



# **MINUTES**

**Ordinary Council Meeting**

**10 September 2018**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 10 SEPTEMBER 2018 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 of Assets and Infrastructure Services, 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**

Cr John Burley declared an interest in the following item:

- o Item 5.3 Council Committees - General Manager's Review Committee  
Reason for Declaration - personal association with the General Manager.

General Manager declared an interest in the following item:

- o Item 5.2 Election of Deputy Mayor  
Reason for declaration - personal relationship with one of the nominees.

## **5 ANNUAL APPOINTMENTS**

The Mayor stood down as chair of the meeting.

The General Manager, as returning officer, invited nominations for the position of Mayor for a two year period in accordance with Section 227 of the Local Government Act.

The Returning Officer advised the meeting that he had one nomination for the position of Mayor and that the nomination was from Cr Danielle Mulholland.

He called a second and third time for nominations for the position of Mayor. There were no further nominations.

As only one nomination was received for the position of Mayor, the Returning Officer declared Cr Danielle Mulholland elected Mayor of Kyogle Council for the next two years.

Cr Mulholland thanked Councillors for their continued support for her in the position of Mayor.

Having previously declared an interest in Item 5.2, the General Manager appointed his delegate, the Manager Corporate Services, as returning officer for the election of Deputy Mayor and left the meeting at 5.03pm.

The Manager of Corporate Services, as returning officer, invited nominations for the position of Deputy Mayor.

### **ELECTION OF DEPUTY MAYOR**

#### **RESOLVED CO/0918/1**

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council elect a Deputy Mayor for a term of two years.

**CARRIED**

FOR VOTE - Unanimous vote

The Returning Officer advised the meeting he had received three nominations for the position of Deputy Mayor and invited further nominations.

He called a second and third time for nominations for the position of Deputy Mayor. No further nominations were received.

### **ELECTION OF DEPUTY MAYOR**

#### **RESOLVED CO/0918/2**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Elect a Deputy Mayor from among its numbers;
2. Conduct the election for Deputy Mayor by means of open voting.

**CARRIED**

FOR VOTE - Unanimous vote

The Returning Officer advised the meeting that nominations for the position of Deputy Mayor had been received from Cr John Burley, Cr Earle Grundy, and Cr Kylie Thomas.

The Returning Officer then conducted a draw from a barrel for the order of candidates in the open ballot.

The Returning Officer advised the meeting that the order of the ballot by open voting would be:

Cr John Burley

Cr Earle Grundy

Cr Kylie Thomas

An open vote was then held with the following results:

Cr John Burley - votes Cr Maggie May, Cr Janet Wilson, Cr John Burley, Cr Hayden Doolan, Cr Danielle Mulholland

Cr Earle Grundy - votes Cr Earle Grundy, Cr Lindsay Passfield, Cr Robert Dwyer.

Cr Kylie Thomas - votes Cr Kylie Thomas.

The Returning Officer advised that Cr Kylie Thomas, with the lowest number of votes, had been excluded from the ballot. A further ballot, with the remaining two candidates, was conducted, with the following results:

Cr John Burley - votes Cr Maggie May, Cr Janet Wilson, Cr John Burley, Cr Hayden Doolan, Cr Danielle Mulholland

Cr Earle Grundy - votes Cr Earle Grundy, Cr Kylie Thomas, Cr Lindsay Passfield, Cr Robert Dwyer.

The Returning Officer declared Cr John Burley elected Deputy Mayor of Kyogle Council for the next two years.

The General Manager returned to the meeting at 5.14pm.

### COUNCIL COMMITTEES

#### RESOLVED CO/0918/3

Moved by Cr Hayden Doolan, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *Council Committees*;
2. Adopts the following Committee List and Council Membership structure:

Committee	Councillor Member(s)
General Manager's Review Committee	1. Mayor, two Councillors 2. (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor.
Internal Audit Committee.	One Councillor.
Kyogle Youth Advisory Committee.	One Councillor.

**CARRIED**

FOR VOTE - Unanimous vote

The General Manager and Cr John Burley left the meeting at 5.16pm.  
The General Manager returned to the meeting at 5.19pm.

#### RESOLVED CO/0918/4

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council appoints the following Councillors to the following committees:

- a. General Manager's Review Committee - Mayor Cr Danielle Mulholland, Cr Janet Wilson, Cr Earle Grundy.
- b. Traffic Committee - Cr Hayden Doolan.
- c. Internal Audit Committee - Cr Janet Wilson.

d. Kyogle Youth Advisory Committee - Councillor Hayden Doolan.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr John Burley

Cr John Burley returned to the meeting at 5.21pm.

**COUNCIL DELEGATES****RESOLVED CO/0918/5**

Moved by Cr Hayden Doolan, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Council Delegates*.
2. Adopts the following Delegates List and Membership structure:

Organisation	Delegate(s)
Kyogle Chamber of Commerce	Two Councillors
NSW Rural Fire Service "Service Level Agreement"	Mayor Alternate delegate Deputy Mayor
Northern Rivers Joint Organisation (NRJO)	Mayor Alternate Voting Delegate Deputy Mayor
NSW Country Mayors' Association	Mayor Alternate delegate Deputy Mayor
Woodenbong to Legume Stakeholders Group	Two Councillors
Northern Rivers Bushfire Management Committee	One Councillor
LGNSW Working Party for Unrateable Forestry Plantation Land and Forest Road Infrastructure Contributions in Local Government	Two Councillors
National Timber Councils' Association	Two Councillors
Police Accountability Community Team (PACT)	Mayor Alternate delegate Deputy Mayor
Reconciliation Committee	One Councillor
Joint Regional Planning Panel	Two delegates, Mayor and Deputy Mayor or Councillor. *See note

**CARRIED**

FOR VOTE - Unanimous vote

**RESOLVED CO/0918/6**

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council write to the Area Health Board Community Engagement Committee advising that Council is not going to send a delegate and would recommend that the committee seeks representation from the community.

**CARRIED**

FOR VOTE - Unanimous vote

**RESOLVED CO/0918/7**

Moved by Cr Hayden Doolan, seconded by Cr Robert Dwyer

That Council endorses the following delegates:

- (a) Kyogle Chamber of Commerce members are Cr Maggie May and Cr Kylie Thomas.
- (b) NSW Rural Fire Service member is Mayor Cr Danielle Mulholland and alternate delegate is Deputy Mayor Cr John Burley.
- (c) Northern Rivers Joint Organisation Council's voting representative is Mayor Cr Danielle Mulholland and alternative voting delegate is Deputy Mayor Cr John Burley.
- (d) NSW Country Mayors' Association member is Mayor Cr Danielle Mulholland and alternate delegate is Deputy Mayor Cr John Burley.
- (e) Woodenbong to Legume Alliance members are Cr Lindsay Passfield and Cr Earle Grundy
- (f) Northern Rivers Bushfire Management Committee member is Cr Hayden Doolan.
- (g) LGNSW Working Party for Unrateable Forestry Plantation Land and Forest Road Infrastructure Contributions in Local Government members are Cr Lindsay Passfield and Cr Earle Grundy.
- (i) National Timber Councils' Association members are Cr Lindsay Passfield and Cr Earle Grundy
- (j) Police Accountability Community Team member is Mayor Cr Danielle Mulholland and alternate delegate is Deputy Mayor Cr John Burley.
- (k) Reconciliation Committee member is Cr John Burley.
- (m) Joint Regional Planning Panel members are Mayor Cr Danielle Mulholland and Deputy Mayor Cr John Burley.

**CARRIED**

FOR VOTE - Unanimous vote

### **COUNCIL MEETING CYCLE**

#### **RESOLVED CO/0918/8**

Moved by Cr John Burley, seconded by Cr Maggie May

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

Monday, 8 October 2018, 5pm

Monday, 12 November 2018, 5pm

Monday, 10 December 2018, 5pm

Monday, 11 February 2019, 5pm

Monday, 11 March 2019, 5pm

Monday, 8 April 2019, 5pm

Monday, 13 May 2019, 5pm

Tuesday, 11 June 2019, 5pm (Monday 10 June is the Queen's Birthday holiday)

Monday, 8 July 2019, 5pm

Monday, 12 August 2019, 5pm

Monday, 9 September 2019, 5pm

**CARRIED**

FOR VOTE - Unanimous vote

**6 QUESTION TIME**

Debbie Johnston, of Old Bonalbo: Requested that Council assist the Louisa Johnston Committee and the Bonalbo Men's Shed with the erection of signage at Woodenbong Road and at the corner of Sandilands and Koreelah Streets (hotel corner), to direct people to the Louisa Johnston Centre and the Men's Shed.

**7 PUBLIC ACCESS**

Nil

**8 CONFIRMATION OF MINUTES****COUNCIL REPORT - 13 AUGUST 2018****RESOLVED CO/0918/9**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council confirms the minutes of the Council meeting of 13 August 2018.

**CARRIED**

FOR VOTE - Unanimous vote

**9 MAYORAL MINUTE**

Nil

**10 NOTICES OF MOTION**

Nil

**11 QUESTIONS WITH NOTICE FROM COUNCILLORS****QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0918/10**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

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

**CARRIED**

FOR VOTE - Unanimous vote



**12 REPORTS FROM DELEGATES****DELEGATE'S REPORT: CR DANIELLE MULHOLLAND - NORTHERN RIVERS JOINT ORGANISATION****RESOLVED CO/0918/11**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receives and notes the report, *Delegate's Report: Cr Danielle Mulholland - Northern Rivers Joint Organisation*.

**CARRIED**

FOR VOTE - Unanimous vote

**DELEGATE'S REPORT: CR LINDSAY PASSFIELD - NATIONAL TIMBER COUNCILS' ASSOCIATION BIENNIAL CONFERENCE****RESOLVED CO/0918/12**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council receives and notes the report, *Delegate's Report: Cr Lindsay Passfield - National Timber Councils' Association Biennial Conference*.

**CARRIED**

FOR VOTE - Unanimous vote

**13 INFORMATION REPORTS****MONTHLY FINANCE REPORT - AUGUST 2018****RESOLVED CO/0918/13**

Moved by Cr Robert Dwyer, seconded by Cr Janet Wilson

That Council receives and notes the information contained in the report, *Monthly Finance Report - August 2018*.

**CARRIED**

FOR VOTE - Unanimous vote

**WORKS PROGRAM PROGRESS REPORT - AUGUST 2018****RESOLVED CO/0918/14**

Moved by Cr Robert Dwyer, seconded by Cr Earle Grundy

That Council receives and notes the information contained in the report, *Works Program Progress Report - August 2018*.

**CARRIED**

FOR VOTE - Unanimous vote

**14 ASSETS AND INFRASTRUCTURE REPORTS**

Nil

**15 PLANNING AND ENVIRONMENT REPORTS**

Nil

**16 GENERAL MANAGER'S REPORTS****AGENCY INFORMATION GUIDE 2018/19****RESOLVED CO/0918/15**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Agency Information Guide 2018/19*;
2. Adopts the attached Agency Information Guide 2018/19.

**CARRIED**

FOR VOTE - Unanimous vote

**AUSTRALIA DAY COMMITTEES' FUNDING RECIPIENT GUIDELINES****MOTION**

Moved by Cr Hayden Doolan, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Australia Day Committees' Funding Recipient Guidelines*;
2. Adopts the attached Australia Day Committees' Funding Recipient Guidelines.

**FORESHADOWED MOTION**

Moved by Cr Maggie May

That Council not allocate funding to the Kyogle Australia Day Committee and bring the organisation of Australia Day in house (organised by Council).

**RESOLVED CO/0918/16**

Moved by Cr Hayden Doolan, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Australia Day Committees' Funding Recipient Guidelines*;
2. Adopts the attached Australia Day Committees' Funding Recipient Guidelines

**CARRIED**

FOR VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson, Hayden Doolan, Earle Grundy,

Kylie Thomas, Lindsay Passfield and Robert Dwyer

AGAINST VOTE - Cr Maggie May

**RESOLVED CO/0918/17**

Moved by Cr Maggie May, seconded by Cr Kylie Thomas

That Council not allocate funding to the Kyogle Australia Day Committee and bring the coordination of Kyogle Australia Day celebrations in house (organised by Council).

**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

**UNION PICNIC DAY****RESOLVED CO/0918/18**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Designates Tuesday 2 October 2018 as the Union Picnic Day in accordance with the Local Government (State) Award 2017 provisions.
2. Designates the Tuesday following the October Labour Day long weekend as Union Picnic Day into the future.

**CARRIED**

FOR VOTE - Unanimous vote

**REVIEW OF PROPERTY ACCESS AND ADDRESSING POLICY****MOTION**

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report, *Review of Property Access and Addressing Policy*;
2. Adopts the draft Property Access and Addressing Policy August 2018 provided in the attachments to this report.

**AMENDMENT**

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report, *Review of Property Access and Addressing Policy*;
2. That the Property Access and Addressing Policy August 2018 provided in the attachments to this report be adopted subject to the following amendment:

Replace dot point four under policy with:

That the responsibility for the cost associated with the provision and maintenance of property access from the connection with the council road is the responsibility of the property owner.

**CARRIED**

FOR VOTE - Unanimous vote

The amendment became the motion.

**RESOLVED CO/0918/19**

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report, *Review of Property Access and Addressing Policy*;
2. That the Property Access and Addressing Policy August 2018 provided in the attachments to this report be adopted subject to the following amendment:

Replace dot point four under policy with:

That the responsibility for the cost associated with the provision and maintenance of property access from the connection with the council road is the responsibility of the property owner.

**CARRIED**

FOR VOTE - Unanimous vote

**CROWN LANDS UPDATE**

**RESOLVED CO/0918/20**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council;

1. Receives and notes the report, *Crown Lands Update*.
2. Includes the \$38,318 (GST excl) grant and associated expenditure in the Crown Reserves Budget for 2018/19.

**CARRIED**

FOR VOTE - Unanimous vote

**VISIONS OF THE VILLAGES CROWN LANDS UPDATE****RESOLVED CO/0918/21**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council;

1. Receives and notes the report, *Visions of the Villages Crown Lands Update*;
2. Makes application for the following Crown Reserves to be managed by Kyogle Council as outlined in the table included in this report; R140078, Pt R755753 (Lot 105 DP 755753), Pt R755753 (Lot 4 DP 1057760), R93388 (Lot 3 DP 1057760), R140079, R69040, Pt R751059 (Lot 138 DP 725876), R86491, R47729, R81432 and R60982, Not notified Reserve Lot 7006 DP 1108743, R89284

**CARRIED**

FOR VOTE - Unanimous vote

**17 URGENT BUSINESS WITHOUT NOTICE**

Nil

**18 QUESTIONS FOR NEXT ORDINARY MEETING**

Nil

**19 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0918/22**

Moved by Cr Lindsay Passfield, seconded by Cr Maggie May

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:

**1.1 Cedar Point Bridge Design Proposal**

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.

**1.2 Easement Agreement**

This matter is considered to be confidential under Section 10A(2) - g 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**CARRIED**

FOR VOTE - Unanimous vote

Council closed the meeting at 6.41pm. The public and the media left the chamber.

**RESOLVED CO/0918/27**

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

Open Council resumed at 7.53pm.

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

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

That Item 19.2 be brought forward so that Council's Legal Advisor can address the meeting.

**CARRIED**

FOR VOTE - Unanimous vote

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council:

1. Receive and note the report, *Easement Agreement*;
2. Investigate the potential to direct stormwater away from Lake Harrison by construction of levee banks and underground pipes by way of:
  - a. Directing Saville Street run-off to the west into Daleys Lane;
  - b. Piping Marwick Street run off to Harrison Street;
  - c. Directing Harrison Street run-off via a levee or pipes around the southern end of Harrison Lake to the Richmond River.

**CARRIED**

FOR VOTE - Unanimous vote

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report, *Cedar Point Bridge Design Proposal*;
2. Provides an additional \$100,000 to the existing 2018/19 Bridges Capital Works Budget for design and investigation works for the replacement of the Cedar Point Bridge No 47-9639.

**CARRIED**

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

AGAINST VOTE - Cr Janet Wilson

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council seek agreement with the quarry operators to contribute to the cost of the replacement structure.

**CARRIED**

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

AGAINST VOTE - Crs Kylie Thomas and Robert Dwyer

The Meeting closed at 7.55pm.

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

.....  
**CHAIRPERSON**