



# **MINUTES**

**Ordinary Council Meeting**

**11 March 2019**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 11 MARCH 2019 AT 5PM**

**PRESENT:** Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Janet Wilson, Cr Maggie May, Cr Earle Grundy, Cr Kylie Thomas, Cr Lindsay Passfield, Cr Robert Dwyer.

**IN ATTENDANCE:** The General Manager, the Director Planning and Environmental Services, the Director Assets and Infrastructure Services, the Manager Corporate Services, the Executive Assistant to the General Manager.

The Mayor declared the meeting open at 5pm.

## **1 APOLOGIES**

Cr Hayden Doolan.

### **1.1 APOLOGY**

#### **RESOLVED CO/0319/1**

Moved by Cr Kylie Thomas, seconded by Cr John Burley

That Council accept Cr Doolan's apology.

**CARRIED**

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

ABSENT DID NOT VOTE - Cr Hayden Doolan

## **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(s)

- Confidential Item 18.1 – General Manager's Performance Review  
Reason for declaration – Personal relationship with the General Manager

The General Manager declared an interest in the following item(s)

- Confidential Item 18.1 – General Manager's Performance Review  
Reason for declaration – Report concerns the General Manager.

**5 QUESTION TIME**

Nil

**6 PUBLIC ACCESS**

Nil

**7 CONFIRMATION OF MINUTES****7.1 COUNCIL REPORT - 11 FEBRUARY 2019****RESOLVED CO/0319/2**

Moved by Cr Earle Grundy, seconded by Cr John Burley

That Council confirms the minutes of the Council meeting of the 11 February 2019.

**CARRIED**

FOR VOTE – Unanimous vote

ABSENT DID NOT VOTE - Cr Hayden Doolan

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR LINDSAY PASSFIELD; FUEL LOADS ON CROWN LAND****RESOLVED CO/0319/3**

Moved by Cr Lindsay Passfield, seconded by Cr Maggie May

That Council submit the following motion for consideration at the 2019 NSW Local Government Conference:

“That LGNSW requests the NSW Government set upper limits on fuel loads in all crown land forests, including State Forests and National Parks, and mandates hazard reduction programs to achieve these targets.”

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT DID NOT VOTE - Cr Hayden Doolan

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0319/4**

Moved by Cr Maggie May, seconded by Cr Earle Grundy

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT DID NOT VOTE - Cr Hayden Doolan

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - FEBRUARY 2019****RESOLVED CO/0319/5**

Moved by Cr Robert Dwyer, seconded by Cr Kylie Thomas

That Council receives and notes the information contained in the Monthly Finance Report - February 2019.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT DID NOT VOTE - Cr Hayden Doolan

**12.2 WORKS PROGRAM PROGRESS REPORT - FEBRUARY 2019****RESOLVED CO/0319/6**

Moved by Cr Robert Dwyer, seconded by Cr John Burley

That Council receives and notes the information contained in the report, *Works Program Progress Report - February 2019*.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT DID NOT VOTE - Cr Hayden Doolan

**13 ASSETS AND INFRASTRUCTURE REPORTS**

Nil

**14 PLANNING AND ENVIRONMENT REPORTS****14.1 COMMUNITY ASSISTANCE GRANTS****RESOLVED CO/0319/7**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *Community Assistance Grants*.
2. Redirects the previously allocated funds as follows;
  - (i) Kyogle Fishing Club allocation of \$1000 from the 2018 Community Assistance Grant be redirected into repairs and maintenance at the Bells Bay campground;
  - (ii) Grevillia Hall Committee allocation of \$1000 from the 2018 Community Assistance Grant be redirected into maintenance for the Grevillia Hall.

**CARRIED**

FOR VOTE - Crs Danielle Mulholland, John Burley, Janet Wilson, Maggie May, Kylie Thomas, Lindsay Passfield and Robert Dwyer

AGAINST VOTE - Cr Earle Grundy

ABSENT DID NOT VOTE - Cr Hayden Doolan

**14.2 FINALISATION OF LEP AMENDMENT NO. 10- DEFERRED MATTER AREAS****MOTION**

Moved by Cr Lindsay Passfield, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report on the Finalisation of LEP Amendment No. 10 – Deferred Matters Areas.
2. Defers considering of this matter pending further public consultation.
3. Writes to every rural ratepayer outlining the State Government's proposed changes to the LEP and invite submissions for a period of a further 30 days.
4. Writes to the Minister outlining our concerns regarding the LEP.

**FORSHADOWED MOTION**

Cr Robert Dwyer foreshadowed a motion

That Council extend an invitation to the Minister and the Department of Planning to address a public meeting in regard to this matter.

**RESOLVED CO/0319/8**

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report on the Finalisation of LEP Amendment No. 10 – Deferred Matters Areas.

2. Defers considering of this matter pending further public consultation.
3. Writes to every rural ratepayer outlining the State Government's proposed changes to the LEP and invite submissions for a period of a further 30 days.
4. Writes to the Minister outlining our concerns regarding the LEP.

**CARRIED**

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

AGAINST VOTE - Cr Janet Wilson (did not vote)

ABSENT DID NOT VOTE - Cr Hayden Doolan

Cr Lindsay Passfield called for a division under section 375A of the *Local Government Act 1993*.

The Mayor asked all those who voted against the motion to stand – no one stood.

FOR	AGAINST
Cr Danielle Mulholland	
Cr Maggie May	
	Cr Janet Wilson (did not vote)
Cr John Burley	
Cr Earle Grundy	
Cr Kylie Thomas	
Cr Lindsay Passfield	
Cr Robert Dwyer	

ABSENT DID NOT VOTE - Cr Hayden Doolan

**RESOLVED CO/0319/9**

Moved by Cr Robert Dwyer, seconded by Cr Kylie Thomas

That Council extend an invitation to the Minister and the Department of Planning to address a public meeting in regard to this matter.

**CARRIED**

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

AGAINST VOTE - Cr Maggie May

ABSENT DID NOT VOTE - Cr Hayden Doolan

**15 GENERAL MANAGER'S REPORTS****15.1 MODEL CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT****RESOLVED CO/0319/10**

Moved by Cr John Burley, seconded by Cr Kylie Thomas

That Council;

1. Receives and notes the report Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct
2. Adopt the attached, Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct, as prescribed under the Local Government (General) Regulation 2005.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT DID NOT VOTE - Cr Hayden Doolan

**16 URGENT BUSINESS WITHOUT NOTICE**

Nil

**17 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Lindsay Passfield: There is a short section of Clarence Way where it joins Glennie Street at Woodenbong that is very rough. There are eight residences very close to the road and the people there are concerned about the noise that is being generated and the interruption of their lifestyle. When are we likely to see an improvement to that?

Director of Assets and Infrastructure Services: I will take that questions on notice.

Cr Robert Dwyer: Are we going to have signs posted in strategic locations indicating where the new museum is located?

Director of Assets and Infrastructure Services: I will take that questions on notice.

Cr Robert Dwyer: There is a sign on the side of the KMI, with arrow pointing to the baby change room and the entrance to the KMI. Are we going to identify the main entrance to the KMI from the main street?

General Manager: Council will look at the signage outside the KMI building in regard to the Art Gallery, the main hall and the main entrance.

**18 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0319/11**

Moved by Cr Maggie May, seconded by Cr Lindsay Passfield

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 General Manager's Performance Review**

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

ABSENT DID NOT VOTE - Cr Hayden Doolan

The Council moved into Closed Council at 5.54pm. The public and the media left the meeting.

**RESOLVED CO/0319/13**

Moved by Cr Kylie Thomas, seconded by Cr Lindsay Passfield

That Council moves out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Crs Danielle Mulholland, Janet Wilson, Maggie May, Earle Grundy, Kylie Thomas, Lindsay Passfield and Robert Dwyer

ABSENT DID NOT VOTE - Crs John Burley, Haydon Doolan,

Council moved back into Open Council at 6.18pm.

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

Item 18.1 General Manager's Performance Review

That Council:

1. Receives and notes the General Managers Performance Review Report
2. Endorses the overall assessment of the General Managers Review Committee that:  
*"The Council's General Manager Performance Review Committee assessed the GM's annual review as 7.29/10 (exceeding expectations) which indicates a more than satisfactory performance over the 12 month review period."*

**There being no further business, the Mayor declared the Meeting closed at 6.19pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 8 April 2019.**

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**CHAIRPERSON**