



# **MINUTES**

**Ordinary Council Meeting**

**14 June 2022**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON TUESDAY, 14 JUNE 2022 AT 2PM**

**PRESENT:** Cr Kylie Thomas (Mayor), Cr Tom Cooper (Deputy Mayor), Cr Danielle Mulholland, Cr John Burley, Cr Janet Wilson, Cr Maggie May (via audio-visual link), Cr Hayden Doolan (via audio-visual link), Cr Robert Cullen, Cr James Murray

**IN ATTENDANCE:** The General Manager (via audio-visual link), Acting General Manager, Director Planning and Environmental Services, Acting Director Assets and Infrastructure Services, Executive Assistant to the General Manager.

## **1 OPEN MEETING**

The Mayor opened the meeting at 2pm and advised those present the meeting was being webcast. All speakers were advised to refrain from making any defamatory statements or comments. The Mayor advised the meeting that Council accepts no responsibility for any damages that may result from defamatory comments made at the meeting. All liability rests with the individuals 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 Janet Wilson declared an interest in the following item(s):

- Item 9.1 Notice of Motion – Cr Danielle Mulholland: Conference and Seminar Expenses
- Reason for declaration – mentioned in the report.

## **6 PUBLIC FORUM**

Ms Robyn Lucienne addressed the Council in relation to Item 11.1 Delegates Report: Cr Maggie May – Climate Change Working Group. The focus of Ms Lucienne's address was a feasibility study for a microgrid in Kyogle.

**7 CONFIRMATION OF MINUTES**

**7.1 COUNCIL REPORT - 9 MAY 2022**

**RESOLVED CO/0622/1**

Moved by Cr John Burley, seconded by Cr Danielle Mulholland

That Council confirms the minutes of the Council meeting of 9 May 2022.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION**

**9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: CONFERENCE AND SEMINAR EXPENSES**

**RESOLVED CO/0622/2**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council approves the re-allocation of part of Councillor Wilson's conference and travel budget to Councillor Mulholland's conference and travel budget to cover the costs of Councillor Mulholland attending the Australian Local Government Association (ALGA) General Assembly Conference.

**CARRIED**

FOR VOTE - Unanimous vote

**10 QUESTIONS WITH NOTICE FROM COUNCILLORS**

Nil

**11 REPORTS FROM DELEGATES****11.1 DELEGATE'S REPORT: CR MAGGIE MAY - CLIMATE CHANGE WORKING GROUP****RESOLVED CO/0622/3**

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report, *Delegates Report: Cr Maggie May – Climate Change Working Group*.
2. Seeks proposals for a report on current and projected climate change impacts relevant to the Kyogle Local Government Area (LGA) from a qualified body using the most up to date data and Intergovernmental Panel on Climate Change (IPCC) modelling;
3. Seeks proposals for the development of a climate change adaptation risk assessment and action plan to strengthen community resilience to the projected impacts of climate change.
4. Investigate the cost of a feasibility study for a microgrid in the Kyogle LGA.

**CARRIED**

FOR VOTE - Unanimous vote

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - MAY 2022****RESOLVED CO/0622/4**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

That Council receives and notes the information contained in the report, *Monthly Finance Report – May 2022*.

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - MAY 2022****RESOLVED CO/0622/5**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council receives and notes the information contained in the report, *Works Program Progress Report – May 2022*.

**CARRIED**

FOR VOTE - Unanimous vote

**13 STAFF REPORTS****13.1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL COUNCILLOR FEES****RESOLVED CO/0622/6**

Moved by Cr Tom Cooper, seconded by Cr James Murray

That Council:

1. Receives and notes the report, *Local Government Remuneration Tribunal Councillor Fees*;
2. Adopts the following Councillor and Mayoral fees,

Councillor Annual Fee:	\$12,650
Mayoral Fee:	\$27,600

**CARRIED**

FOR VOTE - Unanimous vote

**13.2 REPORT ON COUNCIL'S ETHICAL AND SUSTAINABLE INVESTMENTS****RESOLVED CO/0622/7**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council receive and note the report, *Report on Council's Ethical and Sustainable Investments*.

**CARRIED**

FOR VOTE - Unanimous vote

**13.3 PROPOSAL TO UPGRADE WASTE COLLECTION SERVICES****RESOLVED CO/0622/8**

Moved by Cr Danielle Mulholland, seconded by Cr Robert Cullen

That Council:

1. Authorises the General Manager to accept the grant offered by the NSW EPA to assist Council to meet the NSW Government's mandate of providing households and selected businesses with a FOGO collection service by 2030
2. Implements a three-bin system for domestic and commercial waste customers from 1 July 2023.

**CARRIED**

FOR VOTE - Unanimous vote

**13.4 KYOGLE COMMUNITY STRATEGIC PLAN 2022 - 2032 - ADOPTION****RESOLVED CO/0622/9**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receive and note the report, *Kyogle Community Strategic Plan 2022 – 2032 – Adoption*;
2. Adopt the revised Kyogle Community Strategic Plan 2022 – 2032.

**CARRIED**

FOR VOTE - Unanimous vote

Cr Hayden Doolan left the meeting at 3.23pm.

**13.5 ADOPTION OF OPERATIONAL PLAN 2022/2023, DELIVERY PROGRAM 2022/2026 AND FEES CHARGES 2022/2023****RESOLVED CO/0622/10**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Adoption of Operational Plan 2021/2022, Delivery Program 2022/2026 and Fees and Charges 2022/2023*;
2. Adopts the attached Operational Plan 2021/2022 and Delivery Program 2022/2026 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 2022/2023.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Hayden Doolan

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0622/11**

Moved by Cr Danielle Mulholland, 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:

**15.1 Clarence Way - Urbenville to Woodenbong Legal Proceedings**

This matter is considered to be confidential under Section 10A(2) - 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 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.

**15.2 Refund of Car Parking Contribution**

This matter is considered to be confidential under Section 10A(2) - 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 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.

**15.3 Short term rent relief for Council commercial tenants**

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.

**15.4 Tender for Rock Filled Gabion and Mattresses (Tender 2021/22-013)**

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.

**15.5 Tender for Hire of Plant and Equipment (Tender 2021/22-006)**

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.

**15.6 Tender for Supply of Quarry Products (Tender 2021/22-007)**

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.

**15.7 Tender for Crushing Services (2021/22-010)**

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.

**15.8 Tender for Concrete Works (Tender 2021/22-005)**

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 Hayden Doolan.

*NB: Prior to voting on the motion to move into confidential, the gallery was asked if anyone wanted to make representations as to why the meeting should not be closed to the public. No representations were made.*

The Mayor asked the media and the gallery to leave the chambers and Council moved into Confidential at 3.26pm.

Cr Hayden Doolan returned to the meeting at 3.40pm.

Open Council resumed at 4.29pm.

The Mayor read the following resolutions of the Confidential Meeting to the open Council meeting.

### **15.1 Clarence Way - Urbenville to Woodenbong Legal Proceedings**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council receives and notes the report, *Clarence Way – Urbenville to Woodenbong Legal Proceedings* and the verbal presentation from Council's legal representatives.

**CARRIED**

FOR VOTE - Unanimous vote

### **15.2 Refund of Car Parking Contribution**

Moved by Cr Janet Wilson, seconded by Cr James Murray

That Council;

1. Receives and notes the report *Refund of Car Parking Contribution*
2. Authorises the General Manager to refund the sum of \$10,000 received for a car parking contribution under DA 2009/19.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

### **15.3 Short term rent relief for Council commercial tenants**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Note the contents of the report 'Short-term rent relief for Council commercial tenants';
2. Agrees to waive two-months' rent in respect of both of the applicants.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

### **15.4 Tender for Rock Filled Gabion and Mattresses (Tender 2021/22-013)**

That Council:



1. Receives and notes the report, *Tenders for Rock Filled Gabion and Mattresses (Tender 2021/22-013)*;
2. Accepts the tenders for contract 2021/22-013 Tender for Rock Filled Gabion and Mattresses from;
  - 1) Nviroscope Pty Ltd
  - 2) Finn Valley Plant and Civil Pty Ltd
  - 3) Corsana Pty Ltd

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

### **15.5 Tender for Hire of Plant and Equipment (Tender 2021/22-006)**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Tenders for Hire of Plant and Equipment (Tender 2021/22-006)*;
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) Yellow Hire
  - 2) Wideland Equipment Hire
  - 3) Versatile Earthworks
  - 4) Tweed Crane Hire
  - 5) Tutt Bryant Hire Pty Ltd
  - 6) Kenreach Group Pty Ltd
  - 7) TTC Equipment
  - 8) Total Drain Group
  - 9) Todd Anderson
  - 10) TJM Plumbing
  - 11) Loader Vac Solutions Pty Ltd
  - 12) The Mining Pty Ltd
  - 13) Summerland Environmental
  - 14) Stubbs Investment (QLD) Pty Ltd
  - 15) Stabilcorp Pty Ltd

- 16) Smith Plant Hire
- 17) Shane Reeves
- 18) S&F Murray Contracting
- 19) Rollers Australia Pty Ltd
- 20) Rodney Davis
- 21) WF & SL Sullivan Pty Ltd
- 22) Pirlos Excavation
- 23) Paradise Tower Hire Pty Ltd
- 24) Ozwide Bridge Rail & Civil Pty Ltd
- 25) Northern Rivers Tipper Hire
- 26) Multitech Profiling Pty Ltd
- 27) MJS Tipping
- 28) MJ Ground Preparation Pty Ltd
- 29) MJ & AP Brown
- 30) Maslen Contractors Pty Ltd
- 31) Lockyer Hire
- 32) Kyogle Earthworx
- 33) Kingsbrae Partnership Pty Ltd
- 34) Keenards Hire Pty Ltd
- 35) JVP Bulk Haulage
- 36) Johnos Tipper and Excavator Hire
- 37) John R Miller
- 38) Ifind Underground
- 39) Hydro Digga Pty Ltd
- 40) HXR Pty Ltd
- 41) Harris Brothers Earthmoving & Contacting
- 42) Green Tree Lopping Services

- 43) Grahams Quarry
- 44) GJ & MJ Walters
- 45) Flexihire Pty Ltd
- 46) Fenworx Pty Ltd
- 47) Farragher & Whitehead
- 48) Ezyquip Hire Pty Ltd
- 49) Ellis Stabilising Pty Ltd
- 50) D-Rex Excavator & Bobcat Hire
- 51) Digwise Earthworks
- 52) Country 2 Coast Concreting Pty Ltd
- 53) Conplant Pty Ltd
- 54) Compass Equipment Hire
- 55) Coates Hire Operations Pty Ltd
- 56) Harvestview Pty Ltd
- 57) Brooks Hire Services Pty Ltd
- 58) Bitu-mill Pty Ltd
- 59) R & S Contracting Pty Ltd
- 60) Ballina Concrete Pumping Pty Ltd
- 61) Aqua-Assets Pty Ltd
- 62) Ace Quality Concrete Plumbing

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

### **15.6 Tender for Supply of Quarry Products (Tender 2021/22-007)**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report, *Tenders for Supply of Quarry Products (Tender 2021/22-007)*;
2. Accepts tenders for Contract 2021/22-007 Supply of Quarry Products from;
  - 1) Richmond Sand and Gravel

- 2) MJ Smith Ground Preparation Pty Ltd
- 3) MJ & AP Brown
- 4) HXR Pty Ltd
- 5) KIS Plant Pty Ltd
- 6) Graham's Quarry
- 7) Bromelton Quarry Pty Ltd
- 8) Bentley Quarry

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

### **15.7 Tender for Crushing Services (2021/22-010)**

Moved by Cr Danielle Mulholland, seconded by Cr Tom Cooper

That Council:

1. Receives and notes the report, *Tenders for Crushing Services (Tender 2021/22-010)*;
2. Accepts tenders from Contract 2021/22-010 Tender for Crushing Services from:
  - 1) IQarry Pty Ltd
  - 2) HXR Pty Ltd

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

### **15.8 Tender for Concrete Works (Tender 2021/22-005)**

Moved by Cr Danielle Mulholland, seconded by Cr James Murray

That Council:

1. Receives and notes the report, *Tenders for Concrete Works (Tender 2021/22-005)*;
2. The below listed six tenderers be appointed to a panel to provide labour resources at their tendered unit rates. The tenderers be awarded works at best advantage to Council, based on the tendered schedule of rates.
  - (a) Conex Group Pty Ltd
  - (b) Country to Coast Concreting Pty Ltd
  - (c) Dylan Keys
  - (d) Kyogle Earthworx
  - (e) MJ Smith Ground Preparation
  - (f) Ninety 6 Concretations
  - (g) Ozwide Bridge Rail and Civil
3. The below listed three tenderers be appointed to the panel upon Council's receipt of the required information which was not supplied in their original tender submission.
  - (a) Eden Creek Constructions

- (b) FJS All Builds
- (c) The Concreters Northern NSW

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Maggie May

**16 CLOSE OF MEETING**

**The Meeting closed at 4.36pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 11 July 2022.**

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**CHAIRPERSON**