



# **MINUTES**

**Ordinary Council Meeting**

**9 June 2020**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON TUESDAY, 9 JUNE 2020 AT 5PM**

**PRESENT:** Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Maggie May, 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, 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**

An apology was received from Cr Janet Wilson.

### **2.1 LEAVE OF ABSENCE**

#### **RESOLVED CO/0620/1**

Moved by Cr Earle Grundy, seconded by Cr Kylie Thomas

That Council grant Cr Janet Wilson a leave of absence for the 9 June 2020 Ordinary meeting.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May, Janet Wilson.

## **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**

Cr Kylie Thomas declared an interest in the following item:

- Item 13.3 – Amendment to the LEP Kyogle CBD  
Reason for declaration – Current employer owns property in the subject area.

Cr Lindsay Passfield declared an interest in the following item:

- Item 16.3 – Confidential Tenders for Plant and Equipment (2019/20-013) and Tipping Trucks and Trailers Panel (2019/20-014)  
Reason for declaration – Business arrangement with one of the tenderers.

Director Assets and Infrastructure Services declared an interest in the following item:

- Item 13.3 – Amendment to the LEP Kyogle CBD  
Reason for declaration – Owns property in the subject area.

## **6 PUBLIC FORUM**

Nil

## **7 CONFIRMATION OF MINUTES**

### **7.1 COUNCIL REPORT - 11 MAY 2020**

#### **RESOLVED CO/0620/2**

Moved by Cr Hayden Doolan, seconded by Cr Robert Dwyer

That Council confirms the minutes of the Council meeting of the 11 May 2020.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May, Janet Wilson.

## **8 MAYORAL MINUTE**

Nil

## **9 NOTICES OF MOTION**

Nil

## **10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

### **10.1 QUESTIONS FROM THE LAST COUNCIL MEETING**

#### **RESOLVED CO/0620/3**

Moved by Cr Robert Dwyer, seconded by Cr Lindsay Passfield

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

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May, Janet Wilson.

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - MAY 2020****RESOLVED CO/0620/4**

Moved by Cr John Burley, seconded by Cr Hayden Doolan

That Council receives and notes the report, *Monthly Finance Report – May 2020*.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Maggie May, Janet Wilson.

Cr Maggie May arrived at the meeting at 5.06pm.

**12.2 WORKS PROGRAM PROGRESS REPORT - MAY 2020****RESOLVED CO/0620/5**

Moved by Cr John Burley, seconded by Cr Kylie Thomas

That Council receives and notes the report, *Works Program Progress Report – May 2020*.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

**13 STAFF REPORTS****13.1 PROPOSED NAME FOR NEW LOCAL ROAD****RESOLVED CO/0620/6**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, *Proposed Name for New Local Road*.
2. Formally adopts the name Spotted Gum Road for the newly constructed local road which separates Lot 171 DP 836878 from Lot 264 DP 755732.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

**13.2 NAMING OF VARIOUS COUNCIL BRIDGES****MOTION**

Moved by Cr Earle Grundy, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report Naming of Various Council Bridges.
2. Advertises the proposal to name the four bridges as below, calling for public comment or submissions for a period of 30 days, and that a further report be brought to Council on submissions received.

<b>Bridge No.</b>	<b>Location of bridge</b>	<b>Currently known as</b>	<b>Proposed Name</b>
158-593	Walters Road, over tributary, 593m from Green Pigeon Road	Clancy Matthews Bridge	Matthews Bridge
247-15147	Hootons Road, over Clarence River, 15km from Clarence Way	Hootons Bridge	Bingin Bridge (Bundjalung for Turtle)
107-1657	Peacock Creek Road, over Gorge Creek, 16.5km from Clarence Way	Peacock Dip Bridge	Gray Bridge
87-11949	Old Dyraaba Road, over gully, 11.9km from Sextonville Road	Timber Bridge	Magil Bridge (Bundjalung for Eastern Water Dragon)

**AMENDMENT**

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report Naming of Various Council Bridges.
2. Advertises the proposal to name the four bridges as below, calling for public comment or submissions for a period of 30 days, and that a further report be brought to Council on submissions received.

<b>Bridge No.</b>	<b>Location of bridge</b>	<b>Currently known as</b>	<b>Proposed Name</b>
158-593	Walters Road, over tributary, 593m from Green Pigeon Road	Clancy Matthews Bridge	Matthews Bridge
247-15147	Hootons Road, over Clarence River, 15km from Clarence Way	Hootons Bridge	McLean Bridge

107-1657	Peacock Creek Road, over Gorge Creek, 16.5km from Clarence Way	Peacock Dip Bridge	Gray Bridge
87-11949	Old Dyraaba Road, over gully, 11.9km from Sextonville Road	Timber Bridge	Magil Bridge (Bundjalung for Eastern Water Dragon)

**LOST**

FOR VOTE – Crs Lindsay Passfield, Earle Grundy, Robert Dwyer

AGAINST: Crs Maggie May, Danielle Mulholland, Joh Burley, Haydon Doolan, Kylie Thomas

**RESOLVED CO/0620/7**

Moved by Cr Earle Grundy, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report Naming of Various Council Bridges.
2. Advertises the proposal to name the four bridges as below, calling for public comment or submissions for a period of 30 days, and that a further report be brought to Council on submissions received.

<b>Bridge No.</b>	<b>Location of bridge</b>	<b>Currently known as</b>	<b>Proposed Name</b>
158-593	Walters Road, over tributary, 593m from Green Pigeon Road	Clancy Matthews Bridge	Matthews Bridge
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107-1657	Peacock Creek Road, over Gorge Creek, 16.5km from Clarence Way	Peacock Dip Bridge	Gray Bridge
87-11949	Old Dyraaba Road, over gully, 11.9km from Sextonville Road	Timber Bridge	Magil Bridge (Bundjalung for Eastern Water Dragon)

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

### 13.3 AMENDMENT TO THE LOCAL ENVIRONMENTAL PLAN TO ASSIST ACTIVATION OF THE KYOGLE CBD

Having previously declared an interest in Item 13.3, Cr Kylie Thomas and the Director Assets and Infrastructure Services left the meeting at 5.16pm.

#### RESOLVED CO/0620/8

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report *Proposed amendment to the Local Environmental Plan to assist activation of the Kyogle CBD*.
2. Authorises staff to prepare a planning proposal to amend the LEP as described in the report and forward the planning proposal to the Department of Planning, Industry and Environment for Gateway Determination and, subject to receipt of an affirmative Gateway Determination, make any required changes to the planning proposal and carry out public exhibition and agency consultation as per the conditions of the Gateway Determination.
3. Be presented with a further report at the conclusion of public exhibition and agency consultation, outlining the outcomes of exhibition and consultation, including submissions received.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Janet Wilson, Kylie Thomas

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

For	Against
Cr Danielle Mulholland	
Cr John Burley	
Cr Robert Dwyer	
Cr Lindsay Passfield	
Cr Earle Grundy	
Cr Haydon Doolan	
Cr Maggie May	

ABSENT. DID NOT VOTE – Crs Janet Wilson, Kylie Thomas

Cr Kylie Thomas and Director Assets and Infrastructure Services returned to the meeting at 5.24pm

**13.4 ADOPTION OF THE LONG TERM FINANCIAL PLAN****RESOLVED CO/0620/9**

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, *Adoption of the Long Term Financial Plan*.
2. Adopts the attached final draft Long Term Financial Plan 2021/2034.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

**13.5 ADOPTION OF OPERATIONAL PLAN 2020/2021, DELIVERY PROGRAM 2020/2024 AND FEES AND CHARGES 2020/2021****RESOLVED CO/0620/10**

Moved by Cr Robert Dwyer, seconded by Cr Earle Grundy

That Council:

1. *Receives and notes the report, Adoption of Operational Plan 2020/2021, Delivery Program 2020/2024 and Fees and Charges 2020/2021.*
2. Adopts the attached Operational Plan 2020/2021 and Delivery Program 2020/2024 including the proposed Rating structure, Waste Management, Storm Water, Water Supply, Sewerage and Trade Waste charges contained within the plan.
3. Adopts the attached Fees and Charges 2020/2021.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Maggie May: I was contacted by a ratepayer wanting to know how things with the Richmond River Governance and Funding Framework were going. She wanted to know if the State Government had appointed a Richmond River coordinator and when the JO may be taking a role in the next stages of implementing the framework.

General Manager: I am not aware of anything happening since we endorsed the final report. But I will chase that up and report back to the next meeting.



Cr John Burley: Reconciliation Day events were called off locally due to the COVID-19 restrictions. Could Council staff organise an event to recognise that this is an important celebration for our community.

General Manager: Council has been in touch with members of the Reconciliation Committee who said they are looking to still hold the event at a later date.

Cr Earle Grundy: I still feel, as I do every year after when we adopt our budget, that Council is not putting enough money into reseals. I believe our bitumen road system, particularly West of the Range, is struggling, partially because the roads don't ever seem to get a reseal. Does Council have a priority list of roads that need resealing and a policy on the timeframe between reseals?

Director of Assets and Infrastructure Services: Historically, Council has not resealed enough. Unfortunately, once you leave a bitumen surface beyond 15 years, you can't reseal it – oxidisation occurs, you lose that seal and then you have to cut it off and start again. Council has done an audit of all its seals and those seals that can be saved are being put into a reseal program. Everything else we will continue to maintain until we can do a reconstruction, then they too will be added to the reseal program.

Cr Lindsay Passfield: How is Council going to meet its obligations to publicly advertise issues with the closure of all our newspapers?

General Manager: With the death of the newspapers, there were some amendments to the Act, which means Councils no longer have a statutory obligation to advertise things in the newspaper. However, Council is working on a strategy around advertising issues on social media, the website, and Council's community newsletter. There are also some new publications coming into the market that Council will look at working with.

Mayor: I will also be putting a notice of motion to the next Council meeting around this very issue.

Cr Robert Dwyer: I would like to congratulate Council on the recent upgrade at Anzac Park. When I first heard about the pump track, I was a bit apprehensive that it would be value for money. But having witnessed what has happened since the completion of that project, and the number of young people using the track, I think it has definitely been money well spent.

**16 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0620/11**

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 Sale of Land - Chadburns Quarry**

This matter is considered to be confidential under Section 10A(2) - dii 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 information that would, if disclosed, confer a commercial advantage on a competitor of the council.

**16.2 2019/20-012 Solar Supply and Installation Contractor Panel**

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 Tenders for Plant & Equipment Panel (2019/20-013) and Tipping Trucks & Trailers Panel (2019/20-014)**

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 Janet Wilson

The Council went into Closed Council at 5.40pm

**RESOLVED CO/0620/15**

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

That Council moves out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

Open Council resumed at 4.46pm.

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

Item 16.1 Sale of Land - Chadburns Quarry

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council:

1. Receives and Notes the report Sale of Land – Chadburns Quarry.
2. Offers for sale Lot 124 DP 858645 on the open market via a standard non-exclusive agreement with the local Real Estate Agents.

3. Authorises the General Manager to enter into a contract for the sale of the property between the market range nominated in the Valuation Report from Valuers Australia dated 4 April, 2020.
4. Authorises the General Manager and Mayor to action all documentation associated with the sale and authorises the use of the common seal on documentation associated with the sale.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

Item 16.2 2019/20-012 Solar Supply and Installation Contractor Panel

Moved by Cr Robert Dwyer, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *2019/20-012 Solar Supply and Installation Contractor Panel*.
2. Accepts the Tenders from Daley Solar, Hardy Electrical and Solar, First Sun Solar, Neal Nugent Electrical and SAE Group for the contractor panel.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Janet Wilson

Item 16.3 Tenders for Plant & Equipment Panel (2019/20-013) and Tipping Trucks & Trailers Panel (2019/20-014)

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report *Tenders for Plant & Equipment Panel (2019/20-013) and Tipping Trucks & Trailers Panel (2019/20-014)*;
2. Accepts the Tenders from the following contractors for the Plant & Equipment Panel:
  - Farragher & Whitehead
  - HJ (Murphy) Standfield
  - Kyogle Earthworx
  - Maslen Contractors
  - MJ & AP Brown
  - MJ Smith Ground Prep
  - Rodney Davis Bobcat Hire
  - Versatile Earthworks
  - Harris Brothers Earthmoving and Contracting
  - Coates Hire Operations
  - Casino Engineering and Industrial Supplies
  - Richmond Sand Gravel
  - Summerland Environmental Service
  - Smith Plant Hire
  - North East Cranes
  - Civilcs
  - P&C Roach Contracting & Plant Hire
  - Mega Waste Industries
  - Hazell Bros Plant Hire (Qld)
  - Beaudesert And Boonah Cranes
  - Remoplains
  - Brooks Hire Service
  - Clark Equipment Sales

- Aussie Enviro Excavations
  - Parker Wells
  - Conplant
3. Accepts the Tenders from the following contractors for the Plant & Equipment Panel, pending acceptance of compliance documentation by the General Manager:
- Ace Rental
  - Bentley Quarry
  - Flexihire
  - Ifind Underground
  - Tutt Bryant Hire
  - Micks Earthworx
  - B & S Earthmoving
  - Townes Contracting
  - D-Rex Excavator & Bobcat Hire
  - Kennards Hire
  - Paul Nielsen Fabrications & Hydraulics
  - Rollers Australia
  - Martack
  - Compass Equipment Sales
4. Accepts the Tenders from the following contractors for the Tipping Trucks and Trailers Panel:
- Farragher & Whitehead
  - HJ (Murphy) Standfield
  - Johnos Tipper & Excavations
  - Kingsbrae Partnership
  - Kyogle Earthworx
  - Maslen Contractors
  - S & L Sand & Gravel
  - Richmond Sand Gravel and Landscaping
  - Aussie Enviro Excavations
  - MJ Smith Ground Preparation
  - Rodney Davis Bobcat Hire
  - MJ & AP Brown
5. Accepts the Tenders from the following contractors for the Tipping Trucks and Trailers Panel, pending acceptance of compliance documentation by the General Manager:
- John R Miller
  - Bentley Quarry
  - Shane John Reeves
  - Versatile Earthworks
  - D-Rex Excavator & Bobcat Hire

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Janet Wilson, Lindsay Passfield.

## **17 CLOSE OF MEETING**

**The Meeting closed at 5.49pm**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 13 July 2020.**

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**CHAIRPERSON**