Councillor Janet Wilson Councillor Maggie Creedy

CARRIED

FOR VOTE - Unanimous vote

5.4 COUNCIL DELEGATES

080914/05 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Michael Reardon:

That Council receive and note the current Delegates list and memberships.

CARRIED

FOR VOTE - Unanimous vote

080914/06 RESOLVED

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

That the delegations remain the same as last year (see below):

Organisation	Delegate(s)
Australia Day Committee – Kyogle	Councillor Janet Wilson
Australia Day Committee –Woodenbong	Councillor Lindsay Passfield
Australia Day Committee – West of the Range	Councillor Michael Reardon
Kyogle Chamber of Commerce	Councillor Robert Dwyer
NSW Rural Fire Service “Service Level Agreement”	Mayor
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Woodenbong to Legume Road Alliance	Councillor Lindsay Passfield Councillor Danielle Mulholland
Kyogle Bushfire Management Committee	Councillor Chris Simpson
Far North Coast Weeds	Mayor Alternate Councillor John Burley
Shires Association of New South Wales “A” Division	Mayor
National Timber Councils Taskforce	Councillor Lindsay Passfield Councillor Robert Dwyer
Police Accountability Community Team (PACT)	Mayor
Area Health Board Community Engagement Committee	Councillor Danielle Mulholland
Kyogle Tidy Towns	Councillor Robert Dwyer
Joint Regional Planning Panel	Mayor Deputy Mayor

CARRIED

FOR VOTE - Unanimous vote

5.5 ORDINARY MEETINGS CYCLE 2014-15

080914/07 RESOLVED

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

That Council adopt the following Ordinary Council meeting dates and times:

Ordinary Meetings
Monday, 13 October 2014, 5:00 p.m.
Monday, 10 November 2014, 5:00 p.m.
Monday, 8 December 2014, 5:00 p.m.
Monday, 9 February 2015, 5:00 p.m.
Monday, 9 March 2015, 5:00 p.m.
Monday, 13 April 2015, 5:00 p.m.
Monday, 11 May 2015, 5:00 p.m.
Tuesday, 9 June 2015, 5:00 p.m. (8 June – Queen's Birthday Holiday)
Monday, 13 July 2015, 5:00 p.m.
Monday, 10 August 2015, 5:00 p.m.
Monday, 14 September 2015, 5:00 p.m.

CARRIED

FOR VOTE - Unanimous vote

ITEM 6 QUESTION TIME

Anne Reardon wanted to know why, when the Council was concerned about its financial situation, it had decided to hold the Fresh Ideas for Farming Productivity Seminar at the Kyogle Cinema Complex rather than the Kyogle Memorial Institute, which would presumably have been at no cost to Council.

The Mayor advised Mrs Reardon that the question would be taken on notice and she would receive a reply before the end of the week.

ITEM 7 PUBLIC ACCESS

Nil

ITEM 8 CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF THE MINUTES OF THE 11 AUGUST 2014 ORDINARY MEETING

080914/08 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Michael Reardon:

That the Minutes of the Ordinary Meeting held on 11 August, 2014 be adopted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 9 MAYORAL MINUTE

Nil.

ITEM 10 NOTICES OF MOTION

10.1 NOTICE OF MOTION -- COUNCILLOR MICHAEL REARDON; VEHICLE POLICY

Moved by Councillor Michael Reardon, seconded by Councillor Robert Dwyer:

1. That the vehicle policy be immediately reviewed, amended and updated;
2. That an embargo be put on the purchase of any new vehicles until the vehicle policy review has been completed
3. That Council-owned vehicles either be put to tender after five years or 150,000kms, whichever comes first or alternatively, more appropriate method of disposal.

Councillor Ross Brown moved an amendment, seconded by Councillor Lindsay Passfield:

That Council undertake an immediate review of the Council vehicle policy.

LOST

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

AGAINST VOTE - Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

080914/09 RESOLVED

Moved by Councillor Michael Reardon, seconded by Councillor Robert Dwyer:

1. That the vehicle policy be immediately reviewed, amended and updated;
2. That an embargo be put on the purchase of any new vehicles until the vehicle policy review has been completed
3. That Council-owned vehicles either be put to tender after five years or 150,000kms, whichever comes first or alternatively, more appropriate method of disposal.

CARRIED

FOR VOTE - Danielle Mulholland, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield

ITEM 11 QUESTIONS WITH NOTICE FROM COUNCILLORS

11.1 QUESTIONS FROM THE LAST COUNCIL MEETING

080914/10 RESOLVED

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

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

CARRIED

FOR VOTE - Unanimous vote

ITEM 12 DELEGATES REPORTS

12.1 DELEGATES REPORT -- FAR NORTH COAST WEEDS

080914/11 RESOLVED

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

That Council receives and notes the delegates report provided by Councillor Danielle Mulholland in respect of Far North Coast Weeds.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Chris Simpson, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Michael Reardon

12.2 DELEGATES REPORT -- COUNCILLOR LINDSAY PASSFIELD; COUNTRY BRIDGE SOLUTION WORKSHOP

080914/12 RESOLVED

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

That Council receives and notes the delegates report provided by Councillor Lindsay Passfield in respect of the Country Bridge Solution workshop.

CARRIED

FOR VOTE - Unanimous vote

The Executive Manager Urban and Assets left the meeting at 6.07pm.

ITEM 13 INFORMATION PAPERS

13.1 COUNCIL RESOLUTIONS REQUIRING ACTION

080914/13 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Ross Brown:

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

CARRIED

FOR VOTE - Unanimous vote

13.2 FINANCIAL REPORT -- AUGUST 2014

080914/14 RESOLVED

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

That Council receives and notes the information contained in the Monthly Financial Report – August 2014.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14 GENERAL MANAGER'S REPORT

ITEM 14A TECHNICAL SERVICES REPORT

14A.1 BRIDGE REPLACEMENT CONTRACT

Moved by Councillor Janet Wilson, seconded by Councillor Maggie Creedy:

That Council;

1. Receive and note the Bridge Replacement – Contract report.
2. Approves the purchase of the bridges consistent with the terms of the attached contract documents.
3. Approves of the General Manager and Mayor signing the contract on behalf of council and authorizes the affixing of the Kyogle Council seal if required.

A motion was foreshadowed by Councillor Danielle Mulholland:

That the current contract be re-negotiated to address clauses 5, 9, 13, 15, 21, 23, 32, 35, 39, 44, and 45

Cr Wilson withdraw her support for the motion.

Moved by Councillor Danielle Mulholland, seconded by Councillor John Burley:

That the current contract be renegotiated to address clauses 5, 9, 13, 15, 21, 23, 32, 35, 39, 44, and 45.

A motion was foreshadowed by Councillor Lindsay Passfield:

That Council;

1. Receive and note the Bridge Replacement – Contract report.
2. Approves the purchase of the bridges consistent with the terms of the attached contract documents.
3. Approves of the General Manager and Mayor signing the contract on behalf of council and authorizes the affixing of the Kyogle Council seal if required.

The motion was put to the vote and was defeated.

FOR VOTE - John Burley, Danielle Mulholland

AGAINST VOTE - Ross Brown, Janet Wilson, Lindsay Passfield, Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

Moved by Councillor Lindsay Passfield, seconded by Councillor Chris Simpson:

That Council;

1. Receive and note the Bridge Replacement – Contract report.
 2. Approves the purchase of the bridges consistent with the terms of the attached contract documents.
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3. Approves of the General Manager and Mayor signing the contract on behalf of council and authorizes the affixing of the Kyogle Council seal if required.

Councillor Ross Brown moved an amendment, seconded by Councillor Lindsay Passfield:

That Council;

1. Receive and note the Bridge Replacement – Contract report.
2. Approves the purchase of the bridges consistent with the terms of the attached contract documents.
3. Approves of the General Manager and Mayor signing the contract on behalf of council and authorizes the affixing of the Kyogle Council seal if required.
4. Council attempts to negotiate the purchase subject to a trial of one bridge to ensure the economics of the issue.

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Michael Reardon, Chris Simpson, Bob Dwyer

AGAINST VOTE - Maggie Creedy

The amendment became the motion.

080914/15 RESOLVED

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

That Council;

1. Receive and note the Bridge Replacement – Contract report.
2. Approves the purchase of the bridges consistent with the terms of the attached contract documents.
3. Approves of the General Manager and Mayor signing the contract on behalf of council and authorizes the affixing of the Kyogle Council seal if required.
4. Council attempts to negotiate the purchase subject to a trial of one bridge to ensure the economics of the issue.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14B PLANNING SERVICES REPORT

14B.1 DEVELOPMENT APPLICATIONS RECEIVED, DETERMINED AND OUTSTANDING FOR THE PERIOD 1 AUGUST, 2014 TO 31 AUGUST, 2014

080914/016 RESOLVED

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

That, with the exception of the following items in which Councillor Michael Reardon and the Executive Manager Administration and Community Carol O'Neill have declared an interest,

- Cr Michael Reardon 14B.1 Development Applications Received, Determined and Outstanding DA 2014/27 - Reason for Declaration - Owner of a quarry.
- Executive Manager Administration and Community Carol O'Neill 14B.1 Development Applications Received, Determined and Outstanding DA 2013/11 - Reason for Declaration - Neighbour of the property owner;
- Executive Manager Administration and Community Carol O'Neill 14B.1 Development Applications Received, Determined and Outstanding DA 2014/73 - Reason for Declaration - Relative of the property owner;

The information contained in the report Development Applications Received, Determined and Outstanding for the period 1 August, 2014 to 31 August, 2014 be received and noted.

CARRIED

FOR VOTE - Unanimous vote

Councillor Michael Reardon and the Executive Manager Administration and Community Carol O'Neill left the meeting at 6.48pm.

080914/17 RESOLVED

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

That the information contained in the report Development Applications Received, Determined and Outstanding for the period 1 August, 2014 to 31 August, 2014 only in relation to DA 2014/27, DA 2013/11 and DA 2014/73 in which councillor Michael Reardon and the Executive Manager Administration and Community Carol O'Neill have declared an interest be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Michael Reardon

Councillor Michael Reardon and the Executive Manager Administration and Community Carol O'Neill returned to the meeting at 6.49pm.

ITEM 14C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 14D CORPORATE SERVICES REPORT

14D.1 MINUTES INTERNAL AUDIT COMMITTEE

080914/18 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Janet Wilson:

That Council receives and notes the Minutes of the Internal Audit Committee meeting 18 August, 2014

CARRIED

FOR VOTE - Unanimous vote

ITEM 14E COMMUNITY SERVICES REPORT

14E.1 MINUTES OF THE KYOGLE COUNCIL CULTURAL PLANNING COMMITTEE

080914/19 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Ross Brown:

That the Minutes of the Cultural Planning Committee be received and noted.

CARRIED

FOR VOTE - Unanimous vote

ITEM 14F GENERAL MANAGER'S REPORT

14F.1 OUTCOMES OF EXPRESSIONS OF INTEREST FOR KEY FOCUS GROUP

Moved by Councillor Janet Wilson, seconded by Councillor Ross Brown:

1. That Council receive and note the report on the Outcome of Expressions of Interest for the Key Focus Groups.
 2. That Council authorise the Mayor and General Manager after consultation with the relevant Councillor Chair of each Focus Group to invite additional members as considered appropriate to embellish the skills or to ensure targeted user/service provider stakeholder groups are represented on the respective Focus Groups.
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3. That Council's Roxy Gallery coordinator Ms Ruth Tsimbinis be seconded to the Village Life Focus Group due to her extensive involvement with the Cultural Committee.

Councillor Maggie Creedy moved an amendment, seconded by Councillor Michael Reardon:

1. That Council receive and note the report on the Outcome of Expressions of Interest for the Key Focus Groups.
2. That Council authorise the Mayor and General Manager after consultation with the relevant Councillor Chair of each Focus Group to invite additional members as considered appropriate to embellish the skills or to ensure targeted user/service provider stakeholder groups are represented on the respective Focus Groups.

Cr Robert Dwyer moved that the amendment be put.

LOST

FOR VOTE - Michael Reardon, Chris Simpson, Maggie Creedy

AGAINST VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Danielle Mulholland, Bob Dwyer

080914/20 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Ross Brown:

1. That Council receive and note the report on the Outcome of Expressions of Interest for the Key Focus Groups.
2. That Council authorise the Mayor and General Manager after consultation with the relevant Councillor Chair of each Focus Group to invite additional members as considered appropriate to embellish the skills or to ensure targeted user/service provider stakeholder groups are represented on the respective Focus Groups.
3. That Council's Roxy Gallery coordinator Ms Ruth Tsimbinis be seconded to the Village Life Focus Group due to her extensive involvement with the Cultural Committee.

CARRIED

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

AGAINST VOTE - Michael Reardon, Chris Simpson, Maggie Creedy, Bob Dwyer

ITEM 15 URGENT BUSINESS WITHOUT NOTICE

Nil

ITEM 16 QUESTIONS FOR NEXT ORDINARY MEETING

Councillor Robert Dwyer

- Asked if a report could be brought back to Council on when changes to parking adjacent to Kyogle Memorial Institute including the change to signage, would come into effect.

The Executive Manager Planning and Environment advised Councillor Dwyer that the parking changes only related to Saturday mornings and had already come into effect. He advised Councillor Dwyer that the existing signage had been altered to reflect the changes, which meant that new signs were not required.

ITEM 17 CONFIDENTIAL BUSINESS PAPER

Nil.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 7.12pm.