



# **MINUTES**

**Ordinary Council Meeting**

**11 May 2020**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 11 MAY 2020 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 of Planning and Environmental Services, Director of Assets and Infrastructure Services, Manager Corporate Services, and the Executive Assistant to the General Manager.

**1 OPEN MEETING**

The Mayor declared the meeting open at 5pm and advised those in attendance that the proceedings were being webcast. As such, the Mayor advised those in attendance to refrain from making defamatory comments.

**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 on the traditional lands of the Bundjalung people and acknowledged Elders past, present and emerging.

**5 DECLARATION OF INTERESTS**

Nil

**6 PUBLIC FORUM**

Nil

**7 CONFIRMATION OF MINUTES**

**7.1 COUNCIL REPORT - 13 APRIL 2020**

**RESOLVED CO/0520/1**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council confirms the minutes of the Council meeting of 13 April 2020.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION**

**9.1 NOTICE OF MOTION - CR MAGGIE MAY; COMMUNITY RESILIENCE FUNDING**

**MOTION**

Moved by Cr Maggie May, seconded by Cr Kylie Thomas

That Council expend \$1 million on projects and programs to build resilience and capability in the community, with activities to be focused across the entire local government area (LGA) and aligned with the Local Strategic Planning Statement.

**AMENDMENT**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council workshop the allocation of \$1 million of Drought Communities Program funding.

FOR VOTE: Crs Danielle Mulholland, Janet Wilson, Maggie May, John Burley, Hayden Doolan, Earle Grundy, Robert Dwyer.

AGAINST: Crs Kylie Thomas, Lindsay Passfield.

The Amendment became the motion.

**RESOLVED CO/0520/2**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council workshop the allocation of \$1 million of Drought Communities Program funding.

**CARRIED**

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

AGAINST VOTE - Cr Lindsay Passfield

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

**RESOLVED CO/0520/3**

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

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 - APRIL 2020**

**RESOLVED CO/0520/4**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council receives and notes the information contained in the report, *Monthly Finance Report – April 2020*.

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - APRIL 2020**

**RESOLVED CO/0520/5**

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

That Council receives and notes the information contained in the report, *Works Program Progress Report – April 2020*.

**CARRIED**

FOR VOTE - Unanimous vote

**13 STAFF REPORTS**

**13.1 SERVICE LEVEL AGREEMENT STATUS REPORT - ROUS COUNTY COUNCIL**

**RESOLVED CO/0520/6**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council receives and notes the Service Level Agreement Status Report provided by Rous County Council for the provision of noxious weeds management services.

**CARRIED**

FOR VOTE - Unanimous vote

**13.2 MARCH 2020 QUARTERLY BUDGET REVIEW****RESOLVED CO/0520/7**

Moved by Cr John Burley, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the March 2020 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>MARCH QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Governance - Advertising, JO, LGSA		(20,000)
Administration - Office Expenses		60,000
Administration - Other		(5,000)
Administration - Capital Expenditure		(60,000)
Personnel - Employment		(60,000)
Personnel - Tools, Clothing & Signage		30,000
Finance - Interest & Sundry Income	(30,000)	
Finance - Operating Costs		(25,000)
Finance - Valuation & Auditor Fees		(20,000)
Finance - Interest Expense		(112,235)
Finance - Loan Repayments		(202,214)
Crown Reserves - Grants & Contributions	139,764	
Crown Reserves - Operating Costs		141,791
Town Planning - Employment Costs		(30,000)
Town Planning - Other Costs		30,000
Other Waste Management - Waste Charges	75,000	
Other Waste Management - Recoveries from DWM		478,976
Strategic, Community & Cultural Services - Grants	395,580	
Strategic, Community & Cultural Services - Community Services		924
Strategic, Community & Cultural Services - Swoopin Season		482,585
Public Libraries - Income	58,086	
Public Libraries - Contribution to Regional Library		39,586
Regional Roads - Grants	(5,774)	
Regional Roads - Capital Grants	265,000	
Regional Roads - Capital Expenditure		332,000
Urban Roads - Construction		9,343
Rural Local Roads - Grants	(17,453)	
Rural Local Roads - S 94 Heavy Haulage Levies	26,000	
Rural Local Roads - Sealed Roads Maintenance		54,496
Rural Local Roads - Unsealed Roads Maintenance		(182,000)
Rural Local Roads - Capital Expenditure		25,922

Bridges - Capital Expenditure		30,161
Emergency Services - Income	(16,602)	
Emergency Services - RFS Contribution		(56,840)
Emergency Services - Emergency Management Administration		8,478
Emergency Services - Bushfire Emergencies		52,960
Emergency Services - Capital Grants	95,150	
Emergency Services - SES Tower		95,150
Swimming Pools - Operating Revenue	(15,397)	
Parks & Gardens - Capital Grants	168,371	
Parks & Gardens - Community Contributions	26,529	
Parks & Gardens - Capital Expenditure		204,900
Community Buildings - Grants	42,036	
Community Buildings - KMI Costs		55,000
Community Buildings - Other Community Buildings		(25,000)
Community Buildings - Buildings on Crown Reserves		42,036
Community Buildings - Capital Expenditure		112,368
Stormwater Management - Grants	(22,109)	
Stormwater Management - Capital Grants	(1,600)	
Stormwater Management - Capital Expenditure		38,000
AIS Administration - Recoveries		(200,000)
State Highways - Operating Revenue	1,397,944	
State Highways - Operating Costs		1,391,116
Quarries - Income	585,000	
Quarries - Expenses		540,000
Plant Operations - Plant Purchases		215,000
Water - Capital Grants	210,000	
Water - Capital Expenditure		280,000
Domestic Waste Management - Garbage Charges	37,000	
Domestic Waste Management - Contractor Costs		78,000
Domestic Waste Management - Contribution to OWM		(478,976)
<b>Totals</b>	3,412,525	3,351,527
	<b>Net Adjustment</b>	<b>60,998</b>

**CARRIED**

FOR VOTE - Unanimous vote

**13.3 POLICY UPDATES - LEGISLATIVE COMPLIANCE. GIFTS AND BENEFITS.****RESOLVED CO/0520/8**

Moved by Cr Earle Grundy, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report, *Policy Updates - Legislative Compliance. Gifts and Benefits.*
2. Adopts the attached Legislative Compliance Policy.
3. Revokes the Gifts and Benefits Policy.

**CARRIED**

FOR VOTE - Unanimous vote

**13.4 LOCAL STRATEGIC PLANNING STATEMENT**

The General Manager tabled an email sent to all Councillors detailing a number of minor changes to the draft Local Strategic Planning Statement (LSPS) circulated and which should be recognised in the final adopted LSPS.

**RESOLVED CO/0520/9**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report on the Local Strategic Planning Statement.
2. Adopt the Local Strategic Planning Statement and authorise the General Manager to forward the adopted document to the Department of Planning, Industry and Environment for publication on the NSW Planning Portal.

**CARRIED**

FOR VOTE - Unanimous vote

Cr Danielle Mulholland called for a division under section 375A of the Local Government Act 1993.

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



**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Maggie May: I have two questions in relation to clearing that has been undertaken on the road reserve on Larkin Lane, Ettrick, which started on Anzac Day. There is currently a large pile of top soil piled up on Larkin Lane as well as a car body. Who is responsible for the remediation of that site?

Cr Maggie May: Under what policy should Council be consulting with affected residents when work such as this is undertaken in a village?

Cr Janet Wilson: What will post COVID-19 look like for Kyogle Council and its communities?

Cr Janet Wilson: Could Council have our meetings in the day, at an earlier time, given the current circumstances and the new relaxation of rules introduced by the Government in relation to Council meetings and COVID-19 restrictions?

Mayor: Yes, we can but it would require a notice of motion from a Councillor.

Cr Kylie Thomas: Does Council have any figures on the uptake of relief measures introduced last month to support ratepayers and residents affected by the COVID-19 pandemic? Does Council need to advertise the relief package more widely? In asking the question, I note the letter of thanks from one of our main street tenants.

General Manager: Action that was pending in relation to a couple of people has been halted. Beyond that, there has not been a great demand for the relief measures. But wherever there has been a demand, the appreciation has been very evident, and the tenants who have received rent relief have been very grateful and most appreciative.

Cr Kylie Thomas: When people are having difficulties, are staff reaching out to them and intervening before it becomes an issue for a collection agency?

General Manager: Yes we are, and yes we always have done that.

**16 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0520/10**

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

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 REGPRO032021 Tender for Supply and delivery of Traffic & Safety Signage and Associated 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.

**CARRIED**

FOR VOTE - Unanimous vote

The Council moved into Closed Council at 6.06pm.

**RESOLVED CO/0520/11**

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas  
That Council moves out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

Open Council resumed at time 6.07pm.

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

Item 16.1 Regpro032021 Tender for Supply and Delivery of Traffic and Safety Signage and Associated Products

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *REGPRO032021 Tender for Supply and delivery of Traffic & Safety Signage and Associated Products*
2. Accepts Barrier Signs as the Single Source supplier for this contract

**CARRIED**

FOR VOTE - Unanimous vote

**17 CLOSE OF MEETING**

**The Meeting closed at 6.07pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 9 June 2020.**

.....  
**CHAIRPERSON**

Email tabled by the General Manager in relation to Item 13.4 Local Strategic Planning Statement.

Councillors,

Following feedback Chris received from Councillors, there have been a number of minor changes identified to the final draft Local Strategic Planning Statement that was provided with the business papers. In the recommendation to adopt the LSPS at today's meeting (Item 13.4), this recommendation should be taken to imply the adoption of the final draft LSPS with the following changes as listed below;

1. Page 8
  - a. Note that Mount Lindesay Highway meets the Summerland Way "at" the border, not "near" it – and alter sentence at foot of first column accordingly.
  - b. Amend 'Brisbane West Wellcamp Airport' to 'Toowoomba Wellcamp Airport' (as per adopted airport name) – and reflect this change elsewhere in the LSPS (e.g. p19).
  - c. Redrafted text to read "The Mount Lindesay Highway then provides connection to Southeast Queensland, Beaudesert and the greater Brisbane region – with Mount Lindesay Road providing access to the Darling Downs and Toowoomba Wellcamp Airport".
  - d. Redrafted text to read "The Sydney to Brisbane rail line, which passes through Kyogle, provides passenger services and accommodates rail freight with connections to...." (pick up existing text from "the Bromelton State Development Area" onwards).
2. Page 9
  - a. Show Mount Lindesay Road on map (Legume to Tenterfield).
3. Page 15
  - a. Amend text to include following additional observations/commentary:
    - i. Swimming pools at Bonalbo and Woodenbong (e.g. "sporting facilities including....")
    - ii. Replace 'hospital' with 'Multi Purpose Service', and note that Woodenbong is served by MPS and medical practice at Urbenville.
    - iii. Add text, "A number of established family businesses operate in Woodenbong and other villages – generating sustainable employment in the rural districts of the LGA, and creating opportunities for further economic growth and diversification".
    - iv. Note the significance of horticultural businesses in the Tabulam area, as providing context and support for the development of the Tabulam Agribusiness Precinct.
4. Page 16
  - a. Amend text of final bullet point to read "Substantial areas of rural land with adequate buffers mitigate against land use conflict and presents an opportunity for intensive agriculture".
5. Page 23
  - a. Priority A4, Rationale column – change 'though' to 'through'; add "in key sectors including agriculture, horticulture and forestry" to end of sentence.
6. Page 24
  - a. Priority B2, Rationale column – add "(including ageing in place)" after 'different life stages'.
7. Page 26
  - a. Priority D1, Rationale column - rephrase last sentence to read "Protection of these values, along with improved stewardship of these resources by the responsible agencies, is therefore important."
8. Page 27
  - a. add the following text at the start of the Action Plan, where it can be applied to all relevant actions, "Many of the Actions will be delivered in partnership with the State Government agencies which have responsibility and carriage over these and related matters. Accordingly, Council will lobby for appropriate resources where the delivery of outcomes advocated in the LSPS also assists these agencies to meet their objectives and responsibilities."

9. Page 28
  - a. Rephrase Action A2.3 to read “Work with Transport for NSW to investigate improvements to, and build additional capacity for, freight and passenger rail services”.
  - b. Add/rephrase to read “Council in partnership with Transport for NSW and rail freight and service providers” to Responsibility column.
10. Page 31
  - a. Rephrase Action B3.1 to read “Assess opportunities to return Crown Land to the ownership and management of Local Aboriginal Land Councils”.
11. Page 32
  - a. Action C2.4 – add “and restored” after “improved”.
12. Page 36
  - a. phrasing of Action A2.1 be broadened to add “and Mount Lindesay Road” and amend the phrasing of Action A2.1 elsewhere in the document too.
13. Back cover
  - a. It was identified that a good slab of this picture is actually within the Tenterfield LGA – we will find a good pic of the Kyogle LGA instead.

I will provide each of you with a hard copy of this e-mail and table this at the meeting so that it is recorded in the minutes for the records.

Cheers

GAK

**Graham Kennett | General Manager**

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