



MINUTES

Ordinary Council Meeting

13 November 2017

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 13 NOVEMBER 2017 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 Assets and Infrastructure Services, the Director Planning and Environmental Services, the Manager Corporate Services, the Executive Assistant to the General Manager.

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.

4 DECLARATION OF INTERESTS

Cr Kylie Thomas declared an interest in the following item(s):

- o 12.1 Works Program Progress Report (W797 and W960).

Reason for declaration: Personal association.

5 QUESTION TIME

Anne Reardon: Thanked Council for fixing pavers on Roxy Lane and for cleaning the stain on Stratheden Street left by a spilt drink.

Elva Jones: Thanked Council for erecting lights at the pool. Sometime ago, I asked for a quote for heating the big pool. I would like Council to look at the matter again and to try to come up with a way of heating the big pool. I have served as a swimming teacher at the Kyogle pool continuously since it was opened in the 75/76 season. After more than 40 years continuous service to the pool, I believe I am entitled to life membership and free entry to the pool for the rest of my life.

Dick Judd: In relation to the notice of motion, I am independent chairman of the Kyogle Seniors Centre and I am upset that Seniors Centre has been included in notice of motion. Why was the notice of motion lodged without discussing the matter with the Seniors Centre committee in greater detail?

Cr Maggie May: The motion has been amended, and the amended motion makes no mention of the Seniors Centre specifically.

6 PUBLIC ACCESS

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 9 OCTOBER 2017

RESOLVED CO/1117/1

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council adopts the minutes of the Council meeting of the 9 October 2017.

CARRIED

FOR VOTE - Unanimous vote

7.2 COUNCIL REPORT - 30 OCTOBER 2017

RESOLVED CO/1117/2

Moved by Cr Maggie May, seconded by Cr Hayden Doolan

That Council receives and notes the minutes of the Council meeting of the 30 October 2017.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - HEAT REFUGE POLICY****RESOLVED CO/1117/3**

Moved by Cr Maggie May, seconded by Cr Hayden Doolan

That Council;

1. Recognises that extreme heat can have a serious impact on peoples' health and that there is a need to be prepared and plan ahead for future extreme heat events in collaboration with community organisations in the LGA.
2. Promotes the NSW Health "Beat The Heat" guidelines to help raise awareness and preparedness during hotter periods, including advice on the operating times for air conditioned public buildings across the Local Government Area.
3. Investigates suitable venues that could be air-conditioned in villages where no air-conditioned public building is available as part of the Visions of Village Life process.
4. Investigates the cost of providing split cycle air conditioning to the Kyogle Memorial Institute Hall Supper Room area for consideration in future budgets.

CARRIED

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

AGAINST VOTE - Crs Earle Grundy, Lindsay Passfield and Robert Dwyer

9.2 NOTICE OF MOTION - WAIVE POOL ENTRY FEES FOR AUSTRALIA DAY**RESOLVED CO/1117/4**

Moved by Cr Kylie Thomas, seconded by Cr Maggie May

That Council waive all single entry fees and charges to all Council pools on Australia Day Friday, January 26, 2018.

CARRIED

FOR VOTE - Unanimous vote

10 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil

11 REPORTS FROM DELEGATES**11.1 DELEGATE'S REPORT: CR DANIELLE MULHOLLAND - NOROC****RESOLVED CO/1117/5**

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council receives and notes the delegates report provided by Councillor Danielle Mulholland in respect of the 3 November 2017 NOROC meeting.

CARRIED

FOR VOTE - Unanimous vote

12 INFORMATION REPORTS**12.1 WORKS PROGRAM PROGRESS REPORT - OCTOBER 2017**

Cr Kylie Thomas left the meeting at 5.24pm.

RESOLVED CO/1117/6

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council receives and notes the information contained in the *Works Program Progress Report - October 2017*.

CARRIED

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

ABSENT DID NOT VOTE - Cr Kylie Thomas

Cr Kylie Thomas returned to the meeting at 5.32pm.

12.2 MONTHLY FINANCE REPORT - OCTOBER 2017**RESOLVED CO/1117/7**

Moved by Cr Maggie May, seconded by Cr John Burley

That Council receives and notes the information contained in the Monthly Finance Report - October 2017.

CARRIED

FOR VOTE - Unanimous vote

13 ASSETS AND INFRASTRUCTURE REPORTS**13.1 REQUEST FOR ROAD CLOSURE UPPER DUCK CREEK ROAD****RESOLVED CO/1117/8**

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

That Council

1. Receives and notes the report, *Request for Road Closure Upper Duck Creek Road*.
2. Authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the closing of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.
3. Authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the transfer of the portion of Public Road through Lots 28, 21, and 22 of DP751048 at Upper Duck Creek.'

CARRIED

FOR VOTE - Unanimous vote

14 PLANNING AND ENVIRONMENT REPORTS

Nil

15 GENERAL MANAGER'S REPORTS**15.1 CHRISTMAS/NEW YEAR CLOSEDOWN****RESOLVED CO/1117/9**

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

That Council receives and notes the report, *Christmas/New Year Closedown*.

CARRIED

FOR VOTE - Unanimous vote

15.2 2016/2017 ANNUAL REPORT**RESOLVED CO/1117/10**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council:

1. Receives and notes the report, *2016/17 Annual Report*.
2. In accordance with s.428 of the Local Government Act, 1993, post the Annual Report on Council's website and provide a copy to the Minister.

CARRIED

FOR VOTE - Unanimous vote

15.3 SEPTEMBER 2017 QUARTERLY BUDGET REVIEW**RESOLVED CO/1117/11**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the September 2017 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

**STATEMENT OF SIGNIFICANT VARIANCES
SEPTEMBER QUARTER BUDGET REVIEW**

DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Administration - Grants	150,000	
Finance - Revenue Sharing Grant	111,289	
Regional Roads - Capital Grants	(159,135)	
Regional Roads - Capital Expenditure MR 544		(35,000)
Rural Local Roads - Grant Income	39,992	
Rural Local Roads - Capital Grants	(293,895)	
Rural Local Roads - Capital Expenditure		(389,189)
Bridges - Grant Income	14,792	
Bridges - Capital Grants	260,500	
Bridges - Capital Expenditure		311,500
Community Buildings - Internal Rents	(5,869)	
Stormwater Management - Flood Grants	91,350	
Stormwater Management - Flood Restoration		91,350
Water Fund - Operating Costs		44,105
Sewer Fund - Operating Costs		30,411
Totals	209,024	53,177
	Net	
	Adjustment	155,847

CARRIED

FOR VOTE - Unanimous vote

16 URGENT BUSINESS WITHOUT NOTICE

Nil

17 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Earle Grundy: The auditor's report we got last month, was probably better than excellent and I believe that as a Council we should congratulate the staff on the job they have done.

17.1 MOTION CONGRATULATING STAFF**RESOLVED CO/1117/12**

Moved by Cr Earle Grundy, seconded by Cr Robert Dwyer

That Council expresses its appreciation to staff on an excellent job in relation to the work carried out for the auditor's report.

CARRIED

FOR VOTE - Unanimous vote

Cr Lindsay Passfield: A swimming carnival was held at Woodenbong recently and there were some complaints about the condition of the starting blocks - they were flat and slippery. Could Council have a look at the possibility of either upgrading or replacing the starting blocks at Woodenbong pool?

18 CONFIDENTIAL BUSINESS PAPER

RESOLVED CO/1117/13

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

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 2017/18-003 FOR SUPPLY OF 6X4 PRIME MOVER

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.

18.2 TENDER 2017/18-004 FOR SUPPLY OF TWO 6X4 RIGID TIPPERS

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.

18.3 TENDER 2017/18-005 SUPPLY OF HYDRAULIC EXCAVATOR

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.

18.4 TENDER FOR DESIGN AND CONSTRUCTION OF WOODENBONG WASTE TRANSFER STATION

This matter is considered to be confidential under Section 10A(2) - c 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/1117/14

Moved by Cr Earle Grundy, seconded by Cr Kylie Thomas

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

Open Council resumed at 5.44pm.

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

18.1 TENDER 2017/18-003 FOR SUPPLY OF 6X4 PRIME MOVER

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, *Tender for Supply of 6X4 Prime Mover*
2. Accepts the tender from Brown and Hurley for the supply of a DAF CF85 Prime Mover at a cost to Council of \$209,612.20 (GST Exclusive).

3. Accepts the tender for purchase from B K Trading Australia Pty Ltd for the trade-in unit Kenworth T 401 Prime Mover for \$51,454.55 (GST Exclusive).

CARRIED

FOR VOTE - Unanimous vote

18.2 TENDER 2017/18-004 FOR SUPPLY OF TWO 6X4 RIGID TIPPERS

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report, *Tender 2017/18-004 for Supply of Two 6X4 Rigid Tipper*
2. Accepts the tender from Brown and Hurley for the supply of two DAF CF85 rigid tippers fitted with a Hercules Body at a cost to Council of \$474,115.02 (GST exclusive).
3. Accepts the direct purchase offer from B K Trading Australia Pty Ltd of \$124,836.36 (GST exclusive) for Plant No's 150 and 151.

CARRIED

FOR VOTE - Unanimous vote

18.3 TENDER 2017/18-005 SUPPLY OF HYDRAULIC EXCAVATOR

Moved by Cr Robert Dwyer, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report, *Tender 2017/18-002 for Supply of One Hydraulic Excavator*
2. Accepts the tender from Hitachi Construction Machinery for the supply of a Hitachi ZX260LC-5 excavator with tilting head at a cost to Council of \$270,022.73 (GST Exclusive).
3. Accepts the tender for purchase from Euro Auctions for the trade-in unit Caterpillar 324DL Excavator for \$60,000.00(GST Exclusive).

CARRIED

FOR VOTE - Unanimous vote

18.4 TENDER FOR DESIGN AND CONSTRUCTION OF WOODENBONG WASTE TRANSFER STATION

Moved by Cr Kylie Thomas, seconded by Cr Lindsay Passfield

That Council;

1. Receives and notes the report "*Tender for Design and Construction of Woodenbong Waste Transfer Station*".
2. Accepts the revised tender from MJ Smith Ground Preparation Pty Ltd as detailed in the tender assessment report to the value of \$344,839 Ex GST.

CARRIED

FOR VOTE - Unanimous vote

The Meeting closed at 5.46pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 December 2017.

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CHAIRPERSON