



# **MINUTES**

**Ordinary Council Meeting**

**11 June 2019**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON TUESDAY, 11 JUNE 2019 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:** 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 acknowledged elders past and present.

**4 DECLARATION OF INTERESTS**

Cr John Burley declared an interest in the following item(s)

- Item 18.2 – General Manager’s Performance Agreement  
Reason for declaration – Personal relationship with the General Manager.

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

- Item 18.2 – General Manager’s Performance Review  
Reason for declaration – Mentioned in the report.

**5 QUESTION TIME**

Nil

**6 PUBLIC ACCESS**

Kim Robertson, of Woodenbong: Seeking Council’s help to address degradation of areas of the Woodenbong Commons caused by organised Dirt Bike Rides on the Commons, which are held twice every year, in combination with the drought.

**7 CONFIRMATION OF MINUTES****7.1 COUNCIL REPORT - 13 MAY 2019****RESOLVED CO/0619/1**

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

That Council receives and notes the minutes of the Council meeting of the 13 May 2019.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE****8.1 MAYORAL MINUTE - JOINT ORGANISATION CHAIRS WORKSHOP AND COUNTRY MAYORS' ASSOCIATION MEETING SNAPSHOT****RESOLVED CO/0619/2**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council receives and notes the Mayoral Minute, *Joint Organisation Chairs Workshop and Country Mayors' Association Meeting Snapshot*.

**CARRIED**

FOR VOTE - Unanimous vote

**9 NOTICES OF MOTION**

Nil

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0619/3**

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

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

**CARRIED**

FOR VOTE - Unanimous vote

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - MAY 2019****RESOLVED CO/0619/4**

Moved by Cr Maggie May, seconded by Cr Hayden Doolan

That Council receives and notes the information contained in the Monthly Finance Report – May 2019.

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - MAY 2019****RESOLVED CO/0619/5**

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

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

**CARRIED**

FOR VOTE - Unanimous vote

**13 ASSETS AND INFRASTRUCTURE REPORTS**

Nil

**14 PLANNING AND ENVIRONMENT REPORTS****14.1 COMMUNITY VOLUNTEER PARTICIPATION POLICY****RESOLVED CO/0619/6**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council;

1. Receives and notes the report, *Community Volunteer Participation Policy*
2. Adopts the draft Community Volunteer Participation Policy.

**CARRIED**

FOR VOTE - Unanimous vote

## 14.2 EXTENSION OF DEVELOPMENT CONTRIBUTIONS AND CHARGES DISCOUNT POLICY

### RESOLVED CO/0619/7

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Extension of Development Contributions and Charges Discounting Policy*.
2. Prepares an amended draft Development Contributions and Charges Discounting Policy that:
  - i. Extends the current lifespan from March 2020 to March 2022 with the option to extend, and;
  - ii. Includes subdivision as a development to which the Policy will apply, and;
  - iii. Includes some minor administrative amendments.
3. Places the amended draft Developer Contributions and Charges Discounting Policy on public exhibition and, at the conclusion of public exhibition, be provided with a report on submissions received.

**CARRIED**

FOR VOTE - Unanimous vote

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.

<b>For</b>	<b>Against</b>
Cr Danielle Mulholland	
Cr John Burley	
Cr Janet Wilson	
Cr Kylie Thomas	
Cr Hayden Doolan	
Cr Robert Dwyer	
Cr Maggie May	
Cr Lindsay Passfield	
Cr Earle Grundy	

**15 GENERAL MANAGER'S REPORTS****15.1 ADOPTION OF OPERATIONAL PLAN 2019/2020, DELIVERY PROGRAM 2019/2023 AND FEES AND CHARGES 2019/2020****MOTION**

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

1. That Council receives and notes the Adoption of Operational Plan 2019/2020, Delivery Program 2019/2023, and Fees and Charges 2019/2020
2. That Council adopt the attached Operational Plan 2019/2020 and Delivery Program 2019/2023, incorporating the approved Blackspot Program Projects at Walters Road and Imbreys Road.
3. That a Farmland Rate, to be known as the "Farmland Rate" of 0.450665 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 14.53% of revenue in this category, in accordance with Sections 499 and 537 of the Act.
4. That a Residential Rate, to be known as the "Residential Rate" of 0.677247 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Residential in accordance with Section 516 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 43.55% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
5. That a Residential Rate, to be known as the "Residential – Kyogle" Rate of 1.030765 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential - Kyogle (being all rateable land (other than business) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$291.00 which is expected to yield 22.41% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
6. That a Residential Rate, to be known as the "Rural Residential Rate" of 0.557089 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential Rural (being parcels of residential land that are the site of a dwelling and are between 2 and 40 hectares in area, or which do not have a significant and substantial commercial purpose or character) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 22.12% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
7. That a Business Rate, to be known as the "Business Rate" of 0.527523 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance

with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Business in accordance with Section 518 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 43.84% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;

8. That a Business Rate, to be known as the “Business – Kyogle” Rate of 1.014435 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Business - Kyogle (being all rateable land (other than residential) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 518 and 529 of the Local Government Act 1993, subject to a base amount of \$291.00 which is expected to yield 14.95% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
9. That a Stormwater and Flood Special Rate, to be known as the “Stormwater and Flood Residential” Rate of 0.042699 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 495 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the category of Residential and the sub-category of Residential - Kyogle in accordance with Sections 516 and 529 of the Local Government Act 1993, that is developed land and not able to be defined as vacant land subject to a minimum amount of \$96.00 in accordance with Section 548 of the Local Government Act 1993;
10. That a Stormwater and Flood Special Rate, to be known as the “Stormwater and Flood Business” Rate of 0.042699 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 495 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the category of Business and the sub-category of Business - Kyogle in accordance with Sections 518 and 529 of the Local Government Act 1993, that is developed land, not able to be defined as vacant land, subject to a minimum amount of \$96.00 in accordance with Section 548 of the Local Government Act 1993;
11. That Council adopt the attached schedule of Fees and Charges 2019/2020.
12. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

### **FORESHADOWED MOTION**

Moved by Cr Lindsay Passfield

That Council include provision for the emergency services levy in its budget but withhold payment until the issue being lobbied by the Northern Rivers Joint Organisation, Country Mayors' Association, Council and Local Government NSW has been resolved.

### **RESOLVED CO/0619/8**

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

That Council receives and notes the Adoption of Operational Plan 2019/2020, Delivery Program 2019/2023, and Fees and Charges 2019/2020

2. That Council adopt the attached Operational Plan 2019/2020 and Delivery Program 2019/2023, incorporating the approved Blackspot Program Projects at Walters Road and

Imbreys Road.

3. That a Farmland Rate, to be known as the “Farmland Rate” of 0.450665 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Farmland in accordance with Section 515 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 14.53% of revenue in this category, in accordance with Sections 499 and 537 of the Act.
4. That a Residential Rate, to be known as the “Residential Rate” of 0.677247 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Residential in accordance with Section 516 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 43.55% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
5. That a Residential Rate, to be known as the “Residential – Kyogle” Rate of 1.030765 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential - Kyogle (being all rateable land (other than business) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$291.00 which is expected to yield 22.41% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
6. That a Residential Rate, to be known as the “Rural Residential Rate” of 0.557089 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Residential Rural (being parcels of residential land that are the site of a dwelling and are between 2 and 40 hectares in area, or which do not have a significant and substantial commercial purpose or character) in accordance with Sections 516 and 529 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 22.12% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
7. That a Business Rate, to be known as the “Business Rate” of 0.527523 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that has been categorised as Business in accordance with Section 518 of the Local Government Act 1993, subject to a base amount of \$272.00 which is expected to yield 43.84% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;
8. That a Business Rate, to be known as the “Business – Kyogle” Rate of 1.014435 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 494 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the sub-category of Business - Kyogle (being all rateable land (other than residential) in the Kyogle Urban Area, as defined and includes properties in the areas of Kyogle, Geneva, Highfield, Homestead and the Golf Course Estate) in accordance with Sections 518 and 529 of the Local Government Act 1993, subject to a base amount of \$291.00 which is expected to yield 14.95% of revenue in this category, in accordance with Sections 499 and 537 of the Local Government Act 1993;



9. That a Stormwater and Flood Special Rate, to be known as the "Stormwater and Flood Residential" Rate of 0.042699 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 495 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the category of Residential and the sub-category of Residential - Kyogle in accordance with Sections 516 and 529 of the Local Government Act 1993, that is developed land and not able to be defined as vacant land subject to a minimum amount of \$96.00 in accordance with Section 548 of the Local Government Act 1993;
10. That a Stormwater and Flood Special Rate, to be known as the "Stormwater and Flood Business" Rate of 0.042699 cents in the dollar on the Land Value be now made for the rating year 1 July 2019 to 30 June 2020 in accordance with Section 495 of the Local Government Act 1993, on all rateable land in the area of the Council of Kyogle that belongs to the category of Business and the sub-category of Business - Kyogle in accordance with Sections 518 and 529 of the Local Government Act 1993, that is developed land, not able to be defined as vacant land, subject to a minimum amount of \$96.00 in accordance with Section 548 of the Local Government Act 1993;
11. That Council adopt the attached schedule of Fees and Charges 2019/2020.
12. That Council approve the borrowing proposed and authorise the Mayor and General Manager to sign under Common Seal, any documentation relating to the proposed loans.

**CARRIED**

FOR VOTE - Unanimous vote

#### **MOTION**

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

That Council include provision for the emergency services levy in its budget but withhold payment until the issue being lobbied by the Northern Rivers Joint Organisation, Country Mayors' Association, Council and Local Government NSW has been resolved.

Councillor Passfield withdrew the motion.

#### **15.2 CODE OF MEETING PRACTICE**

##### **RESOLVED CO/0619/9**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council;

1. Receives and notes the report, *Code of Meeting Practice*.
2. Adopts the attached Kyogle Council Code of Meeting Practice April 2019

**CARRIED**

FOR VOTE - Unanimous vote

**15.3 SUSTAINABLE COUNCILS ACTION PLAN FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY****RESOLVED CO/0619/10**

Moved by Cr Maggie May, seconded by Cr John Burley

That Council:

1. Receives and notes the Sustainable Councils Action Plan for Energy Efficiency and Renewable Energy report
2. Adopts the Kyogle Council Sustainable Councils Action Plan for Energy Efficiency and Renewable Energy
3. Adopts the following targets;
  - (a) That 25% of Council's electricity demand is met through on-site solar energy generation by 2025
  - (b) That 50% of Council's electricity demand is sourced from renewables by 2025
  - (c) That 100% of Council's electricity demand is sourced from renewables by 2030
4. Encourage and support the use of renewable energy by the community, particularly in new developments.

**CARRIED**

FOR VOTE - Unanimous vote

**16 URGENT BUSINESS WITHOUT NOTICE**

Nil

**17 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Hayden Doolan: Can Councillors receive an update on Kyogle Road, when is work going to begin?

Cr Lindsay Passfield: Council has included Mt Lindesay Road in the list of regional roads Council has asked the State Government to resume (in response to a pre-election promise), whereas Tenterfield Shire Council did not include this road in those it wants to have handed back. Can Council encourage Tenterfield Shire Council to also ask the State Government to resume responsibility for the section of Mt Lindesay Road in its local government area?

Cr Lindsay Passfield: The operators of the Woodenbong Dirt Bike Ride recently advised of some difficulties they were having with the ongoing organisation of the event. The Dirt Bike Rides represent a financial and social boost to the local area and are a big deal for the community. Can Council liaise with Tenterfield Council to help grease the tracks in relation to DAs for the event?

Cr Robert Dwyer: Can the Director of Assets and Infrastructure Services please pass on my thanks and compliments to the staff for their response to questions I asked at the last Council meeting in relation to a pothole at the junction of Anzac Drive and Harrison Street and an overgrown footpath on either side of the bridge on Anzac Drive?

Cr Robert Dwyer: I previously asked if a tree obstructing the view of motorists using Anzac Drive could be trimmed. Has there been any follow up to that?

**18 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0619/11**

Moved by Cr Kylie Thomas, 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 Annual 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 General Manager's Performance Agreement**

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

The Mayor closed the meeting at 6pm. The public and the media left the chamber.

**RESOLVED CO/0619/14**

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 6.04pm.

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

**18.1 ANNUAL TENDERS**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Annual Tenders*.
2. Place the following contractors on the list of preferred suppliers for hire of plant from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2019/20 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification, insurance & compliance with relevant Council policies.
  - Tutt Bryant Hire
  - M J Smith
  - Kyogle Earthworx
  - Sherrin Rentals
  - Hazell Bros
  - Ezyquip Hire
  - Conplant

- Richmond Valley Trees
  - A-Plant Equipment
  - Versatile Earthworks
  - Kenreach Group
  - Brooks Hire Service
  - Rollers Australia
  - Coates Hire
  - Aussie Enviro Excavations
  - Hyroll Hire P/L
  - Kennards Hire
  - Premiair Hire
  - S & G Agricultural Contractors
  - Valley Earthworks P/L
3. Adds the following contractors to the list upon Council's receipt of required information which was not supplied with the original tender documents.
- O Farragher
  - Maslen Contracting
  - H J Standfield
  - R Davis
  - D Adams
  - Ben Harris
  - The Mining P/L
  - Smith Plant
  - Homeleigh Dairies
  - Bitu-mill Civil P/L
4. Places the following contractors on the list of preferred suppliers for hire of trucks from which contractors will be engaged, dependent on Council's requirements, service provided and availability during the 2019/20 financial year; contingent on the contractor fulfilling their obligations in regards to Council's WHS specification, insurance & compliance with relevant Council policies.
- Kyogle Earthworx
  - M J Smith
  - Versatile Earthworks
  - J Oneill
  - S & L Sand & Gravel
  - Aussie Enviro Excavation
  - Brooks Hire Service
  - Valley Earthworks P/L
5. Adds the following contractors to the list upon Council's receipt of required information which was not supplied with the original tender documents.
- D Adams
  - R Davis
  - S Reeves
  - H J Standfield
  - Kingsbrae
  - Farragher & Whitehead
  - Maslen Contractors
  - John Miller

**CARRIED**

FOR VOTE - Unanimous vote

**18.2 GENERAL MANAGER’S PERFORMANCE AGREEMENT**

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the General Manager’s Performance Agreement report;
2. Endorses the General Manager’s Performance Agreement May 2019 covering the period February 2019 to February 2020.

**CARRIED**

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

ABSENT DID NOT VOTE - Cr John Burley

**The Meeting closed at 6.06pm**

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

.....  
**CHAIRPERSON**