



MINUTES

Ordinary Council Meeting

12 August 2019

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 12 AUGUST 2019 AT 5PM**

PRESENT: Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Janet Wilson, Cr Hayden Doolan, Cr Earle Grundy, Cr Kylie Thomas, Cr Lindsay Passfield, Cr Robert Dwyer

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

1 OPEN MEETING

The Mayor declared the meeting open at 5pm and advised that the meeting was being webcast (recorded) and those in attendance should refrain from making any defamatory statements.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

The Mayor advised the meeting that Cr Hayden Doolan would be late to the meeting.

2.1 LEAVE OF ABSENCE - CR MAGGIE MAY

RESOLVED CO/0819/1

Moved by Cr Kylie Thomas, seconded by Cr Lindsay Passfield

That Council approve Cr Maggie May's request for a leave of absence from today's meeting.

CARRIED

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

ABSENT DID NOT VOTE - Crs Maggie May and Hayden Doolan

Nil

3 OPENING PRAYER

The Mayor read the opening prayer.

4 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged that the meeting was being held on the traditional lands of the Bundjalung people and acknowledged elders past, present and future.

5 DECLARATION OF INTERESTS

Cr Robert Dwyer declared a non-pecuniary interest in the following item(s):

- Item No 9.1 – Notice of Motion; Increase in Newstart, Youth Allowance and Pension Payments
Reason for declaration – Cr Dwyer receives a pension.

Cr Kylie Thomas declared a non-pecuniary interest in the following item(s):

- Item No 16.2 – Replacement of Burt Raynor Bridge Findon Creek
Reason for declaration – Past association with one of the tenderers.

6 PUBLIC FORUM

There were no applications to speak at Council's Public Forum.

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 8 JULY 2019

RESOLVED CO/0819/2

Moved by Cr Robert Dwyer, seconded by Cr Lindsay Passfield

That Council confirms the minutes of the Council meeting of the 8 July 2019.

CARRIED

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

ABSENT DID NOT VOTE - Crs Maggie May and Hayden Doolan

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION

Having previously declared a non-pecuniary interest in Item 9.1, Cr Robert Dwyer left the meeting at 5.02pm.

9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; INCREASE IN NEWSTART, YOUTH ALLOWANCE AND PENSION PAYMENTS

MOTION

Moved by Cr Danielle Mulholland, seconded by Cr Kylie Thomas

That Council:

1. Urgently call for the rate of Newstart and Youth Allowance to be immediately increased in order to responsibly address quality of life issues for those reliant on such income;
2. Immediately write to all relevant Federal Ministers, Shadow Ministers and Members of Parliament urging that Newstart and Youth Allowance levels be urgently reviewed and adjusted to fair and responsible levels.

Cr Robert Dwyer returned to the meeting at 5.03pm.

Cr Hayden Doolan arrived at the meeting at 5.06pm.

AMENDMENT

Moved by Cr Kylie Thomas, seconded by Cr Lindsay Passfield

That Council immediately write to all relevant Federal Ministers, Shadow Ministers and Members of Parliament urging that Newstart and Youth Allowance levels be urgently reviewed and adjusted to fair and responsible levels.

CARRIED

FOR VOTE - Crs Kylie Thomas, Lindsay Passfield, Janet Wilson, Danielle Mulholland, John Burley, Hayden Doolan, Robert Dwyer

AGAINST VOTE - Crs Earle Grundy

ABSENT. DID NOT VOTE - Cr Maggie May

The amendment became the motion.

RESOLVED CO/0819/3

Moved by Cr Kylie Thomas, seconded by Cr Lindsay Passfield

That Council immediately write to all relevant Federal Ministers, Shadow Ministers and Members of Parliament urging that Newstart and Youth Allowance levels be urgently reviewed and adjusted to fair and responsible levels.

CARRIED

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

AGAINST VOTE - Cr Earle Grundy

ABSENT. DID NOT VOTE - Cr Maggie May

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0819/4**

Moved by Cr John Burley, seconded by Cr Janet Wilson

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

11 REPORTS FROM DELEGATES**11.1 DELEGATE'S REPORT - CRS DANIELLE MULHOLLAND AND KYLIE THOMAS - ANNUAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT****RESOLVED CO/0819/5**

Moved by Cr Danielle Mulholland, seconded by Cr Kylie Thomas

That Council receives and notes the report, *Delegate's Report – Crs Danielle Mulholland and Kylie Thomas; National General Assembly of Local Government*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

11.2 DELEGATE'S REPORT - CR DANIELLE MULHOLLAND: JOINT ORGANISATION CHAIRS, COUNTRY MAYORS' ASSOCIATION, AND MINISTERIAL MEETINGS**RESOLVED CO/0819/6**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council receives and notes the Delegate's Report from Cr Danielle Mulholland on the Joint Organisation Chairs, the Country Mayors' Association and Ministerial Meetings held in Sydney from 31 July – 2 August.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - JULY 2019****RESOLVED CO/0819/7**

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

13 STAFF REPORTS**13.1 JUNE 2019 QUARTERLY BUDGET REVIEW****RESOLVED CO/0819/8**

Moved by Cr Earle Grundy, seconded by Cr Robert Dwyer

That Council:

1. Receives and notes the report, *June 2019 Quarterly Budget Review*.
2. Incorporate the funds identified as revotes in the June 2019 budget review into the 2019/2020 budget.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

13.2 PROPOSED REVISION TO FEES FOR DISPOSAL OF ASBESTOS AT KYOGLE LANDFILL BY RESIDENTS AND BUSINESSES LOCATED OUTSIDE THE KYOGLE LGA**RESOLVED CO/0819/9**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Proposed Revision Of Fees For The Disposal Of Asbestos At Kyogle Landfill By Residents And Businesses Located Outside The Kyogle LGA*;
2. Places the proposed new fee structure for disposal of asbestos at the Kyogle Landfill Facility on public display for a period of 28 days and report any public consultation responses to a future meeting of Council prior to any adoption of the proposed new fee structure.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

13.3 KYOGLE YOUTH ADVISORY COMMITTEE**RESOLVED CO/0819/10**

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, *Kyogle Youth Advisory Committee*;
2. Revokes the Kyogle Youth Advisory Committee Charter;
3. Authorises the General Manager to enter into a Service Level Agreement with Kyogle Together Inc for the delivery of youth services across the Kyogle LGA, including facilitating the youth advisory committee objectives and occupation of the Kyogle Youth Centre building.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

13.4 EXTENSION OF DEVELOPMENT CONTRIBUTIONS AND CHARGES DISCOUNTING POLICY**RESOLVED CO/0819/11**

Moved by Cr Robert Dwyer, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report *Extension of Development Contributions and Charges Discounting Policy*.
2. Adopts the amended Development Contributions and Charges Discounting Policy as per the draft attached to this report.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

Cr Kylie Thomas called for a division under section 375A of the Local Government Act 1993

FOR	AGAINST
Cr Danielle Mulholland	
Cr John Burley	
Cr Janet Wilson	
Cr Hayden Doolan	
Cr Earle Grundy	
Cr Kylie Thomas	
Cr Lindsay Passfield	
Cr Robert Dwyer	

ABSENT. DID NOT VOTE - Cr Maggie May

13.5 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2019 MOTIONS**RESOLVED CO/0819/12**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council;

1. Receives and notes the report Local Government NSW Annual Conference 2019 Motions
2. Adopt the following motions to be included in LGNSW Annual Conference 2019 business paper;
 - (a) That LGNSW calls on the NSW State Government to commit adequate resources to arrest and repair the degradation of Crown Lands' native forests caused by weed infestations and Bell Miner associated dieback.
 - (b) That LGNSW calls on the NSW State Government to provide funding to address social housing stock deficits in the regions, to raise regional housing stock levels up to the state average.
 - (c) That LGNSW calls on the Federal Government to remove Part 1 Sec 6 2b of the Local Government Financial Assistance Act 1995 to remove the minimum per capita amount grant.
 - (d) That LGNSW calls on the NSW State Government to remove the waste levy from rural Councils.
 - (e) The LGNSW calls on the NSW State Government to fund the initial rise in the Emergency Services Levy to allow for the consultation promised but not undertaken.
 - (f) That LGNSW calls on the NSW State Government to engage with all NSW Councils to identify the most appropriate way forward in providing the necessary insurance for emergency services personnel without further cost shifting of a state funding responsibility to Local Government.
 - (g) That LGNSW calls on the NSW State Government to act to mitigate staff reductions at Essential Energy impacting rural councils.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

13.6 ASSET MANAGEMENT STRATEGY AND CORE INFRASTRUCTURE RISK MANAGEMENT PLAN**RESOLVED CO/0819/13**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council

1. Receives and notes the report on Asset Management Strategy and Core Infrastructure Risk Management Plan.
2. Endorses the Asset Management Strategy 2019 and the Core Infrastructure Risk Management Plan 2019.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

13.7 STRONGER COUNTRY COMMUNITIES FUND - ROUND 3**RESOLVED CO/0819/14**

Moved by Cr John Burley, seconded by Cr Janet Wilson

That Council;

1. Receives and notes the report Stronger Country Communities Fund Round 3
2. Endorses the following list of projects and SCCF funding allocations for submission of applications under Round 3 of the Stronger Country Communities Fund;
 - (a) **Project 1 – Combined Youth LGA Wide Project** - \$395,118 of the available SCCF funding (all youth related components)
 - (b) **Project 2 – Kyogle Mountain Bike Strategy Stage 1 Priorities** – \$130,000 of the available SCCF funding.
 - (c) **Project 3 – Tabulam Lighthouse Memorial** - \$50,000 of the available SCCF funding.
 - (d) **Project 4 – Tabulam Racecourse Building Improvements** - \$105,119 of the available SCCF funding.
 - (e) **Project 5 – Kyogle Showground Amenities** - \$110,000 of the available SCCF funding.

CARRIED

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

AGAINST VOTE - Cr Lindsay Passfield

ABSENT. DID NOT VOTE - Cr Maggie May

13.8 REVIEW OF CLIMATE CHANGE ASSESSMENT AND ADAPTATION INITIATIVES**RESOLVED CO/0819/15**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council;

1. Receives and notes the report *Review of Climate Change Assessment and Adaptation Initiatives*
2. Endorses the Kyogle Council Review of Climate Change Assessment and Adaptation Initiatives report dated July 2019.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Kylie Thomas: How much would it cost Council to employ a youth worker four days a week?

Cr Lindsay Passfield: Has there been a delay in the normal transfer of grant funding to the Wangaree Campdraft and Rodeo Committee and if so, why?

Cr Robert Dwyer: In future, can the revotes in the current business paper be enlarged for ease of reading the next time they appear in the business paper?

Cr Robert Dwyer: Can we have an update on Council's request for inclusion of the Kyogle Local Government Area in the drought assistance program?

Mayor: I can provide that update. During our trip to Canberra for the National General Assembly for Local Government, Cr Thomas and myself met with the Federal Minister for Regional Services, Decentralisation and Local Government Mark Coulton about the exclusion of the Kyogle LGA from the Drought Assistance Program. We didn't get any traction at the time and have not received anything back from the minister. I also have not had any response to the correspondence that we have sent to the Minister. Council has also raised the matter with the local member Kevin Hogan. We will keep advocating around getting the drought assistance, but because it is premised on rainfall per LGA, it is difficult when it comes to our LGA because of the differing rainfall received from throughout our area.

Cr Dwyer: Can we ask for a formal response from the Minister, as I thought they were duty bound to respond to all correspondence?

16 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0819/16**

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:

16.1 Regional Procurement Tender for Precast Pipes

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.

16.2 Tender Evaluation Report - Replacement of Burt Raynor Bridge Findon Creek

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.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

The Mayor closed the meeting at 5.37pm. The public and the media left the chamber.

RESOLVED CO/0819/17

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

Open Council resumed at 5.39pm.

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

Item 16.1 Regional Procurement Tender for Precast Pipes

Moved by Cr Robert Dwyer, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report, *Regional Procurement Tender For Precast Pipes*;
2. Not accept any tenders under the Regional Procurement tender REGPRO621920 for both categories 1 and 2.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

Item 16.2 Tender Evaluation Report - Replacement of Burt Raynor Bridge Findon Creek

Moved by Cr Earle Grundy, seconded by Cr John Burley

That Council

1. Receives and notes the report, *Tender Assessment and Tender Evaluation Report – 2019/2020 – 001 – Replacement of Burt Raynor Bridge Findon Creek Road.*
2. Accepts the tender from Ozwide Bridge Rail & Civil Pty Ltd for the value of \$894,986 (excluding GST).

CARRIED

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

ABSENT DID NOT VOTE – Crs Maggie May, Kylie Thomas

17 CLOSE OF MEETING

The Meeting closed at 5.40pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 9 September 2019.

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CHAIRPERSON