



MINUTES

Ordinary Council Meeting

12 April 2021

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 12 APRIL 2021 AT 5PM**

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

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

1 OPEN MEETING

The Mayor opened the meeting at 5pm and advised all those in attendance that the meeting was being webcast and speakers at the meeting should refrain from making defamatory comments.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

An apology was received from Cr John Burley.

2.1 LEAVE OF ABSENCE

RESOLVED CO/0421/1

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

That Council receive and note Cr John Burley's apology and grant him a leave of absence for the 12 April 2021 meeting.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

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 Elder past, present and emerging.

5 DECLARATION OF INTERESTS

Cr Kylie Thomas declared an interest in the following item:

- Item No 16.1: Confidential Outstanding Rates and Charges
Reason for declaration – A personal association with a landholder mentioned in the report.

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 8 MARCH 2021

RESOLVED CO/0421/2

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council confirms the minutes of the Council meeting of 8 March 2021.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

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/0421/3

Moved by Cr Janet Wilson, 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 John Burley

11 REPORTS FROM DELEGATES

11.1 DELEGATES REPORT: CR JANET WILSON - INTERNAL AUDIT COMMITTEE

RESOLVED CO/0421/4

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council receives and notes the Delegate's Report on the Internal Audit Committee provided by Cr Janet Wilson.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

12 INFORMATION REPORTS

12.1 MONTHLY FINANCE REPORT - MARCH 2021

RESOLVED CO/0421/5

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

12.2 WORKS PROGRAM PROGRESS REPORT - MARCH 2021

RESOLVED CO/0421/6

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

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

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

13 STAFF REPORTS**13.1 SIX MONTHLY REVIEW DELIVERY PROGRAM AND OPERATIONAL PLAN****RESOLVED CO/0421/7**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council receives and notes the attached Six-Monthly Review of the Delivery Program and Operational Plan.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

13.2 MINI BUDGET REVIEW**RESOLVED CO/0421/8**

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report *Mini Budget Review*;
2. Approves the variations to estimates as follows;

STATEMENT OF VARIANCES		
APRIL MINI BUDGET REVIEW		
DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Crown Reserves Operating		32,096
Parks and Gardens Capital	550,000	675,790
Community Buildings Capital	363,990	206,104
Regional Roads Capital Works MR361	3,000,000	
Bridges Capital	7,395,155	7,477,218
Totals	11,309,145	8,391,208
	Net Adjustment	(2,917,937)

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

13.3 DRAFT OPERATIONAL PLAN 2021/2022 AND DELIVERY PROGRAM 2021/2025**RESOLVED CO/0421/9**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report *Draft Operational Plan 2021/2022 and Delivery Program 2021/2025*.
2. Places the *Draft Operational Plan 2021/2022 and Delivery Program 2021/2025* on public exhibition for a minimum of 28 days and seek submissions from the community on its content.
3. Places the *Draft Fees and Charges 2021/2022* on public exhibition for a minimum of 28 days and seek submissions from the community on its content.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

13.4 ALCOHOL FREE ZONES**RESOLVED CO/0421/10**

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report *Alcohol Free Zones*;
2. Advertises and calls for public submissions in accordance with Sections 644 - 644B of the Local Government Act 1993 for the proposal to re-establish Alcohol Free Zones in the town of Kyogle and the villages of Woodenbong and Tabulam for the period of 1 July 2021 to 30 June 2025.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

13.5 FINALISATION OF LEP AMENDMENT NO. 14 - PLANNING PROPOSAL TO ALLOW NEW PERMISSIBLE DEVELOPMENT TYPES AND CONTROLS FOR DEVELOPMENT IN ZONES B2 AND B4**RESOLVED CO/0421/11**

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

That Council:

1. Receives and notes the report *Finalisation of LEP Amendment No. 14 – Planning Proposal to allow new permissible development types and controls for development in Zones B2 and B4.*
2. Reiterates its support for the planning proposal to amend the Kyogle LEP 2012 to allow the specified new permissible development types and controls for development in zones B2 and B4.
3. Pursuant to section 59(1) of the Environmental Planning and Assessment Act 1979, requests Parliamentary Counsel's Office to prepare a draft legal instrument.
4. Upon receiving a draft LEP amendment and an Opinion that the plan can be made from Parliamentary Counsel's Office, authorises the General Manager to finalise and implement the Planning Proposal under delegated authority, including any minor changes that may be required in making the final plan.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

13.6 FINALISATION OF LEP AMENDMENT NO. 15 - PLANNING PROPOSAL TO REMOVE VARIOUS ITEMS FROM SCHEDULE 5 ENVIRONMENTAL HERITAGE OF THE KYOGLE LEP 2012**RESOLVED CO/0421/12**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report *Finalisation of LEP Amendment No. 15 – Planning Proposal to remove various items from Schedule 5 Environmental Heritage of the Kyogle LEP 2012.*
2. Reiterates its support for the planning proposal to amend the Kyogle LEP 2012 for the removal of six identified bridges from Schedule 5 Environmental Heritage of the LEP.
3. Pursuant to section 59(1) of the Environmental Planning and Assessment Act 1979, requests Parliamentary Counsel's Office to prepare a draft legal instrument.
4. Upon receiving a draft LEP amendment and an Opinion that the plan can be made from Parliamentary Counsel's Office, authorises the General Manager to finalise and implement the Planning Proposal under delegated authority, including any minor changes that may be required in making the final plan.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

13.7 ADOPTION OF AMENDMENT TO THE KYOGLE DEVELOPMENT CONTROL PLAN TO INTRODUCE DEVELOPMENT GUIDELINES APPLICABLE TO NON-RESIDENTIAL DEVELOPMENT IN ZONES B2 LOCAL CENTRE AND B4 MIXED USE**RESOLVED CO/0421/13**

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report *Adoption of amendment to the Kyogle Development Control Plan to introduce development guidelines applicable to non-residential development in Zones B2 Local Centre and B4 Mixed Use*;
2. Adopts the amended Development Control Plan as per the draft chapter placed on public exhibition and give notice of adoption of the amended DCP in the Richmond River Independent and on Council's website.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Maggie May: Can Council be provided with a plan to replace Montgomerys Bridge on Iron Pot Creek Road?

Cr Earle Grundy: I have been approached about a couple of houses in Bonalbo that are just outside the rubbish collection area in Sandilands Street – what can we do about that?

Director of Planning and Environmental Services: Council officers have held discussions with the residents involved and have come up with a solution to the problem that we believe will work. We will be writing to those residents to advise them of that solution and will monitor the situation.

Cr Earle Grundy: The person who maintains the repeater station on Haystack Mountain says the access is virtually impassable. Can Council ensure that access is passable as soon as possible?

Acting Director Assets and Infrastructure Services: He should be able to get back up Haystack Mountain now. Council went in there as soon as we could with an excavator to make the access safe. When possible, Council will get the maintenance grader in there to do a proper job, but we have made it safe and accessible for now.

Cr Lindsay Passfield: Is it possible to use the funding Council has set aside for the scheduled replacement of a culvert on Hootons Road on the culvert that has failed on Hootons Road?

Acting Director Assets and Infrastructure Services: I would not recommend it. The culvert scheduled for replacement could fail in the same way as the other culvert has. And it's a much larger culvert, so the scale of the problem is a lot bigger.

16 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0421/14**

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

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 Outstanding Rates and Charges

This matter is considered to be confidential under Section 10A(2) - b 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 discussion in relation to the personal hardship of a resident or ratepayer.

16.2 Tender for Supply of All-Terrain Crane

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 Tender for Supply of Precast Bridge Components

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 meeting was closed at 5.37pm and the public and the media were asked to leave the chamber.

Open Council resumed at 5.43pm.

The Mayor read the following resolutions of Closed Committee to the Open Council Meeting:

Item 16.1 Outstanding Rates and Charges

Moved by Cr Earle Grundy, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report on Outstanding Rates and Charges.
2. Sells Property Number 1 – Rate assessment 10039416 for unpaid rates and charges;
3. Sells Property Number 2 – Rate assessment 10053219 for unpaid rates and charges;
4. Sells Property Number 3 – Rate assessment 10053052 for unpaid rates and charges;
5. Sells Property Number 4 – Rate assessment 10052831 for unpaid rates and charges;
6. Sells Property Number 5 – Rate assessment 10053359 for unpaid rates and charges.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley, Cr Kylie Thomas

Item 16.2 Tender for Supply of All-Terrain Crane

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report on Tender 2020/21-011 Supply of an All-Terrain Crane;
2. Not accept any tenders received under Tender 2020/21-011;
3. Authorises the General Manager to purchase the second-hand Humma 35-25 MK3 as advertised for the purchase price of \$434,500 incl GST;
4. Approves an additional \$400,000 to be added to the current 2020/21 Plant Purchases budget to allow for the purchase of the crane.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

Item 16.3 Tender for Supply of Precast Bridge Components

Moved by Cr Earle Grundy, seconded by Cr Robert Dwyer

That Council:

1. Receives and notes the report *Tenders for Contract 2020/21-011 Supply of Precast Bridge Components*.
2. Accepts tenders for Contract 2020/21-011 Supply of Precast Bridge Components from;
 - Gradian Projects P/L
 - Grahams Precast Concrete
 - Quickcell Technology Products Pty Ltd
 - Saunders Civilbuild Pty Ltd
 - Waeger Constructions Pty Ltd
 - Wagner CFT Manufacturing Pty Ltd

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

17 CLOSE OF MEETING

The Meeting closed at 5.45pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 10 May 2021.

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CHAIRPERSON