



# **MINUTES**

**Ordinary Council Meeting**

**13 July 2020**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 13 JULY 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 Acting 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**

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 acknowledges Elders past, present and emerging.

**5 DECLARATION OF INTERESTS**

Cr Maggie May declared an interest in the following item:

- Item No 9.1– Notice of Motion - Cr Danielle Mulholland: Demise of Print Media in Rural and Regional Australia  
Reason for declaration – Now on the Committee of Management for new Richmond River Independent newspaper

Cr Lindsay Passfield declared an interest in the following item:

- Item No 13.5 – Planning to Amend the Kyogle Local Environmental Plan 2012 to permit certain development at 18710 Clarence Way, Woodenbong with the consent of Council  
Reason for declaration – Relationship with the owner of the land.

**6 PUBLIC FORUM**

Nil

**7 CONFIRMATION OF MINUTES****7.1 COUNCIL REPORT - 9 JUNE 2020****RESOLVED CO/0720/1**

Moved by Cr John Burley, seconded by Cr Kylie Thomas

That Council confirms the minutes of the Council meeting of 9 June 2020.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: DEMISE OF PRINT MEDIA IN RURAL AND REGIONAL AUSTRALIA**

Having previously declared an interest in Item 9.1, Cr Maggie May left the meeting at 5.02pm.

**RESOLVED CO/0720/2**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council write to:

- The Honourable Michael McCormack, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development;
- Federal Member for Page Kevin Hogan;
- Leader of the Opposition, the Honourable Anthony Albanese MP;
- Catherine King, Shadow Minister for Infrastructure, Transport and Regional Development; and
- Robert Thomson, CEO of NewsCorp

expressing our concerns around the recent move by NewsCorp to digital media and abolishing print media in rural and regional Australia.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Maggie May

Cr May returned to the meeting at 5.05pm.

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS****10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0720/3**

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

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 - JUNE 2020****RESOLVED CO/0720/4**

Moved by Cr Robert Dwyer, seconded by Cr Maggie May

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - JUNE 2020****RESOLVED CO/0720/5**

Moved by Cr John Burley, seconded by Cr Janet Wilson

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

**CARRIED**

FOR VOTE - Unanimous vote

**13 STAFF REPORTS****13.1 INTERNAL AUDIT COMMITTEE REPORT - 29 JUNE 2020****RESOLVED CO/0720/6**

Moved by Cr Earle Grundy, seconded by Cr Kylie Thomas

That Council receives and notes the minutes of the Internal Audit Committee meeting of the 29 June 2020.

**CARRIED**

FOR VOTE - Unanimous vote

**13.2 BONALBO FLOOD STUDY STEERING COMMITTEE****RESOLVED CO/0720/7**

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report on the Bonalbo Flood Study Steering Committee;
2. Nominates Councillor Earle Grundy to be a part of the Bonalbo Flood Study Steering Committee, and to assist with the Urbenville/Woodenbong Flood Study where required.

**CARRIED**

FOR VOTE - Unanimous vote

**13.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL COUNCILLOR FEES****RESOLVED CO/0720/8**

Moved by Cr John Burley, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *Local Government Remuneration Tribunal Councillor Fees*;
2. Adopts the following Councillor fee, and in accordance with Council resolution CO/0919/4, the following Mayoral and Deputy Mayoral fees, for 2020/2021:

Councillor Annual Fee:	\$12,160
Mayoral Fee:	\$25,030
Deputy Mayor Fee:	\$ 1,500

**CARRIED**

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

AGAINST VOTE - Cr Hayden Doolan

**13.4 ADDITIONAL INCOME AND EXPENDITURE FOR RURAL LOCAL ROADS BUDGET****RESOLVED CO/0720/9**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council;

1. Receives and notes the report Additional Income and Expenditure for Rural Local Roads Budget;
2. Approves the addition of \$4,293,359 in income and expenditure to the current year Rural Local Roads Capital Works budget.

**CARRIED**

FOR VOTE - Unanimous vote

**13.5 PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO PERMIT CERTAIN DEVELOPMENT AT 18710 CLARENCE WAY, WOODENBONG WITH THE CONSENT OF COUNCIL**

Having previously declared an interest in Item 13.5, Cr Lindsay Passfield left the meeting at 5.23pm.

**RESOLVED CO/0720/10**

Moved by Cr Earle Grundy, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report on the proposed amendment to Schedule 1 of the LEP in relation to development and use of land at 18710 Clarence Way, Woodenbong;
2. Authorises the General Manager to prepare a planning proposal to amend Schedule 1 of the LEP to list general industry (concrete batching plant only) and depot as development that is permitted with consent at 18710 Clarence Way, Woodenbong and submit the planning proposal to the Department of Planning, Industry and Environment for review and Gateway Determination;
3. On receipt of an affirmative Gateway Determination, authorise the General Manager to make any changes to the planning proposal required by the Department of Planning, Industry and Environment and undertake the necessary administrative procedures of the LEP amendment process in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*, including public exhibition;
4. On conclusion of public exhibition and agency consultation, be presented with a further report outlining the outcomes of exhibition and consultation including submissions received.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Lindsay Passfield

Cr Passfield returned to the meeting at 5.24pm.

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr John Burley: Could Council circulate information to the community about the uses, capacity and benefits of the labyrinth, particularly in relationship to mental health.

Acting General Manager: I will take the question on notice. The General Manager had a meeting with the Friends of the Labyrinth and he gave me a short briefing on the outcome. He was confident that there is a way forward in regard to issues concerning communication. Council has a very good understanding of the uses and benefits of a labyrinth.

Cr Earle Grundy: I too have had emails about the labyrinth. Initially it was pitched to us that it would cost Council nothing. Can you tell me how much the labyrinth has cost Council so far?

Mayor: I can advise that the total spend on the labyrinth was \$89,000 with \$25,000 from the State, and \$64,000 from Council. They also have a \$7,500 Bushfire grant from Council for landscaping, bringing the total to \$97,000.

Cr Earle Grundy: The Director of Assets and Infrastructure Services has said he has a list of Council roads that can be resealed. Can we have a map of which roads are still fixable in relation to reseals and which ones are not. I have this concern that when we see this map we may find that half our bitumen roads are beyond their use-by date and that will have huge ramifications financially for this council.

Cr Earle Grundy: I received an email recently about helium balloons. Is there any interest around the table in supporting a ban on helium balloons?

Mayor: That would be a notice of motion for the next Council meeting.

Cr Earle Grundy: I would like to ask the Director of Assets and Infrastructure Services to pass on congratulations to the workers completing the sealing of the Clarence Way. Every report that I have had from people who live down the lower Clarence Way is about how wonderful the job looks, and how absolutely wonderful the workmen are who are working on it. They are polite, keen to work and people are just really happy with the job.

Cr Robert Dwyer: Some time ago, Council was asked to look at speed signage at the beginning of Ettrick Road. What was the result of that?

Director Assets and Infrastructure Services: That request was put to Council's Traffic Committee. The Roads and Maritime Services have developed plans to change speed zones through those areas including out on Wiangaree Back Road and Anzac Drive. Those plans have Council's support and are currently going through the machinery of state, and will have to be gazetted. Once that is done, we will put up the signs.

**16 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0720/11**

Moved by Cr Kylie Thomas, 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 Purchase of Land Under Voluntary Purchase Scheme**

This matter is considered to be confidential under Section 10A(2) - a and 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 personnel matters concerning particular individuals (other than councillors) and 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 Steel Truss Bridge Procurement**

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

Council moved into Closed Council at 5.32pm.

**RESOLVED CO/0720/14**

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

That Council moves out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

Open Council resumed at 5.43pm.

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

Item 16.1 Purchase of Land Under Voluntary Purchase Scheme

Moved by Cr Hayden Doolan, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Purchase of Land Under Voluntary Purchase Scheme*.
2. Proceed with the purchase of 6 Walters Street, Kyogle at the agreed value and 8 Walters Street, Kyogle at the agreed value;
3. Authorises the General Manager to sign documents relating to the purchase by Council of 6 Walters Street, Kyogle and 8 Walters Street, Kyogle;
4. Authorises the General Manager to enter into contracts and sign documents relating to the purchase by Council of further properties approved for funding through the Floodplain Management Program for Voluntary Purchase Schemes within existing budgets for the duration of the Voluntary Purchase Scheme.

**CARRIED**



FOR VOTE - Unanimous vote

Item 16.2 Steel Truss Bridge Procurement

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, *Steel Truss Bridge Procurement*;
2. Does not invite tenders for the purchase of the steel truss bridge system for Cedar Point Bridge due to the unavailability of competitive or reliable tenderers.

**CARRIED**

FOR VOTE - Unanimous vote

**17 CLOSE OF MEETING**

**The Meeting closed at 5.44pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 10 August 2020.**

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**CHAIRPERSON**