



MINUTES

Ordinary Council Meeting

8 February 2021

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 8 FEBRUARY 2021 AT 5PM**

PRESENT: Cr Danielle Mulholland (Mayor), Cr John Burley (Deputy Mayor), Cr Janet Wilson, Cr Maggie May, Cr Hayden Doolan, Cr Kylie Thomas, Cr Lindsay Passfield, Cr Robert Dwyer

IN ATTENDANCE: The General Manager, Director Planning and Environmental Services, Director Assets and Infrastructure 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 meeting was being podcast and as such they should refrain from making defamatory comments.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

An apology was received from Cr Earle Grundy.

2.1 APOLOGY

RESOLVED CO/0221/1

Moved by Cr John Burley, seconded by Cr Maggie May

That Council accept Cr Earle Grundy's apology.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

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:

- 16.2 Cedar Point Bridge Replacement – Tender 2020/21-007
Reason for declaration – Previous association with a tenderer.

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 14 DECEMBER 2020

RESOLVED CO/0221/2

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

That Council confirms the minutes of the Council meeting of the 14 December 2020.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

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/0221/3**

Moved by Cr Robert Dwyer, seconded by Cr Kylie Thomas

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

11 REPORTS FROM DELEGATES**11.1 DELEGATE'S REPORT - CR LINDSAY PASSFIELD: NATIONAL TIMBER COUNCILS' ASSOCIATION****RESOLVED CO/0221/4**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council receives and notes the report, *Delegate's Report – Cr Lindsay Passfield: National Timber Councils' Association*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - JANUARY 2021****RESOLVED CO/0221/5**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receives and notes the information contained in the report, *Monthly Finance Report – January 2021*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

12.2 WORKS PROGRAM PROGRESS REPORT - JANUARY 2021

RESOLVED CO/0221/6

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council receives and notes the information contained in the report, *Works Program Progress Report – January 2021*.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

13 STAFF REPORTS**13.1 DECEMBER QUARTERLY BUDGET REVIEW****RESOLVED CO/0221/7**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

That Council:

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

STATEMENT OF SIGNIFICANT VARIANCES		
DECEMBER QUARTER BUDGET REVIEW		
DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Other Waste Management - Grants	20,000	
Other Waste Management - Waste Depots		20,000
Strategic, Community & Cultural Services - Community Services	21,000	
Strategic, Community & Cultural Services - Grants	250,000	
Strategic, Community & Cultural Services - Community Services		21,000
Strategic, Community & Cultural Services - Resilience Officer		250,000
Regional Roads - Grants	1,996,646	
Regional Roads - MR 361 Construction		4,294,497
Bridges - Capital Expenditure		232,693
Quarries - Sales	103,000	
Quarries - Working Expenses		103,000
Totals	2,390,646	4,921,190
	Net Adjustment	(2,530,544)

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

13.2 MODEL CODE OF CONDUCT COMPLAINTS STATISTICS**RESOLVED CO/0221/8**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council;

1. Receives and notes the report, *Model Code of Conduct Complaint Statistics*.
2. Notes that no Code of Conduct Complaints were received during the reporting period September 2019 to September 2020.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Maggie May: At the July 2019 meeting, Council resolved to:

1. *Investigate the best way to implement a Koala Plan of Management which protects and supports the local koala populations.*
2. *Investigate a policy for koala and koala habitat protection for the Local Government Area which is underpinned by strategies for measurable improvements over time and includes community members in the development and implementation of the policy and strategies.*

At that same meeting, Council also resolved to:

1. *Explore opportunities for partnerships with State and Federal governments, peak bodies and advocacy groups to protect core koala habitat and facilitate solutions to the challenges facing koala populations;*
2. *Request the State Government increase investment to mitigate the negative effects of the degradation of our native forests and crown lands, particularly koala habitat, including weed control and bell minor associated die back.*

Can Council have some information on the progress of these motions?

Cr Maggie May: In regard to the library renovations, which look great but which seem to be incomplete as there appears to be plantings missing in the space from the Kyogle Memorial Institute Supper Room and the library. Is Council going to plant anything there, at the back of the library and maybe some shade type plantings on the western side? Is Council going to get to that at some point and when?

Director of Planning and Environmental Services: Staff will be bringing an item to the February Councillor Workshop regarding plans for the landscaping of that general area, and we should be able to answer more detail questions after that.

Cr Janet Wilson: In regard to residents' communication with Council, I have noted that a lot of people are asking questions of Council on Facebook, when Facebook has no capacity for a proper response. How does Council respond to questions on Facebook?

Cr Janet Wilson: How can Council redress the imbalance between statutory and non-statutory budgets in the Planning and Environment Department to make sure we have a wholistic approach

to planning rather than focusing on rules, regulations and punishment? I would like staff to think about this and provide a considered response – not necessarily a few lines in the next business paper.

Cr John Burley: In regard to Toonumbar Retreat and Toonumbar Dam, nothing seems to be eventuating and it appears as if it may be a lost cause. I think we should be making stronger representation about this. Can Council have a follow up on what's being done or what's needed?

Cr Lindsay Passfield: I have been a member of the Community Partnerships Advisory Council for the Local Health District for the last year or so. I am not a delegate of Council so I can't provide a delegate's report, but would Councillors be interested in what that body does and any reports that come out of it? Or if you have any concerns in relation to the local health district, I would be happy to take them up. Does Council have an interest and want me to provide a report?

Cr Lindsay Passfield: The Sportsground at Woodenbong has new aluminium seating in place, but has no shade. Is there a plan to put shade over the new seating? Currently, it's impossible to use the new seating on a hot day.

Cr Robert Dwyer: I have been approached by a resident on Omagh Road, who has real concerns about the visibility at the intersection of their access and Omagh Road. Vegetation on the road verge is obstructing their vision of traffic on Omagh Road. Can Council have a look at and see if it is Council's responsibility?

General Manager: Maintaining vegetation to ensure visibility out of an access to private property is the property owner's responsibility, even if the vegetation is on a road reserve. So that property owner can apply to Council to have that vegetation/trees removed. It is Council's policy that it's the resident's responsibility to maintain that visibility.

Cr Robert Dwyer: In regards to the Kyogle Caravan Park, I have heard a complaint that when people who had booked accommodation in the cabins arrived, they found three dead frogs in the cabin and there were no sheets on the bed? Is it Council policy that people are to bring their own linen? If so, is it advertised?

Director Planning and Environmental Services: Council does have a policy that linen is available at an additional charge, which is made known to people at the time of booking either over the phone, in person or via the website. The charge is advertised separately. All the linen is stored on site, so even if people get there and there is no linen on beds, we can provide it.

16 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0221/9**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

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 Allcocks Bridge Replacement

This matter is considered to be confidential under Section 10A(2) - di and diii 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 and information that would, if disclosed, reveal a trade secret.

16.2 Cedar Point Bridge Replacement - tender 2020/21-007

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 Earle Grundy

Council closed the meeting at 5.30pm. The public left the Chamber.

The Open Council Meeting resumed at 5.56 pm.

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

Item 16.1 Allcocks Bridge Replacement

Moved by Cr John Burley, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report Allcocks Bridge Replacement;
2. Authorises an exemption from calling tenders for the supply and delivery of pre-cast concrete components for the Allcocks Bridge under the Local Government Act, as per *Section 55 (3)(i)* due to the unavailability of competitive and reliable tenderers.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy

Item 16.2 Cedar Point Bridge Replacement - tender 2020/21-007

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Cedar Point Bridge Placement – Tender 2020/21-007*
2. Accepts the Tender from Ozwide Bridge Rail and Civil Pty Ltd as recommended in the report at the value of \$2,521,320 ex GST.

3. Includes an additional \$214,000 to the current budget for the completion of the project.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy, Cr Kylie Thomas.

Item Return to Open Council Meeting

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council moves out of Closed Council into Open Council.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Earle Grundy, Cr Kylie Thomas

17 CLOSE OF MEETING

The Meeting closed at 5.57pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 8 March 2021.

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CHAIRPERSON