



MINUTES

Ordinary Council Meeting

14 October 2019

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 14 OCTOBER 2019 AT 5PM**

PRESENT: Cr Janet Wilson, Cr Maggie May, Cr Earle Grundy, Cr Kylie Thomas, Cr Lindsay Passfield, Cr Robert Dwyer

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

1 OPEN MEETING

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

1.1 APPOINTING A CHAIRPERSON

With the Mayor and Deputy Mayor absent from the meeting, the Acting General Manager advised that the meeting would have to appoint a chairperson and called for nominations.

Cr Kylie Thomas and Cr Lindsay Passfield nominated Cr Earle Grundy.

Cr Grundy accepted the nomination.

The Acting General Manager called for further nominations.

There being no further nominations, Cr Grundy was appointed chairperson and took the chair.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Apologies were received from Councillors Danielle Mulholland and Hayden Doolan (Council's delegates to the Local Government NSW annual conference).

Cr John Burley sought a leave of absence from today's meeting.

2.1 LEAVE OF ABSENCE

RESOLVED CO/1019/1

Moved by Cr Maggie May, seconded by Cr Kylie Thomas

That Council grant Cr John Burley a leave of absence from today's October Ordinary Council meeting.

CARRIED

FOR VOTE - Unanimous vote

3 OPENING PRAYER

The Chairperson read the opening prayer.

4 ACKNOWLEDGEMENT OF COUNTRY

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

5 DECLARATION OF INTERESTS

Nil

6 PUBLIC FORUM

Ruth Haig, of Kyogle, spoke in support of Cr Janet Wilson's Notice of Motion and urged the Council to join other government jurisdictions in declaring a climate emergency.

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 9 SEPTEMBER 2019

RESOLVED CO/1019/2

Moved by Cr Robert Dwyer, seconded by Cr Janet Wilson

That Council confirms the minutes of the Council meeting of 9 September 2019.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION**9.1 NOTICE OF MOTION - CR JANET WILSON; REGIONAL RESPONSE TO CLIMATE CHANGE RISKS****RESOLVED CO/1019/3**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council:

1. Write to the Northern Rivers Joint Organisation (NRJO) to seek support for the development of regional transition models that respond and adapt to climate change risks in innovative and connected ways and that the models address the principles set out in the North Coast Regional Plan and the Enabling Regional Adaption: North Coast report;
2. Write to all Local Government Areas (LGAs) in the region to advise them of this motion and to seek their support for participating in the development of a transition model for the region through the NRJO, which reflects strengths and vulnerabilities of their own particular LGA as part of a regional response to climate change risks.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/1019/4**

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

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

11 REPORTS FROM DELEGATES**11.1 DELEGATE'S REPORT - CR DANIELLE MULHOLLAND - JOINT ORGANISATION MINISTERIAL ADVISORY COMMITTEE AND LOCAL GOVERNMENT NSW SUSTAINING THE REGIONS FORUM****MOTION**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council receives and notes the Delegate's Report from Cr Danielle Mulholland on the Joint Organisation Ministerial Advisory Committee and the Local Government NSW Sustaining The Regions Forum.

FORESHADOWED MOTION

Moved by Cr Janet Wilson

That Council write to the Minister for Agriculture in support of the Agforce recommendation to lift the Farm Allowance cap until the end of the drought.

RESOLVED CO/1019/5

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council receives and notes the Delegate's Report from Cr Danielle Mulholland on the Joint Organisation Ministerial Advisory Committee and the Local Government NSW Sustaining The Regions Forum.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

RESOLVED CO/1019/6

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council write to the Minister for Agriculture in support of the Agforce recommendation to lift the Farm Allowance cap until the end of the drought.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - SEPTEMBER 2019****RESOLVED CO/1019/7**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council receives and notes the information contained in the report, *Monthly Finance Report - September 2019*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

12.2 WORKS PROGRAM PROGRESS REPORT - SEPTEMBER 2019**RESOLVED CO/1019/8**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13 STAFF REPORTS**13.1 PECUNIARY INTEREST RETURNS****RESOLVED CO/1019/9**

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report, *Pecuniary Interest Returns*;
2. Notes the tabling of the Register of Returns.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13.2 PROPOSED REVISION TO FEES FOR DISPOSAL OF ASBESTOS AT KYOGLE LANDFILL BY RESIDENTS AND BUSINESSES LOCATED OUTSIDE THE KYOGLE LGA**RESOLVED CO/1019/10**

Moved by Cr Robert Dwyer, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, Proposed Revision to Fees for the Disposal of Asbestos at Kyogle Landfill by Residents and Businesses Located Outside the Kyogle LGA.
2. Adopts the new fee structure for disposal of asbestos at the Kyogle Landfill as outlined in the report.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13.3 SIX MONTHLY REVIEW DELIVERY PROGRAM AND OPERATIONAL PLAN**RESOLVED CO/1019/11**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council receives and notes the attached Six Monthly Review of the Delivery Program and Operational Plan.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13.4 INTERNAL AUDIT COMMITTEE REPORT - 24 SEPTEMBER 2019**RESOLVED CO/1019/12**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council receives and notes the minutes of the Internal Audit Committee meeting of the 24 September 2019.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13.5 PROVISION OF INFORMATION TO AND INTERACTION BETWEEN COUNCILLORS AND STAFF DRAFT POLICY**RESOLVED CO/1019/13**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council

1. Receives and notes the report Provision of Information to and Interaction Between Councillors and Staff Draft Policy.
2. Adopts the attached draft Provision of Information to and Interaction Between Councillors and Staff Draft Policy.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13.6 DRAFT COMMUNITY PARTICIPATION PLAN AND CONSEQUENTIAL AMENDMENT TO DEVELOPMENT CONTROL PLAN**RESOLVED CO/1019/14**

Moved by Cr Kylie Thomas, seconded by Cr Maggie May

That Council:

1. Place the draft Community Participation Plan on public exhibition for at least 28 days.
2. Staff prepare an amendment to the Development Control Plan to reference the Community Participation Plan in Chapter 6 Public Notification of Development Applications and place the amended Development Control Plan on public exhibition for at least 28 days.
3. Staff present a further report to Council following public exhibition of the draft Community Participation Plan and Development Control Plan outlining the outcomes of public exhibition.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13.7 DRAFT TERMS OF REFERENCE CLIMATE CHANGE WORKING GROUP**MOTION**

Moved by Cr Maggie May, seconded by Cr Kylie Thomas

That Council

1. Receives and notes the report Draft Terms of Reference Climate Change Working Group
2. Adopts the draft Climate Change Working Group Terms of Reference
3. Calls for expressions of interest for membership on the Climate Change Working Group

FORESHADOWED MOTION

Moved by Cr Janet Wilson

That Council refer the matter of declaring a climate emergency to the Climate Change Working Group.

RESOLVED CO/1019/15

Moved by Cr Maggie May, seconded by Cr Kylie Thomas

That Council

1. Receives and notes the report Draft Terms of Reference Climate Change Working Group
2. Adopts the draft Climate Change Working Group Terms of Reference
3. Calls for expressions of interest for membership on the Climate Change Working Group

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

RESOLVED CO/1019/16

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council refer the matter of declaring a climate emergency to the Climate Change Working Group.

CARRIED

FOR VOTE - Crs Janet Wilson, Earle Grundy, Lindsay Passfield and Robert Dwyer

AGAINST VOTE - Crs Maggie May and Kylie Thomas

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

13.8 NAMING OF ROADS BUILT ASSETS AND PLACES**RESOLVED CO/1019/17**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report, *Naming of Roads Built Assets and Places*.
2. Adopts the revised draft *Naming Convention for Built Assets and Places Policy*.
3. Calls for submissions from the community for input into the revised Kyogle Council List of Words for the Provision of Road Names in the Kyogle Local Government Area.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Maggie May: Given the current drought situation and the water issues being experienced by Council's western neighbours, should Council be looking at its current level of water restrictions?

Acting General Manager: Currently, level two water restrictions are in place in Kyogle and Woodenbong and level three water restrictions at Bonalbo. I have had discussions with Council's Urban Services Manager and we don't see that there is an issue going forward. The situation at Bonalbo is manageable and Council does not see any urgency at the moment to change the current approach.

Director of Assets and Infrastructure Services: Kyogle's new off stream water storage has future proofed the Kyogle community in terms of water security. And it should be remembered that increasing water restrictions can have impacts on business and the local economy.

Cr Lindsay Passfield: Can Council have a workshop on how the \$1 million of Federal drought funding will be spent. I would like to see a lot of that money spent in future proofing water supplies for the local government area, perhaps with the establishment of public bores west of the range or lifting the height of Tooloom Falls wall by 600mm, which would double its capacity.

Acting General Manager: Council will be taking the drought funding to a workshop in the near future and on the back of the workshop we propose to put it to the community for consultation. The guidelines for the drought funding are reasonably strict around infrastructure.

Cr Robert Dwyer: In regard to the media exposure around Council being successful in getting the \$1 million Drought Communities Funding. My understanding at this stage is that Council has not got \$1 million, all the Council has done is met the eligibility criteria to apply for the funding. To that end, can Council prepare a press release explaining that Council has only met the eligibility list and detailing the process Council must go through to be considered for the \$1 million funding. There is a misconception in the community that we already have the funding that I believe needs to be addressed.

Acting General Manager: Council plans on doing exactly that, however there are a number of issues that need to be clarified before that can take place. Hopefully we will be in a position to do that later in the week when the General Manager returns to work.

16 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/1019/18**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

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 Tender 2019/20-004 Kyogle Aquatic Centre Upgrades Stage 1

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 Outstanding Rates and Charges

This matter is considered to be confidential under Section 10A(2) - b 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 discussion in relation to the personal hardship of a resident or ratepayer.

16.3 Request for Tender RFQ EX-1308 - Supply & Delivery of Bitumen Emulsion to NRJO

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.

16.4 Community Assistance Applications

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).

16.5 Tender 2019/20-002 Supply of 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.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

The Chairperson closed the meeting at 6.13pm. The public and the media left the chamber.

RESOLVED CO/1019/24

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 - Crs Danielle Mulholland, John Burley and Hayden Doolan

Open Council resumed at 6.32pm.

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

Item 16.1 Tender 2019/20-004 Kyogle Aquatic Centre Upgrades Stage 1

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council:

1. Receive and notes the report Tender 2019/20-004 Kyogle Aquatic Centre Upgrades Stage 1.
2. Declines to accept any of the tenders under tender 201920-004 and cancels the proposal for the associated contract.
3. Confirms its commitment to the delivery of the full scope of works associated with the Kyogle Aquatic Centre Redevelopment including the community gym, indoor sports stadium and 25m indoor heated pool and prepares a business case to support future funding applications for the full scope of the Kyogle Aquatic Centre Redevelopment.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

Item 16.2 Outstanding Rates and Charges

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report Outstanding Rates and Charges
2. Writes off the debt of \$2,371.69 owed by Mr Gary Fuller on assessment 10062442

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley, Hayden Doolan, Lindsay Passfield.

(Note: On learning that Mr Fuller has provided business services that may have interacted with events he is associated with, Cr Lindsay Passfield declared a pecuniary interest, left the meeting at 6.23pm and did not vote.)

Item 16.3 Request for Tender RFQ EX-1308 - Supply & Delivery of Bitumen Emulsion to NRJO

Moved by Cr Lindsay Passfield, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, Request for Tender RFQ EX-1308 - Supply & Delivery of Bitumen Emulsion to NRJO
2. Appoint Bitupave LTD T/A Boral Asphalt as the successful tenderer for the supply and delivery of bitumen emulsion.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

Item 16.4 Community Assistance Applications

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council:

1. Receive and note the report, Community Assistance Grants
2. Fund the following for one-off Community Assistance Grants applications for the amounts indicated

Muli Warriors Rugby League Team	\$1,000
Kyogle High School P&C	\$1,000
Afterlee Public School P&C	\$1,000
Kyogle & District Arts Council	\$1,000
Bonalbo Community Men's Shed	\$1,000
Kyogle Tennis Club	\$1,000
West of the Range Pony Club	\$1,000
Bonalbo Rural Fire Brigade	\$614
Old Bonalbo Progress Association	\$1,000
Bonalbo Showground Reserve Trust	\$5,000
Bonalbo Bowling and Recreation Club	\$800
Collins Creek Hall Reserve Trust	\$1,000
Bundgeam Hall Committee	\$800
Woodenbong Pre-school	\$1,000
Eden Creek / Fairymount Preschool	\$1,000
Cawongla and District Tennis Club	\$1,000
Tabulam CWA	\$1,000
Save Our Services Upper Clarence Health Committee	\$1,000
Kyogle Together Inc	\$1,000
Cawongla Community Centre	\$1,000
The Risk Hall Committee	\$2,500
Grevillia Hall Committee	\$1,000
Louisa Johnston Training Centre	\$687
Friends of Etrick Hall Committee	\$1,000
Emily Weston	\$500
David Buckingham	\$500
Peyton Sifko	\$500
Jed Mulcahy	\$500
Cooper Mulcahy	\$500

CARRIED

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

AGAINST VOTE - Cr Robert Dwyer

ABSENT. DID NOT VOTE - Crs Danielle Mulholland, John Burley and Hayden Doolan

Item 16.5 Tender 2019/20-002 Supply of Wheel Loader

Moved by Cr Kylie Thomas, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report 2019/20-002 Supply of Wheel Loader
2. Accepts the tender from Hitachi Construction Machinery Australia Pty Ltd for the supply of a Hitachi ZW180-5 Wheel Loader and 4in 1 Bucket for \$265,456.11 (GST exclusive).

CARRIED

FOR VOTE - Unanimous vote

17 CLOSE OF MEETING

The Meeting closed at 6.37pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 November 2019.

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CHAIRPERSON