



# **MINUTES**

**Ordinary Council Meeting**

**11 November 2019**

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

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

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

## **1 OPEN MEETING**

The Mayor declared the meeting open at 5pm.

## **2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

Cr Hayden Doolan advised the Mayor he would be an apology due to the fire emergency and has requested a leave of absence.

Cr Kylie Thomas advised the Mayor she would be an apology due to work commitments.

### **2.1 LEAVE OF ABSENCE**

#### **RESOLVED CO/1119/1**

Moved by Cr Maggie May, seconded by Cr John Burley

That Council grant Cr Kylie Thomas and Cr Hayden Doolan a leave of absence from the 11 November 2019 Ordinary meeting.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas.

## **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 emerging.

## **5 DECLARATION OF INTERESTS**

Nil

**6 PUBLIC FORUM**

Karen Heard, of Woodenbong Progress Association, speaking on Item 13.8 Options for the delivery of Home Care Services in the village of Woodenbong

Graeme Gibson, of Kyogle Together, and Robyn Job, Co-ordinator of the Kyogle Gym, speaking in support of Item 13.6 Kyogle Community Gym – Request for Financial Assistance.

**6.1 CHANGE THE ORDER OF BUSINESS****RESOLVED CO/1119/2**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That the Order of Business be amended to bring forward Item 13.6 and Item 13.8.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**13.6 KYOGLE COMMUNITY GYM - REQUEST FOR FINANCIAL ASSISTANCE****RESOLVED CO/1119/3**

Moved by Cr Maggie May, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report on Kyogle Community Gym – Request for Financial Assistance
2. Fund the project to a maximum value of \$30,000 should external funding not be available as a budget variation with the funding to be sourced from Council's general consolidated revenue.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**13.8 OPTIONS FOR THE DELIVERY OF HOME CARE SERVICES IN THE VILLAGE OF WOODENBONG****MOTION**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Options for the Delivery of Home Care Services in the Village of Woodenbong*;
2. Authorises the placing of the report from Cartwright Consulting Australia Pty Ltd on the Kyogle Council website.
3. Uses the Compassionate Communities idea as outlined in Model 3 and 4 of the Cartwright Consulting Australia (CCA) report executive summary to develop a model that is suitable for the LGA with national applicability and uses Woodenbong as the study area.
4. Convenes a public meeting at Woodenbong to formally respond to the community regarding the Woodenbong Progress Association's initiative and the CCA report.

**AMENDMENT**

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, *Options for the Delivery of Home Care Services in the Village of Woodenbong*;
2. Authorises the placing of the report from Cartwright Consulting Australia Pty Ltd on the Kyogle Council website;
3. Authorises the allocation of the remaining \$50,000 from the existing budget for the priorities identified in the forthcoming Kyogle Local Strategic Planning Statement that will address housing needs, home care service provisions and delivery options in the Kyogle LGA;
4. Convenes a public meeting at Woodenbong to formally respond to the community regarding the Woodenbong Progress Association's initiative and the CCA report.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

The amendment became the motion.

**RESOLVED CO/1119/4**

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, *Options for the Delivery of Home Care Services in the Village of Woodenbong*;
2. Authorises the placing of the report from Cartwright Consulting Australia Pty Ltd on the Kyogle Council website.
3. Authorises the allocation of the remaining \$50,000 from the existing budget for the priorities identified in the forthcoming Kyogle Local Strategic Planning Statement that will

address housing needs, home care service provisions and delivery options in the Kyogle LGA.

4. Convenes a public meeting at Woodenbong to formally respond to the community regarding the Woodenbong Progress Association's initiative and the CCA report.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

## **7 CONFIRMATION OF MINUTES**

### **7.1 COUNCIL REPORT - 14 OCTOBER 2019**

#### **RESOLVED CO/1119/5**

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council confirms the minutes of the Council meeting of the 14 October 2019.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

### **7.2 COUNCIL REPORT - 28 OCTOBER 2019**

#### **RESOLVED CO/1119/6**

Moved by Cr Maggie May, seconded by Cr John Burley

That Council confirms the minutes of the Extraordinary Council meeting of the 28 October 2019.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

## **8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; RENEW OUR LIBRARIES****RESOLVED CO/1119/7**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Makes representations to Member for Lismore, Janelle Saffin, MP, in relation to the need for a sustainable State funding model for the ongoing provision of public library services.
2. Writes to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of State funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model.
3. Takes a leading role in lobbying for sustainable State government funding for libraries.
4. Endorses the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**9.2 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; DISABLED PLAYGROUNDS****RESOLVED CO/1119/8**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council receive and note the attachment.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/1119/9**

Moved by Cr Janet Wilson, 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 – Crs Hayden Doolan, Kylie Thomas

**11 REPORTS FROM DELEGATES****11.1 DELEGATES REPORT: CR DANIELLE MULHOLLAND - COUNTRY MAYORS ASSOCIATION****RESOLVED CO/1119/10**

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That Council receives and notes the report, *Delegates Report: Cr Danielle Mulholland - Country Mayors' Association*.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - OCTOBER 2019****RESOLVED CO/1119/11**

Moved by Cr John Burley, seconded by Cr Janet Wilson

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**12.2 WORKS PROGRAM PROGRESS REPORT - OCTOBER 2019**

**RESOLVED CO/1119/12**

Moved by Cr Earle Grundy, seconded by Cr Robert Dwyer

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas



**13 STAFF REPORTS****13.1 SEPTEMBER 2019 QUARTERLY BUDGET REVIEW****RESOLVED CO/1119/13**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the September 2019 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>SEPTEMBER QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Finance - Revenue Sharing Grant	313,279	
Crown Reserves - Grants	117,000	
Crown Reserves - Expenses		117,000
Rural Local Roads - Grants	30,243	
Bridges - Capital Grants	300,000	
Bridges - Capital Expenditure		195,000
<b>Totals</b>	760,522	312,000
	<b>Net Adjustment</b>	<b>448,522</b>

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**13.2 PRESENTATION OF 2018/2019 FINANCIAL STATEMENTS****RESOLVED CO/1119/14**

Moved by Cr Earle Grundy, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Presentation of the 2018/19 Financial Statements*.
2. Presents to the public the Audited Financial Reports and Independent Audit Reports for the year ended 30 June 2019 in accordance with the Local Government Act 1993.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**13.3 2018/2019 ANNUAL REPORT****RESOLVED CO/1119/15**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council:

1. Receives and notes the report, *2018/19 Annual Report*.
2. In accordance with s.428 of the Local Government Act, 1993, posts the finalised Annual Report on Council's website and provide a copy to the Minister.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**13.4 ADOPTION OF AMENDED CODE OF MEETING PRACTICE****RESOLVED CO/1119/16**

Moved by Cr John Burley, seconded by Cr Earle Grundy

That Council;

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**13.5 INTERNAL AUDIT COMMITTEE REPORT - 28 OCTOBER 2019****RESOLVED CO/1119/17**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council receives and notes the minutes of the Internal Audit Committee meeting of the 28 October 2019.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**13.7 PROPOSED FEES FOR HIRE OF HOUSE AND CABINS AT THE KYOGLE GARDENS CARAVAN PARK****RESOLVED CO/1119/18**

Moved by Cr Robert Dwyer, seconded by Cr Maggie May

That Council

1. Receives and notes the report, *Proposed Fees for Hire of House and Cabins at the Kyogle Gardens Caravan Park*.
2. Places the proposed fees for hire of house and cabins at the Kyogle Gardens Caravan Park 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 – Crs Hayden Doolan, Kylie Thomas

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Earle Grundy: When will the Round 2 Stronger Country Communities projects be started and completed.

Mayor: Council has to expend the funds by the end of 2020 and the staff are going to start progressing those projects early in the New Year.

General Manager: For many of the projects, Open Space Plans of Management and Masterplans for the particular sites have to be completed before work can start. That process is ongoing. The other projects, such as the community halls that are not dependent on those plans being developed and completed, are progressing in that Council has started work on them or we are working with the community groups to get the work underway.

Cr Lindsay Passfield: Could Council have a briefing on the fire situation in our LGA and adjacent areas.

General Manager: There is an Emergency Operation Centre active in Casino, and the Superintendent of the Rural Fire Service is in charge of fires north of Grafton to the Queensland border, covering five local government areas. He is assisted by liaison officers and staff from a number of agencies.

At this stage, the fire Council is most concerned about is north west of Woodenbong. At this stage that fire is expected to be controlled, but there are warnings out for people in that area. People are being advised to leave early and the Kyogle Memorial Institute Hall will be set up as an evacuation centre for those choosing to do that. The Kyogle Showground has also been made available to take large animals that are being relocated.

Cr Robert Dwyer: At the last meeting, a question was asked about the cost of the labyrinth and a figure of \$100,000 was stated. Can we have a breakdown of how that was funded and from what departments the money came from?

General Manager: There has been \$84,000 spent so far. Twenty thousand dollars of that came from Stronger Country Communities funding and the rest was from Council. A breakdown of those costs has been given to the labyrinth committee.

Cr Robert Dwyer: There is story being circulated that funds left over after the completion of the two bridges on Lynches Creek were used to bitumen seal the gravel road between the two bridges? Council had a previous policy not to seal isolated sections of gravel road. Rather, seals were to be undertaken on gravel roads that adjoined already sealed roads.

Director Assets and Infrastructure Services: The Lynches Creek bridges were part of package and whilst Council did not make saving specifically on those two bridges, we did make savings across the whole package. The Lynches Creek bridges were the last two in that package to be delivered and that is where we decided to undertake the sealing project. It is part of a larger plan to seal the gravel link to the new sealed section.

**16 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/1119/19**

Moved by Cr John Burley, seconded by Cr Maggie May

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 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.

**16.2 Tender Evaluation Report - 2019/20-003 Pile Installation**

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.

**16.3 Tender Evaluation - 2019/20-006 Quarry Products**

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 Tender Evaluation - 2019/20-007 Provision of Crushing Services**

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 Hayden Doolan, Kylie Thomas

The Mayor closed the meeting at 6.24pm. The public and the media left the chamber.

**RESOLVED CO/1119/24**

Moved by Cr Maggie May, seconded by Cr Lindsay Passfield

That Council moves out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

Open Council resumed at 6.30pm

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

**16.1 Outstanding rates and charges**

Moved by Cr John Burley, seconded by Cr Maggie May

That Council:

1. Receives and notes the report on Outstanding Rates and Charges
2. Transfer the land associated with Assessment 10007314 to Council at no cost to the current owner of the land and write off \$12,208.39 in outstanding rates and charges in relation rate assessment 10007314 owned by Mr Wayne Robinson;
3. Hold a public auction for the sale of the land held in the name of the Late Doreen Violet Pearson – rate assessment 10002380 - in accordance with section 713 (1)(b) of the Local Government Act.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

### **16.2 Tender Evaluation Report - 2019/20-003 Pile Installation**

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council

1. Receives and notes the report, *Tenders for Contract 2019/20-003 Pile Installation*
2. Accepts the tenders received from Wagstaff Piling and Civil Group for the provision of Pile Installation services.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

### **16.3 Tender Evaluation - 2019/20-006 Quarry Products**

Moved by Cr Lindsay Passfield, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report, *Tender Evaluation 2019/20-006 Quarry Products*.
2. Accepts the tenders received under Tender 2019/20-006 Quarry Products from:
  - Solo Resource Recovery
  - Smith Plant (Lismore) Pty Ltd
  - MJ Smith Ground Preparation Pty Ltd
  - Maslen Contractors Pty Ltd
  - Holmes Pty Ltd
  - HJ (Murphy) Standfield Pty Ltd
  - Grahams Quarry
  - Bromelton Quarry
  - BCQ Pty Ltd

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**16.4 Tender Evaluation - 2019/20-007 Provision of Crushing Services**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council

1. Receives and notes the report, *Tender Evaluation – 2019/20-007 Provision of Crushing Services*.
2. Accepts the tenders received from Holmes Pty Ltd, Smith Plant Pty Ltd, and Terragon Rock Crushing Pty Ltd for the provision of goods and services associated with crushing services.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Hayden Doolan, Kylie Thomas

**17 CLOSE OF MEETING**

**The Meeting closed at 6.32pm.**

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

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**CHAIRPERSON**