



MINUTES

Ordinary Council Meeting

15 June 2021

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON TUESDAY, 15 JUNE 2021 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 General Manager, Director Assets and Infrastructure Services, Manager Corporate Services, Acting Director Planning and Environmental 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 webcast and as such advised all speakers to refrain from making any defamatory statements/comments. Council accepts no liability for any damage that may result from defamatory comments made by speaking at the meeting. All liability rests with the individual making the comments.

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 acknowledged Elders past, present and emerging.

5 DECLARATION OF INTERESTS

Cr John Burley declared an interest in the following item:

Item 16.1 Confidential General Manager's Review
Reason for declaration – Personal relationship with the General Manager

Cr Kylie Thomas declared an interest in the following item:

Item 13.5 Extension of Development Contributions and Charges Discount Policy
Reason for declaration – Employed by a land developer.

Cr Lindsay Passfield declared an interest in the following item:

Item No 16.2 Confidential Tender for Hire of Plant and Equipment (2020/21-012)
Reason for declaration – A business association with one of the tenderers.

The General Manager declared an interest in the following items:

Item 16.1 General Manager's Review and Item 16.3 Senior Staff Renumeration
Reason for declaration – Report about General Manager and subject of the report

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

Item 16.1 General Manager's Review and Item 16.3 Senior Staff Remuneration
Reason for declaration – Acts in the General Manager's position and a member of the senior staff

The Manager Corporate Services declared an interest in the following item:

Item 16.1 General Manager's Review
Reason for declaration – Acts in the General Manager's position

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 10 MAY 2021

RESOLVED CO/0621/1

Moved by Cr John Burley, seconded by Cr Robert Dwyer

That Council confirms the minutes of the Council meeting of the 10 May 2021.

CARRIED

FOR VOTE - Unanimous vote

DID NOT VOTE – Cr Lindsay Passfield

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND; ELECTRIC VEHICLE CHARGERS

RESOLVED CO/0621/2

Moved by Cr Danielle Mulholland, seconded by Cr Lindsay Passfield

That Council investigate the cost of purchasing and installing electronic vehicle and scooter chargers.

CARRIED

FOR VOTE - Unanimous vote

9.2 NOTICE OF MOTION - JANET WILSON: AUDIT OF CAUSEWAYS**RESOLVED CO/0621/3**

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That council prepare a plan for the resolution of issues emerging with causeways across the Local Government Area (LGA) as part of the review of the Community Strategic Plan in the 21/22 financial year.

CARRIED

FOR VOTE - Unanimous vote

9.3 NOTICE OF MOTION - CR LINDSAY PASSFIELD: FUEL REDUCTION BURNS BALD KNOB, WOODENBONG AND DONALDSON STATE FORESTS**RESOLVED CO/0621/4**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council write to Forest Corporation NSW, with an information copy to Rural Fire Service Northern Rivers, to:

- A. Acknowledge plans to conduct hazard reduction burning operations in the area surrounding critical communications infrastructure in Donaldson State Forest;
- B. Request further hazard reduction burning in Bald Knob, Woodenbong and the balance of Donaldson State Forests as a priority.

CARRIED

FOR VOTE - Unanimous vote

10 QUESTIONS WITH NOTICE FROM COUNCILLORS**10.1 QUESTIONS FROM THE LAST COUNCIL MEETING****RESOLVED CO/0621/5**

Moved by Cr Kylie Thomas, seconded by Cr Earle Grundy

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

CARRIED

FOR VOTE - Unanimous vote

11 REPORTS FROM DELEGATES**11.1 DELEGATES REPORT: CR MAGGIE MAY - CLIMATE CHANGE WORKING GROUP****MOTION**

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.

FORESHADOWED MOTION

Cr Lindsay Passfield foreshadowed a motion that:

The Climate Change Working Group engage with Dr Stephanie Hernandez, Project Manager North East NSW Forestry Hub to explore opportunities to mitigate climate change

RESOLVED CO/0621/6

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

RESOLVED CO/0621/7

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas

That the Climate Change Working Group engage with Dr Stephanie Hernandez, Project Manager North East NSW Forestry Hub to explore opportunities to mitigate climate change.

CARRIED

FOR VOTE - Unanimous vote

11.2 DELEGATE'S REPORT - CR DANIELLE MULHOLLAND: SYDNEY MEETINGS, IPART WORKSHOP, JOINT ORGANISATION CHAIRS FORUM, COUNTRY MAYORS' ASSOCIATION**RESOLVED CO/0621/8**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council receives and notes the Delegate's Report from Cr Danielle Mulholland.

CARRIED

FOR VOTE - Unanimous vote

12 INFORMATION REPORTS**12.1 MONTHLY FINANCE REPORT - MAY 2021****RESOLVED CO/0621/9**

Moved by Cr Janet Wilson, seconded by Cr John Burley

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

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT - MAY 2021**RESOLVED CO/0621/10**

Moved by Cr Earle Grundy, seconded by Cr Lindsay Passfield

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

CARRIED

FOR VOTE - Unanimous vote

13 STAFF REPORTS**13.1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL COUNCILLOR FEES****RESOLVED CO/0621/11**

Moved by Cr Janet Wilson, seconded by Cr Earle Grundy

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 2021/2022:

Councillor Annual Fee:	\$12,400
Mayoral Fee:	\$27,060
Deputy Mayor Fee:	\$1,500

CARRIED

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

AGAINST VOTE - Cr Kylie Thomas

13.2 ADOPTION OF OPERATIONAL PLAN 2021/2022, DELIVERY PROGRAM 2021/2025 AND FEES AND CHARGES 2021/2022**RESOLVED CO/0621/12**

Moved by Cr Janet Wilson, seconded by Cr Robert Dwyer

That Council:

1. *Receives and notes the report, Adoption of Operational Plan 2021/2022, Delivery Program 2021/2025 and Fees and Charges 2021/2022*
2. Adopts the attached Operational Plan 2021/2022 and Delivery Program 2021/2025 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 2021/2022

CARRIED

FOR VOTE - Unanimous vote

DID NOT VOTE – Cr Lindsay Passfield

13.3 ALCOHOL FREE ZONES**RESOLVED CO/0621/13**

Moved by Cr Kylie Thomas, seconded by Cr Hayden Doolan

That Council;

1. Receives and notes the report concerning the re-establishment of Alcohol Free Zones in the Kyogle area.
2. Re-establishes the Alcohol Free Zones in the town of Kyogle and the villages of Woodenbong and Tabulam for the period of July 1, 2021, to June 30, 2025 in accordance with Sections 644 – 644A and 644B of the Local Government Act, 1993.

CARRIED

FOR VOTE - Unanimous vote

13.4 EXTERNAL GRANT FUNDING OPPORTUNITIES**RESOLVED CO/0621/14**

Moved by Cr John Burley, seconded by Cr Hayden Doolan

That Council;

1. Receives and notes the report on Stronger Country Communities Program Round 4
2. Endorses the following priority 1 projects for staff to lodge applications for under the program;
 - (a) Mallanganee Sports Ground – new amenities and grandstand - \$300,000
 - (b) Kyogle High School and Soccer Grounds – lighting improvements - \$104,825
 - (c) Tabulam Racecourse – new jockey rooms - \$100,000
3. Approves the following priority 2 project for staff to lodge an application for under the program;
 - (a) Woodenbong Sports Ground - new kiosk and amenities shed - \$300,000

CARRIED

FOR VOTE - Unanimous vote

Having previously declared an interest in Item 13.5, Cr Kylie Thomas left the meeting at 5.36pm.

13.5 EXTENSION OF DEVELOPMENT CONTRIBUTIONS AND CHARGES DISCOUNT POLICY**RESOLVED CO/0621/15**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Extension of Development Contributions and Charges Discounting Policy*.
2. Prepares an amended Development Contributions and Charges Discounting Policy that extends the current lifespan from March 2022 to August 2023 with the option to extend.
3. Places the amended Developer Contributions and Charges Discounting Policy on public exhibition and, at the conclusion of public exhibition, be provided with a report on submissions received.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr 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 Janet Wilson	
Cr Maggie May	

ABSENT. DID NOT VOTE – Cr Kylie Thomas

Cr Kylie Thomas returned to the meeting at 5.43pm.

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 QUESTIONS FOR NEXT ORDINARY MEETING

Cr Earle Grundy: In regard to the Old Bonalbo Public School Fireworks having to be called off at the last minute. Can Council look into what can be done to prevent one person who objects to a community event from derailing events being held at showgrounds. In particular, I want town planning to look at what can be done to protect events at showgrounds.

Acting Director Planning and Environmental Services: The showground use rights comply and Council supports them. As far as Safework goes, they mentioned there was a seven day limitation

on when they were supposed to apply with an application and apparently, they missed that. So going forward we aim to make sure everything is applied for in advance, so people can move horses or whatever else.

General Manager: What has happened in this situation is that there was an application made, there were some errors in the application, so it did not make it through to Safework NSW to apply to that particular site more than seven days prior to the event. This required them to lodge an urgent application which requires adjoining landowners consent, that is landowners within 500 metres of the site. But if it had been lodged on time and correctly, it would not require adjoining landowner consent, it would only require notification to adjoining landowners that the fireworks were to occur.

Cr Kylie Thomas: In regard to the Dyraaba Road grading that is happening now: how far is the maintenance going?

Director Assets and Infrastructure Services: Council will be grading all of our sections from the Dyraaba village all the way to the Bruxner Highway.

Cr Lindsay Passfield: The signage at the intersection Summerland and Mt Lindesay Road, when you turn west towards Warwick and Killarney, there is nothing to indicate on that sign that Warwick is that way. What do I need to do to get signage upgraded to reflect what is for most people travelling that road the main destination?

Cr Lindsay Passfield: A lot of guideposts on Mt Lindesay Road have disappeared, are broken or have been chewed up by the slasher. When will they be replaced?

Cr Robert Dwyer: There are a lot of bad potholes on the Summerland Way between the two service stations at the northern end of Kyogle's main street. When will they be fixed?

Director Assets and Infrastructure Services: The Summerland Way is the responsibility of the Department of Transport. Council undertakes work on their behalf and has made them aware the problem. We are currently waiting on a works order from the Department of Transport to fix the potholes. There was a job, fixing the main street, programmed to be done but rules around traffic management for those jobs has changed. Basically the region has been struggling to find the infrastructure we need now to carry out traffic management. All those off side roads now need to have traffic lights and there have been problems sourcing that equipment. We have had to delay works once before. Those works are programmed to happen, but I am not sure at the moment when they will occur.

16 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0621/16**

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 General Manager's Review

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).

16.2 Tender for Hire of Plant and Equipment (2020/21-012)

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 Senior Staff Remuneration

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

Council moved into Confidential at 5.53pm

The open Council meeting resumed at 6.14pm.

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

Item 16.1 General Manager's Review

Moved by Cr Janet Wilson, seconded by Cr Kylie Thomas

That Council;

1. *Receive and note the report on the General Manager's Performance Review*
2. Endorse the overall assessment of the General Manager's Review Committee as "4-Advanced" which under the terminology of the General Manager's Standard Contract equates to "More than Satisfactory" performance over the 12 month review period.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That the Mayor reports back to Council on bringing the General Manager's remuneration package into line with the industry standard for councils of comparable size.

CARRIED

FOR VOTE - Crs Danielle Mulholland, Janet Wilson, Hayden Doolan, Earle Grundy and Kylie Thomas

AGAINST VOTE - Crs Maggie May, Lindsay Passfield and Robert Dwyer

ABSENT. DID NOT VOTE – Cr John Burley

Item 16.2 Tender for Hire of Plant and Equipment (2020/21-012)

Moved by Cr Earle Grundy, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report *Tender for Hire of Plant and Equipment (2020/21-012)*.
2. Accepts the tenders submitted by the following contractors for inclusion in a panel of available plant for the provision of external hire of specific major plant items with and without operators;
 - 1) Ace Concrete Pumping
 - 2) Ace Rental
 - 3) Advance Sweepers
 - 4) Ausroad Plant Services
 - 5) Aussie Enviro Excavations
 - 6) B & S Earthmoving
 - 7) Ballina Concrete Pumping
 - 8) Beaudesert & Boonah Cranes
 - 9) Bentley Quarry
 - 10) Bianchetti and Sons Pty Ltd
 - 11) Bitu-mill Pty Ltd
 - 12) Casino Engineering & Industrial Supplies
 - 13) Casino Hire and Landscape Supplies
 - 14) Coates Hire Operations Pty Ltd
 - 15) Compass Equipment Hire Pty Ltd
 - 16) Conplant Pty Ltd
 - 17) Country 2 Coast Concreting Pty Ltd
 - 18) CRC Pumping
 - 19) Digwise Earthworks
 - 20) D-Rex Excavator & Bobcat Hire
 - 21) Dynamic Hydro Excavations Pty Ltd
 - 22) Ellis Stabilising Pty Ltd
 - 23) Ezyquip Hire Pty Ltd
 - 24) Farragher & Whitehead
 - 25) FEDC Pty Ltd
 - 26) Fergies Fine Fields

- 27) Flexihire Pty Ltd
- 28) G & R Brown & Sons Pty Ltd
- 29) GL Walters & MJ Walters
- 30) Garwood Tree Services
- 31) Graham's Concrete
- 32) Harris Brothers Earthmoving and Contracting
- 33) HJ (Murphy) Standfield Pty Ltd
- 34) JR & EG Richards (NSW) Pty Ltd
- 35) John R Miller
- 36) John's Tipper & Excavation Hire Pty Ltd
- 37) Kennards Hire Pty Ltd
- 38) Kingsbrae Partnership Pty Ltd
- 39) Kyogle Earthworx
- 40) Maslen Contractors Pty Ltd
- 41) Mega Waste Industries Pty Ltd
- 42) Micks Earthworx
- 43) MJ & AP Brown
- 44) MJ Smith Ground Preparation Pty Ltd
- 45) MJS Tipping
- 46) Multitech Profiling Pty Ltd
- 47) North Coast Road Sweepers
- 48) North East Cranes
- 49) Peter O'Rielly
- 50) PowerClear Pty Ltd
- 51) RediPlant
- 52) Remoplains Pty Ltd
- 53) Richmond Sand Gravel and Landscaping
- 54) Rodney Davis Bobcat Hire
- 55) Rollers Australia
- 56) RPQ Asphalt Pty Ltd
- 57) S&F Murray Contracting
- 58) Shane John Reeves
- 59) Smith Plant Hire
- 60) Sniffers Group
- 61) Speedy Tipper Hire Pty Ltd
- 62) Stabilcorp Pty Ltd
- 63) Summerland Environmental Service
- 64) The Trustee for Loader Vac Solutions Trust
- 65) Tom Thumb Earthmoving Pty Ltd

- 66) Tutt Bryant Hire Pty Ltd
- 67) Tweed Crane Hire
- 68) Universal Crane (Ballina) Pty Ltd
- 69) Versatile Earthworks
- 70) WDI Earthmoving

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr Lindsay Passfield

Item 16.3 Senior Staff Remuneration

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

That Council;

1. *Receive and note the report on the Senior Staff Remuneration*
2. Approve an increase in the salary for all Senior Staff of 1.5% for the 2020/21 financial year.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley

17 CLOSE OF MEETING

The Meeting closed at 6.18pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 July 2021.

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CHAIRPERSON