



MINUTES

Ordinary Council Meeting

12 November 2018

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 12 NOVEMBER 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 Assets and Infrastructure Services, Director Planning and Environmental Services, Manager Corporate Services, 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 Elders past and present.

4 DECLARATION OF INTERESTS

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

- Item No 18.1 -- Late Tenders
Reason for declaration - Past personal association with the tenderer

Cr Lindsay Passfield declared a non-pecuniary interest in the following item(s)

- Item 8.1 -- Mayoral Minute: Australia Day - Kyogle
Reason for declaration - Chair of the Woodenbong Australia Day Committee

Cr Earle Grundy declared a non-pecuniary interest in the following item(s)

- Item 8.1 -- Mayoral Minute: Australia Day - Kyogle
Reason for declaration - Chair of the Bonalbo Australia Day Committee

Director Planning and Environmental Services declared a non-pecuniary interest in the following item(s)

- Item 18.4 -- Internal Audit Committee Membership
Reason for declaration - Executive Committee Member of the Kyogle and District Chamber of Commerce

5 QUESTION TIME

Anne Reardon: Asked whether the wording in the Mayoral Minute (paragraph 5 page 5) was correct.

Mayor: Advised Mrs Reardon that the paragraph in question contained a typo.

Cr Kylie Thomas left the meeting at 5.05pm. Cr Thomas returned to the meeting at 5.06pm.

6 PUBLIC ACCESS

Alan Price, Volunteer Coordinator of Kyogle Men's Shed: Provided an overview of the Kyogle Men's Shed, which operates under the umbrella of the Kyogle Family Support Service. The organisation is seeking Council support to find a shed of its own or land on which to build a shed.

General Manager: Advised that Council had held talks with the Kyogle Family Support Service about the possibility of the Men's Shed co-locating with Council works staff at the former Rural Fire Service Headquarters at the Council depot.

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 8 OCTOBER 2018

RESOLVED CO/1118/1

Moved by Cr John Burley, seconded by Cr Maggie May

That Council confirms the minutes of the 8 October 2018 Council meeting.

CARRIED

FOR VOTE - Unanimous vote

7.2 COUNCIL REPORT - 29 OCTOBER 2018

RESOLVED CO/1118/2

Moved by Cr Earle Grundy, seconded by Cr Hayden Doolan

That Council confirms the minutes of the 29 October 2018 Extraordinary Council meeting.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE**8.1 MAYORAL MINUTE: AUSTRALIA DAY - KYOGLE****MOTION**

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report, *Mayoral Minute: Australia Day - Kyogle*
2. Write a letter of appreciation to the outgoing Kyogle Australia Day Committee for their efforts.

FORESHADOWED MOTION

Moved by Cr Robert Dwyer:

That Council immediately restore its policy concerning 355 Committees of Council so as to provide necessary insurance coverage to those community volunteers that manage events in which Council has substantial interest.

FORESHADOWED MOTION

Moved by Cr Lindsay Passfield:

That Council provide insurance cover for the Bonalbo, Kyogle and Woodenbong Australia Day Committees and that additional funding be provided to cover those costs from community donations.

RESOLVED CO/1118/3

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report, *Mayoral Minute: Australia Day - Kyogle*
2. Write a letter of appreciation to the outgoing Kyogle Australia Day Committee for their efforts.

CARRIED

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

AGAINST VOTE - Crs Janet Wilson and Maggie May

MOTION

Moved by Cr Robert Dwyer, seconded by

That Council immediately restore its policy concerning 355 Committees of Council so as to provide necessary insurance coverage to those community volunteers that manage events in which Council has substantial interest.

The motion lapsed due to want of a seconder.

RESOLVED CO/1118/4

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council provide insurance cover for the Bonalbo, Kyogle and Woodenbong Australia Day Committees and that additional funding be provided to cover those costs from community donations.

CARRIED

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

AGAINST VOTE - Crs Maggie May and Robert Dwyer

MOTION

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That Council accept the Kyogle Lions Club's offer to run Australia Day in Kyogle for 2019 and that the Kyogle Australia Day Committee funding be made available to the Kyogle Lions Club.

The Director Assets and Infrastructure Services declared an interest and left the meeting at 5.33pm.

FORESHADOWED MOTION

Moved by Cr Kylie Thomas

That Council only allocate this current year's funding to the Kyogle Lions Club auspicing the 2019 Australia Day event and that the balance of funds held by the Kyogle Australia Day Committee be retained.

RESOLVED CO/1118/5

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That Council accept the Kyogle Lions Club's offer to run Australia Day in Kyogle for 2019 and that the Kyogle Australia Day Committee funding be made available to the Kyogle Lions Club.

CARRIED

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

AGAINST VOTE - Crs Janet Wilson, Maggie May and Kylie Thomas

MOTION

Moved by Cr Kylie Thomas, seconded by Cr Lindsay Passfield

That Council only allocate this current year's funding to the Kyogle Lions Club auspicing the 2019 Australia Day event and that the balance of funds held by the Kyogle Australia Day Committee be retained.

Cr Passfield withdrew as seconder of the motion.

Cr Thomas withdrew the motion.

The Director Assets and Infrastructure Services returned to the meeting at 5.44pm.

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - CR LINDSAY PASSFIELD; NAMING OF CAMPBELLS BRIDGE NO 2

MOTION

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council advertise the proposal to rename the bridge on Lynches Creek Road, 9.4km from the intersection with the Summerland Way, currently known as J. Campbells No. 2 Bridge to Hyde Bridge and call for submissions from the public for a minimum of 28 days.

FORESHADOWED MOTION

Moved by Cr Maggie May

That Council undertake a review of the protocols around the naming of places and roads and update the current list of names to reflect new community expectations.

RESOLVED CO/1118/6

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council advertise the proposal to rename the bridge on Lynches Creek Road, 9.4km from the intersection with the Summerland Way, currently known as J. Campbells No. 2 Bridge to Hyde Bridge and call for submissions from the public for a minimum of 28 days.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/1118/7

Moved by Cr Maggie May, seconded by Cr Lindsay Passfield

That Council undertake a review of the protocols around the naming of places and roads and update the current list of names to reflect community expectations.

CARRIED

FOR VOTE - Unanimous vote

9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: POPULARLY ELECTED MAYOR**RESOLVED CO/1118/8**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council workshop the options available to provide for a popularly elected Mayor, including any associated issues and requirements around Councillor numbers and Wards.

CARRIED

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

AGAINST VOTE - Cr Lindsay Passfield

9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; WALLIS PARK**RESOLVED CO/1118/9**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council advertise the proposal to rename the park area in Kyogle township currently known as Amphitheatre Park to Wallis Park and call for submissions from the public for a minimum of 28 days.

CARRIED

FOR VOTE - Crs Danielle Mulholland, John Burley, Hayden Doolan, Earle Grundy and Robert Dwyer

AGAINST VOTE - Crs Janet Wilson, Maggie May, Kylie Thomas and Lindsay Passfield

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/1118/10**

Moved by Cr Earle Grundy, seconded by Cr Kylie Thomas

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

CARRIED

FOR VOTE - Unanimous vote

11 REPORTS FROM DELEGATES**11.1 DELEGATE'S REPORT: CR EARLE GRUNDY - LGNSW ANNUAL CONFERENCE****RESOLVED CO/1118/11**

Moved by Cr Earle Grundy, seconded by Cr Hayden Doolan

That Council receives and notes the report, *Delegate's Report - Cr Earle Grundy: LGNSW Annual Conference*.

CARRIED

FOR VOTE - Unanimous vote

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - OCTOBER 2018****RESOLVED CO/1118/12**

Moved by Cr Robert Dwyer, seconded by Cr Janet Wilson

That Council receives and notes the information contained in the Monthly Finance Report - October 2018.

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT - OCTOBER 2018**RESOLVED CO/1118/13**

Moved by Cr Robert Dwyer, seconded by Cr Lindsay Passfield

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

CARRIED

FOR VOTE - Unanimous vote

13 ASSETS AND INFRASTRUCTURE REPORTS**13.1 KYOGLE AQUATIC CENTRE - SITE MASTER PLAN OPTIONS****MOTION**

Moved by Cr Hayden Doolan, seconded by Cr John Burley

That Council:

1. Receives and notes the report *Kyogle Aquatic Centre - Site Master Plan Options*.
2. Adopts Option 1 as the preferred site master plan to progress with.

LOST

FOR VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan, Maggie May

AGAINST VOTE - Crs Janet Wilson, Earle Grundy, Kylie Thomas, Lindsay Passfield and Robert Dwyer

MOTION

Moved by Cr Kylie Thomas, seconded by Cr Maggie May

That Council:

1. Receives and notes the report *Kyogle Aquatic Centre - Site Master Plan Options*
2. Adopts Option 2 as the preferred site master plan to progress with.

FORESHADOWED MOTION

Moved by Cr Danielle Mulholland

That Council staff bring the matter back to a workshop and that a report be presented to the December Council meeting.

RESOLVED CO/1118/14

Moved by Cr Kylie Thomas, seconded by Cr Maggie May

That Council receives and notes the report *Kyogle Aquatic Centre - Site Master Plan Options*.

CARRIED

FOR VOTE - Unanimous vote

RESOLVED CO/1118/15

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council staff bring the matter back to a workshop and that a report be presented to the December meeting.

CARRIED

FOR VOTE - Unanimous vote

14 PLANNING AND ENVIRONMENT REPORTS

Nil

15 GENERAL MANAGER'S REPORTS**15.1 SEPTEMBER 2018 QUARTERLY BUDGET REVIEW****RESOLVED CO/1118/16**

Moved by Cr Kylie Thomas, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the September 2018 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
Finance - Revenue Sharing Grant	237,172	
Other Waste Management - Grants	22,226	
Other Waste Management - Collection & Waste Depots		52,226
Strategic & Community Services - Community Donations		8,000
Regional Roads - Grants	20,000	
Regional Roads - Construction MR 150		20,000
Urban Roads - Capital Expenditure		3,193
Rural Local Roads - Operating Grants	(70,716)	
Rural Local Roads - Capital Grants	50,000	
Rural Local Roads - Capital Expenditure		35,079
Bridges - Maintenance		88,927
Bridges - Capital Expenditure		181,328
Emergency Services - Income	5,113	
Emergency Services - Operating Costs		5,113
Parks & Gardens - Grants	27,143	
Parks & Gardens - Capital Expenditure		56,116
Quarries - Revenue	555,971	
Quarries - Operating Costs		353,482
Plant - Depot Expenses		25,000
Totals	846,909	828,464
	Net Adjustment	18,445

CARRIED

FOR VOTE - Unanimous vote

15.2 SIX MONTHLY REVIEW DELIVERY PROGRAM AND OPERATIONAL PLAN**RESOLVED CO/1118/17**

Moved by Cr John Burley, seconded by Cr Robert Dwyer

That Council receives and notes the October 2018 Review of the Delivery Program and Operational Plan.

CARRIED

FOR VOTE - Unanimous vote

15.3 PRESENTATION OF 2017/2018 FINANCIAL STATEMENTS

RESOLVED CO/1118/18

Moved by Cr Robert Dwyer, seconded by Cr Lindsay Passfield

That Council;

1. Receives and notes the report, *Presentation of the 2017/18 Financial Statements*.
2. Presents to the public the Audited Financial Reports and Independent Audit Reports for the year ended 30 June 2018 in accordance with the Local Government Act 1993.

CARRIED

FOR VOTE - Unanimous vote

15.4 2017/2018 ANNUAL REPORT

RESOLVED CO/1118/19

Moved by Cr Hayden Doolan, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *2017/18 Annual Report*.
2. In accordance with s.428 of the Local Government Act, 1993, post the finalised Annual Report on Council's website and provide a copy to the Minister.

CARRIED

FOR VOTE - Unanimous vote

15.5 CHRISTMAS/NEW YEAR CLOSEDOWN

RESOLVED CO/1118/20

Moved by Cr Kylie Thomas, seconded by Cr Earle Grundy

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

CARRIED

FOR VOTE - Unanimous vote

15.6 INTERNAL AUDIT COMMITTEE MINUTES**RESOLVED CO/1118/21**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That the Council receives and notes the minutes of the March and October 2018 Internal Audit Committee meetings.

CARRIED

FOR VOTE - Unanimous vote

16 URGENT BUSINESS WITHOUT NOTICE

Nil

17 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Lindsay Passfield:

- Can any Councillor or staff member attending the function at Casino to mark the 40th anniversary of the Richmond Upper Clarence Regional Library on 20 November acknowledge the services to the community of Mr Bill Meufells, the driver of the mobile library, who has now retired?
- Does a resident wanting to install a water tank on a residential block in a village with no water supply have to submit a Development Application?

18 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/1118/22**

Moved by Cr Hayden Doolan, 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:

18.1 Late Tenders

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 for a 13-17T Wheel Loader

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 Native Title Manager Notice to Minister for Lands and Forestry

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

18.4 Internal Audit Committee Membership

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.

18.5 Community Assistance Grants

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

CARRIED

FOR VOTE - Unanimous vote

Council closed the meeting at 7.11pm. The public and the media left the chamber.

RESOLVED CO/1118/29

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

Open Council resumed at 7.36pm

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

18.1 Late Tenders

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council:

1. Receive and note the report, *Late Tenders*
2. Place Ozwide Bridge Rail & Civil Pty Ltd on the list of suppliers for hire of plant from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2018/19 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification and compliance with relevant Council policies;
3. Place Ozwide Bridge Rail & Civil Pty Ltd on the list of suppliers for hire of trucks from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2018/19 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification and compliance with relevant Council policies.

CARRIED

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

AGAINST VOTE - Cr Maggie May

ABSENT. DID NOT VOTE - Cr Kylie Thomas

18.2 Tender for a 13-17T Wheel Loader

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council;

1. Receive and note the report, *Tender for A 13-17T Wheel Loader*
2. Accepts the tender from Hitachi Construction Machinery Australia Pty Ltd for the supply of a Hitachi ZW180-5 Wheel Loader at a cost to Council of \$233,239.47 (GST exclusive).

CARRIED

FOR VOTE - Unanimous vote

18.3 Native Title Manager Notice to Minister for Lands and Forestry

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council:

1. Receive and note the report, *Native Title Manager Notice to Minister for Lands and Forestry*
2. Provide the Minister Lands and Forestry with the name and contact details of Council's Manager Urban Services, as Council's native title manager.

CARRIED

FOR VOTE - Unanimous vote

18.4 Internal Audit Committee Membership

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Internal Audit Committee Membership*.
2. That Council appoints the following people to the Internal Audit Committee

- a. Mr Steve Klaassen
- b. Ms Melanie Serone

CARRIED

FOR VOTE - Unanimous vote

18.5 Community Assistance Grants

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

That Council:

1. Receive and note the report, *Community Assistance Grants*
2. Fund the following Community Assistance Application for the amounts indicated:

Louisa Johnston Training Centre Incorporated	\$1,000
Save Our Services Upper Clarence Health Committee Inc	\$1,000
RSL NSW Bonalbo sub-Branch	\$ 401
Ettrick Hall Committee	\$1,000
Bundgeam Preschool Inc	\$ 995
Kyogle Karate Club	\$1,000
Woodenbong Progress Association	\$3,685
The Risk Hall Committee	\$5,000
Cawongla Playhouse Inc	\$2,414
Kyogle Track and Trail Mountain Bike Club	\$1,000
Rotary Club of Kyogle Inc	\$1,000
Kyogle Public School P&C Association	\$ 806
Kyogle Touch Football Association	\$1,000
Boomerang Bags Kyogle	\$1,000
Kyogle Creative and Performing Arts Association	\$ 500
Tabulam Branch CWA	\$1,750
Bonalbo & District Community Hall Association Inc	\$ 849
Grevillia Hall Committee	\$1,000
Kyogle Together Inc (Kyogle Youth Action)	\$1,000
Kyogle Landcare	\$1,000
Kyogle Fishing Club	\$1,000
Leeanne Ferguson	\$ 500
Robyn Job	\$ 500
Emily Weston	\$ 500
Cloe Fleming	\$ 500

CARRIED

FOR VOTE - Unanimous vote

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council fund the following applications from the Economic Development budget:

Kyogle Fairymount Festival Committee	\$5000
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Tabulam Racing Club

\$1000

CARRIED

FOR VOTE - Unanimous vote

The Meeting closed at 7.40pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 10 December 2018.

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CHAIRPERSON