



MINUTES

Ordinary Council Meeting

14 September 2020

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 14 SEPTEMBER 2020 AT 5PM**

PRESENT: Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Janet Wilson, Cr Maggie May, Cr Hayden Doolan (attendance via video conference), Cr Earle Grundy, Cr Lindsay Passfield, Cr Robert Dwyer

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

1 OPEN MEETING

The Mayor declared the meeting open at 5pm and advised those present that the proceedings were being webcast and as such all those in attendance should refrain from making defamatory statements.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Cr Kylie Thomas was an apology.

2.1 LEAVE OF ABSENCE

RESOLVED CO/0920/1

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council grant Cr Kylie Thomas a leave of absence for the 14 September 2020 meeting.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr 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

The General Manager declared an interest in the following item:

- Item 6.2: Election of Deputy Mayor

Reason for declaration – A relation of one of the nominees.

Manager Corporate Services declared an interest in the following item:

- Item 17.2: Acting General Manager
Reason for declaration – Pecuniary interest

Director Planning and Environmental Services declared an interest in the following item:

- Item 17.2: Acting General Manager
Reason for declaration – Pecuniary interest

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

- Item 14.2: Kyogle Australia Day Celebrations
Reason for declaration – Conflict of interest

- Item 17.2: Acting General Manager
Reason for declaration – Pecuniary interest

6 ANNUAL APPOINTMENTS

6.1 ELECTION OF MAYOR

The General Manager invited nominations for the position of Mayor for a one year period in accordance with Section 227 of the Local Government Act.

The General Manager advised the meeting that he had received one nomination for the position of Mayor and that the nomination was for Cr Danielle Mulholland. Cr Mulholland confirmed that she accepted the nomination.

He called for further nominations for the position of Mayor. As there were no further nominations, the General Manager declared Cr Danielle Mulholland as Mayor.

Having previously declared an interest in Item 6.2, the General Manager delegated the role of returning officer to the Manager of Corporate Services and left the meeting at 5.03pm.

6.2 ELECTION OF DEPUTY MAYOR**RESOLVED CO/0920/2**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council:

1. Elect a Deputy Mayor from among its numbers for a term of one year;
2. Appoints the General Manager as Returning Officer to conduct the election of the Deputy Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be held by way of open voting.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

The Returning Officer advised the meeting he had received one nomination for the position of Deputy Mayor and invited further nominations.

As no further nominations were received, the Returning Officer declared Cr John Burley elected as Deputy Mayor.

The General Manager returned to the meeting at 5.05pm and the Mayor resumed the Chair.

6.3 COUNCIL COMMITTEES**RESOLVED CO/0920/3**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Council Committees*;
2. Adopts the following Committee List and Council Membership structure:

Committee	Councillor Member(s)
General Manager's Review Committee	1. Mayor, two Councillors and an alternate 2. (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor
Internal Audit Committee.	One Councillor and an alternate

3. Appoints the following Councillors to the following committees:
 - a. General Manager's Review Committee - Mayor, Councillors Maggie May and Earle Grundy with Cr Janet Wilson as an alternate.
 - b. Traffic Committee - Councillor Hayden Doolan.
 - c. Internal Audit Committee – Councillor Kylie Thomas and Cr Janet Wilson as the alternate.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

6.4 COUNCIL DELEGATES

RESOLVED CO/0920/4

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report, *Council Delegates*;
2. Adopts the following Delegates List and Membership structure:

Organisation	Delegate(s)
Kyogle and District Chamber of Commerce	Three Councillors
NSW Rural Fire Service "Service Level Agreement"	Mayor Alternate delegate Deputy Mayor
Northern Rivers Joint Organisation (NRJO)	Mayor Alternate Voting Delegate Deputy Mayor
NSW Country Mayors' Association	Mayor Alternate delegate Deputy Mayor
Woodenbong to Legume Stakeholders Group	Two Councillors
Northern Rivers Bushfire Management Committee	One Councillor
LGNSW Working Party for Unrateable Forestry Plantation Land and Forest Road Infrastructure Contributions in Local Government	Two Councillors
National Timber Councils' Association	Two Councillors
Police Accountability Community Team (PACT)	Mayor Alternate delegate Deputy Mayor
Reconciliation Committee	One Councillor
Joint Regional Planning Panel	Two delegates, Mayor and Deputy Mayor or Councillor. *See note

**At least one delegate should have some expertise/experience in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*

3. Endorses the following delegates:

- (a) Kyogle Chamber of Commerce members are Councillors John Burley, Maggie May and Kylie Thomas
- (b) NSW Rural Fire Service member is the Mayor and alternate delegate is the Deputy Mayor.
- (c) Northern Rivers Joint Organisation Council's voting representative is the Mayor and alternative voting delegate is the Deputy Mayor.
- (d) NSW Country Mayors' Association member is the Mayor and alternate delegate is the Deputy Mayor.

- (e) Woodenbong to Legume Stakeholders Group are Councillors Lindsay Passfield and Earle Grundy.
- (f) Northern Rivers Bushfire Management Committee member is Councillor Hayden Doolan.
- (g) LGNSW Working Party for Unrateable Forestry Plantation Land and Forest Road Infrastructure Contributions in Local Government are Councillors Lindsay Passfield and Earle Grundy.
- (h) National Timber Councils' Association members are Councillors Lindsay Passfield and Earle Grundy.
- (i) Police Accountability Community Team member is the Mayor and alternate delegate is the Deputy Mayor.
- (j) Reconciliation Committee member is Councillor John Burley.
- (k) Joint Regional Planning Panel members are the Mayor and Deputy Mayor

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

6.5 COUNCIL MEETING CYCLE

RESOLVED CO/0920/5

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

1. That Council adopt the following Ordinary Council meeting dates and times:

Monday, 12 October 2020, 5pm

Monday, 9 November 2020, 5pm

Monday, 14 December 2020, 5pm

Monday, 8 February 2021, 5pm

Monday, 8 March 2021, 5pm

Monday, 12 April 2021, 5pm

Monday, 10 May 2021, 5pm

Tuesday, 15 June 2021, 5pm (Monday 14 June is the Queen's Birthday holiday)

Monday, 12 July 2021, 5pm

Monday, 9 August 2021, 5pm

2. That Council delegate the General Manager the authority to call an Extraordinary Meeting after the 2021 election result is known.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

7 PUBLIC FORUM

Nil

8 CONFIRMATION OF MINUTES**8.1 COUNCIL REPORT - 10 AUGUST 2020****RESOLVED CO/0920/6**

Moved by Cr John Burley, seconded by Cr Earle Grundy

That Council receives and notes the minutes of the Council meeting of the 10 August 2020.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

9 MAYORAL MINUTE

Nil

10 NOTICES OF MOTION**10.1 NOTICE OF MOTION - DANIELLE MULHOLLAND; REQUEST STATE GOVERNMENTS REVIEW SCOPE AND CRITERIA FOR BORDER BUBBLE****RESOLVED CO/0920/7**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council make representations to the Queensland State Government, the NSW State Government and the respective the Cross Border Commissioners to:

1. Have the scope and criteria for the 'border bubble' reviewed;
2. Have the exemptions reviewed to enable people to work, attend medical appointments with carer etc, raising the issues that challenge our local government area during Covid and presenting possible solutions.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

**10.2 NOTICE OF MOTION - CR EARLE GRUNDY, CR DANIELLE MULHOLLAND;
MEMORIAL BENCHES****MOTION**

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council:

1. Investigate the cost of installing a memorial bench in honour of Tom Hale, the last POW of WWII in the Kyogle local government area, in Patrick McNamee Memorial Park;
2. Investigate the cost of installing a memorial bench in honour of Frank Burgess, a respected member of the Tabulam community, outside the Tabulam SES shed.

AMENDMENT

Moved by Cr Earle Grundy, seconded by Cr Lindsay Passfield

That Council:

1. Provide and install a memorial bench in honour of Tom Hale, the last POW of WWII in the Kyogle local government area, in Patrick McNamee Memorial Park, with part funding from Bonalbo SOS Committee and the rest to be funded from the Parks and Garden Capital Works Budget.
2. Provide and install a memorial bench in honour of Frank Burgess, a respected member of the Tabulam community, outside the Tabulam SES shed to be funded from the Parks and Gardens Capital Works Budget.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

The amendment became the motion.

RESOLVED CO/0920/8

Moved by Cr Earle Grundy, seconded by Cr Lindsay Passfield

That Council:

1. Provide and install a memorial bench in honour of Tom Hale, the last POW of WWII in the Kyogle local government area, in Patrick McNamee Memorial Park, with part funding from Bonalbo SOS Committee and the rest to be funded from the Parks and Garden Capital Works Budget.
2. Provide and install a memorial bench in honour of Frank Burgess, a respected member of the Tabulam community, outside the Tabulam SES shed to be funded from the Parks and Gardens Capital Works Budget.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

11 QUESTIONS WITH NOTICE FROM COUNCILLORS**11.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0920/9**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

12 REPORTS FROM DELEGATES**12.1 DELEGATE'S REPORT - CR MAGGIE MAY: CLIMATE CHANGE WORKING GROUP****RESOLVED CO/0920/10**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council receives and notes the report, *Delegate's Report – Cr Maggie May; Climate Change Working Group*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

13 INFORMATION REPORTS**13.1 MONTHLY FINANCE REPORT - AUGUST 2020****RESOLVED CO/0920/11**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

13.2 WORKS PROGRAM PROGRESS REPORT - AUGUST 2020**RESOLVED CO/0920/12**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

13.3 RICHMOND UPPER CLARENCE REGIONAL LIBRARY - ANNUAL REPORT 2019/2020**RESOLVED CO/0920/13**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receives and notes the report on the Richmond Upper Clarence Regional Library Annual Report 2019/2020.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

14 STAFF REPORTS**14.1 AGENCY INFORMATION GUIDE 2020/2021****RESOLVED CO/0920/14**

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Agency Information Guide 2020/21*;
2. Adopts the attached Agency Information Guide 2020/21.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

Having previously declared a conflict of interest in Item 14.2, Director Assets and Infrastructure Services left the meeting at 5.35pm.

14.2 KYOGLE AUSTRALIA DAY CELEBRATIONS**RESOLVED CO/0920/15**

Moved by Cr Robert Dwyer, seconded by Cr Lindsay Passfield

That Council:

1. Receives and notes the report on Kyogle Australia Day Celebrations;
2. Accepts the Kyogle Lions' Club offer to auspice Australia Day Celebrations in Kyogle and that budgeted funding for Kyogle celebrations be made available to the Kyogle Lions Club.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

Director Assets and Infrastructure Services returned to the meeting at 5.36pm.

14.3 AMENDMENTS TO THE MODEL CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT.**RESOLVED CO/0920/16**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Amendments to the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct*;
2. Adopts the attached Draft Model Code of Conduct and the Draft Procedures for the Administration of the Model Code of Conduct.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

14.4 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 220 MOTIONS**RESOLVED CO/0920/17**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Local Government NSW Annual Conference 2020 Motions*;
2. Nominates the Mayor as Council's voting delegate to the Conference;
3. Adopts the following motions to be included in LGNSW Annual Conference 2020 business paper;
 - i. Local Government NSW (LGNSW) Board elections be simplified to provide a more equitable mix of City/Country representatives, including the following;
 - 19 LGNSW Board members. 18 members to be elected from 18 regions across NSW, plus the Chair of the NSW Aboriginal Land Council.
 - The 18 regions to be a mix of 9 rural and 9 city regions.
 - Motions for debate at the LGNSW conference be selected through an equal allocation to every city and country region, and the NSWALC.
 - ii. That the state government establish a rural Ministerial Advisory Committee to provide policy advice on, and make representations on behalf of rural communities and the Impacts of government decision making on those communities and that the committee be made up of representatives from rural regions across the state.
 - iii. That the state government recognise the state of disrepair of rural roads and honour their election commitment to resume 15000kms of regional roads, and/or provide a dedicated funding stream for long neglected rural infrastructure allocated on a need basis.
 - iv. That LGNSW calls on the Federal Government to remove Part 1 Sec 6 2b of the Local Govt Financial Assistance Act 1995 to remove the minimum per capita amount grant.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

15 URGENT BUSINESS WITHOUT NOTICE

Nil

16 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Robert Dwyer: A business which has operated in the Kyogle CBD for 40 years, Gateway Office Supplies, recently closed. While it was a private business, the owners went far beyond what was expected through their support of community organisations and the wider community. Could Council see fit to recognise their contribution through a certificate of appreciation for their service to the broader community?

Cr Robert Dwyer: Recently there was a change to the speed limit on Anzac Drive flat and Ettrick Road, which don't appear to make sense. What is the methodology used to determine to speed zones?

Director Assets and Infrastructure Services: Council received a number of requests to increase the speed limit in that area. Those requests were referred to the Traffic Committee, which then passed the matter on to the Department of Transport. The Department of Transport has a very very prescriptive formula for determining speed limits. The formula is based on factors such as how many driveways are within some many metres of road. The Department of Transport did all their mapping, determined where all the driveways were and when they went through that whole process, the speed limits that we now have is what came out. And if you did that review anywhere in NSW and you came up with the same number of driveways along the same length of road, you would come out with the same result. What it does show is that the speed zones that were in place previously, were incorrect.

17 CONFIDENTIAL BUSINESS PAPER

RESOLVED CO/0920/18

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

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:

17.1 Acquisition of Fairy Mount Land

This matter is considered to be confidential under Section 10A(2) - c 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 person with whom the Council is conducting (or proposes to conduct) business.

17.2 Acting General Manager

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).

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

The Council went into Closed Committee at 5.48pm.

RESOLVED CO/0920/21

Moved by Cr Lindsay Passfield, seconded by Cr John Burley

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

Open Council resumed at 5.51pm.

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

Item 17.1 Acquisition of Fairy Mount Land

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report on Acquisition of Fairy Mount Land
2. Approves the acquisition of 16.3 hectares of land on Fairy Mount by agreement for the figure nominated by the owners as set out in the report, and authorises the General Manager to execute the documentation required to complete the acquisition;
3. Provide an additional \$40,000 to the current budget for the Acquisition of Land at Fairy Mount

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

Item 17.2 Acting General Manager

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report on Acting General Manager
2. Appoints the Director Planning and Environmental Services Mr Chris White as Acting General Manager for the period 5 October to 9 October 2020.
3. Appoints the Director Assets and Infrastructure, the Director Planning and Environmental Services, and the Manager Corporate Services as Acting General Manager on a rotational basis for periods of planned leave by the General Manager.
4. Appoints the Manager Corporate Services Mr Marcus Schintler as Acting General Manager in the case of an unplanned event resulting in the absence of the General Manager from his duties.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Kylie Thomas

18 CLOSE OF MEETING

The Meeting closed at 5.52pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 October 2020.

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CHAIRPERSON