



MINUTES

Ordinary Council Meeting

9 September 2019

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 9 SEPTEMBER 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: The General Manager, Director Assets and Infrastructure Services, Manager Corporate Services, Executive Assistant to the General Manager.

1 OPEN MEETING

The Mayor declared the meeting open at 5pm and advised those in attendance 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

Nil

3 OPENING PRAYER

The Mayor read the opening prayer.

4 ACKNOWLEDGEMENT OF COUNTRY

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

5 DECLARATION OF INTERESTS

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

- Item No 9.3 – Notice of Motion: Reimbursement of Deputy Mayor
Reason for declaration – Cr Burley holds the position of Deputy Mayor

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES**7.1 COUNCIL REPORT - 12 AUGUST 2019****RESOLVED CO/0919/1**

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council receives and notes the minutes of the Council meeting of the 12 August 2019.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR JOHN BURLEY; 2020 KYOGLE AUSTRALIA DAY CELEBRATIONS****RESOLVED CO/0919/2**

Moved by Cr John Burley, seconded by Cr Lindsay Passfield

That Council accept the Kyogle Lions Club's offer to run Australia Day in Kyogle for 2020 and that the Kyogle Australia Day Committee funding be made available to the Kyogle Lions Club.

CARRIED

FOR VOTE - Unanimous vote

9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; AMENDMENT TO THE CODE OF MEETING PRACTICE**RESOLVED CO/0919/3**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That the Code of Meeting Practice be amended to allow residents and ratepayers to register their interest in speaking during public forum by midday on the Friday prior to the meeting.

CARRIED

FOR VOTE - Unanimous vote

Having previously declared an interest in Item 9.3, Cr Burley left the meeting at 5.12pm.

9.3 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; REIMBURSEMENT OF DEPUTY MAYOR

RESOLVED CO/0919/4

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That the Deputy Mayor's role be reimbursed \$1,500 per annum whilst the Kyogle Council Mayor holds the position of Northern Rivers Joint Organisation Chair, to compensate for the increased civic duties the Deputy Mayor undertakes.

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

Cr Burley returned to the meeting at 5.13pm.

9.4 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; SUPPORT FOR COMMUNITY WASTE INITIATIVES

RESOLVED CO/0919/5

Moved by Cr Danielle Mulholland, seconded by Cr Robert Dwyer

That Council provide statements of support for community initiatives that reduce waste, particularly single-use containers and plastics, throughout the LGA.

CARRIED

FOR VOTE - Unanimous vote

9.5 NOTICE OF MOTION - CR HAYDEN DOOLAN; RECOGNITION OF COMMUNITY SERVICE**MOTION**

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

That the Mayor write a letter of thanks to Les Tarran recognising his service of 41 years to the NSW Ambulance Service with 33 of the 41 years as Station Officer in Kyogle Ambulance Station.

AMENDMENT

Moved by Cr Robert Dwyer, seconded by Cr Hayden Doolan

That Council organise and present a Certificate of Service for Mr Les Tarran.

LOST

FOR:

AGAINST: Crs Danielle Mulholland, John Burley, Janet Wilson, Maggie May, Hayden Doolan, Earle Grundy, Kylie Thomas, Lindsay Passfield and Robert Dwyer

RESOLVED CO/0919/6

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

That the Mayor write a letter of thanks to Les Tarran recognising his service of 41 years to the NSW Ambulance Service with 33 of the 41 years as Station Officer in Kyogle Ambulance Station.

CARRIED

FOR VOTE - Unanimous vote

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0919/7**

Moved by Cr Lindsay Passfield, 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

Nil

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - AUGUST 2019****RESOLVED CO/0919/8**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT - AUGUST 2019**RESOLVED CO/0919/9**

Moved by Cr Earle Grundy, seconded by Cr John Burley

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

CARRIED

FOR VOTE - Unanimous vote

13 STAFF REPORTS**13.1 AGENCY INFORMATION GUIDE 2019/20****RESOLVED CO/0919/10**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report, *Agency Information Guide 2019/20*;
2. Adopts the attached Agency Information Guide 2019/20.

CARRIED

FOR VOTE - Unanimous vote

13.2 COUNCIL COMMITTEES**RESOLVED CO/0919/11**

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

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.

3. Appoints the following Councillors to the following committees:
 - a. General Manager's Review Committee - Mayor, Councillor Maggie May, Councillor Earle Grundy.
 - b. Traffic Committee - Councillor Hayden Doolan.
 - c. Internal Audit Committee - Councillor Kylie Thomas.

CARRIED

FOR VOTE - Unanimous vote

13.3 COUNCIL DELEGATES**RESOLVED CO/0919/12**

Moved by Cr Danielle Mulholland, 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 and District 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

**At least one delegate should have some expertise/experience in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*

3. Endorses the following delegates:

- (a) Kyogle Chamber of Commerce members are Councillors Maggie May and Kylie Thomas
- (b) NSW Rural Fire Service member is the Mayor and alternate delegate is the Deputy Mayor.
- (c) Northern Rivers Joint Organisation Council's voting representative is the Mayor and alternative voting delegate is the Deputy Mayor.
- (d) NSW Country Mayors' Association member is the Mayor and alternate delegate is the Deputy Mayor.
- (e) Woodenbong to Legume Stakeholders Group are Councillors Lindsay Passfield and Earle Grundy.
- (f) Northern Rivers Bushfire Management Committee member is Councillor Hayden

Doolan.

- (g) LGNSW Working Party for Unrateable Forestry Plantation Land and Forest Road Infrastructure Contributions in Local Government are Councillors Lindsay Passfield and Earle Grundy.
- (h) National Timber Councils' Association members are Councillors Lindsay Passfield and Earle Grundy
- (i) Police Accountability Community Team member is the Mayor and alternate delegate is the Deputy Mayor.
- (j) Reconciliation Committee member is Councillor John Burley.
- (k) Joint Regional Planning Panel members are the Mayor and Deputy Mayor.

CARRIED

FOR VOTE - Unanimous vote

13.4 COUNCIL MEETING CYCLE

RESOLVED CO/0919/13

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

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

Monday, 14 October 2019, 5pm

Monday, 11 November 2019, 5pm

Monday, 9 December 2019, 5pm

Monday, 10 February 2020, 5pm

Monday, 9 March 2020, 5pm

Monday, 13 April 2020, 5pm

Monday, 11 May 2020, 5pm

Tuesday, 9 June 2020, 5pm (Monday 8 June is the Queen's Birthday holiday)

Monday, 13 July 2020, 5pm

Monday, 10 August 2020, 5pm

2. That Council delegate the General Manager the authority to call an Extraordinary Meeting after the 2020 election result is known.

CARRIED

FOR VOTE - Unanimous vote

13.5 TABULAM FLOOD RISK MANAGEMENT - FINAL STUDY AND DRAFT PLAN**RESOLVED CO/0919/14**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, Tabulam Flood Risk Management – Final Study and Draft Plan
2. Adopts the Tabulam Flood Risk Management – Final Study and Draft Plan Rev C 30 August 2019

CARRIED

FOR VOTE - Unanimous vote

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Maggie May: Could we please have an update on the Tabulam and Drake bushfires?

Director Assets and Infrastructure Services: While we have been in the meeting authorities have closed the Bruxner Highway at Tabulam. The fire front is pretty much on Plain Station Road and is at risk of crossing over into the Kyogle LGA. A Section 44 emergency has been declared for the Kyogle LGA. No evacuation centres have been set up in our area at this point. There is an evacuation centre operating in Tenterfield. At this point no one has been evacuated from Drake, although people may have left Drake on their own volition. We are currently at Amber alert at the Emergency Operation Centre (EOC), which is be aware you could be called in at any time. No one has been called in at this point.

Cr Janet Wilson: Did we decide at a previous meeting that instead of bringing requests for recognition of service to council meetings, we would implement system whereby we would issue letters from the Mayor on approach by one of the Councillors?

The question was taken on notice.

Cr Janet Wilson: Are we making a financial contribution to Tenterfield Community Fund or a Bushfire Relief Fund to support people who lost their homes?

The question was taken on notice.

Cr Hayden Doolan: Can we have a specific timeline on when the Courtois Street work will be completed?

The question was taken on notice.

Cr Kylie Thomas: Can we have update on facilities at Toonumbar Dam and how NSW Water is tracking with that?

General Manager: I haven't got any new information at the moment. There is a funding application pending and WaterNSW has not heard back whether or not that has been successful. There is also investigation work around the dam proper, the irrigation water and options for the future use of the dam that both WaterNSW and the Department of Primary Industries and Environment are looking at as part of preparation for a regional water strategy. Rous, ourselves, Richmond Valley and other affected councils are involved in discussions with the department but there is nothing coming out of that other than a list of ideas for investigation. A positive that has come out of that is that none of the identified options is to get rid of the dam.

Cr Lindsay Passfield: How does Council monitor the condition of our road infrastructure and set maintenance priorities?

The question was taken on notice.

Cr Lindsay Passfield: When and how will Council provide feedback to the Woodenbong community on the issue of home care services?

The question was taken on notice.

Cr Robert Dwyer: In the report on pending Development Applications, a number state the DA is for change of use. Can the report be expanded in future to list what the change of use is?

The question was taken on notice.

16 CONFIDENTIAL BUSINESS PAPER

RESOLVED CO/0919/15

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

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 Quinn Emanuel Class Action

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.

16.2 Provision of Information to and Interaction Between Councillors and Staff Policy

This matter is considered to be confidential under Section 10A(2) - i 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 alleged contraventions of any code of conduct requirements applicable under section 440.

CARRIED

FOR VOTE - Unanimous vote

The Mayor closed the meeting at 5.44pm. The public and the media left the chamber.

RESOLVED CO/0919/18

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Lindsay Passfield

Open Council resumed at 6.07pm. Cr Lindsay Passfield returned to the meeting at 6.07pm.

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

16.1 Quinn Emanuel Class Action

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report, Quinn Emanuel Class Action;
2. Join the Class Action being led by Richmond Valley Council.

CARRIED

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

ABSTAINED – Cr Maggie May.

16.2 Provision of Information to and Interaction Between Councillors and Staff Policy

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council;

1. Receives and notes the report, *Provision Of Information To And Interaction Between Councillors And Staff Policy*.
2. Undertakes a review of the Provision of Information To and Interaction Between Councillors and Staff Policy to ensure it reflects the Model Code of Conduct.

CARRIED

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

ABSENT DID NOT VOTE - Cr Lindsay Passfield

17 CLOSE OF MEETING

The Meeting closed at 6.07pm

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

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CHAIRPERSON