



# **MINUTES**

**Ordinary Council Meeting**

**9 March 2020**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 9 MARCH 2020 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, Manager Assets and Infrastructure Services, Corporate Services Manager, Executive Assistant to the General Manager

## **1 OPEN MEETING**

The Mayor declared the meeting open at 5pm and advised those in attendance that the proceedings were being webcast. As such, the Mayor advised all those in attendance to refrain from making defamatory 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 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 Performance Review  
Reason for declaration – Personal relationship with the General Manager

Manager Corporate Services declared an interest in the following item:

- Item 16.3 – Confidential Climate Change Working Group  
Reason for declaration – Has a private professional association with a Working Group applicant.

General Manager declared an interest in the following item:

- Item 16.1 – Confidential General Manager’s Performance Review  
Reason for declaration – Report about the General Manager

**6 PUBLIC FORUM**

Nil

**7 CONFIRMATION OF MINUTES**

**7.1 COUNCIL REPORT - 10 FEBRUARY 2020**

**RESOLVED CO/0320/1**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council confirms the minutes of the Council meeting of the 10 February 2020.

**CARRIED**

FOR VOTE - Unanimous vote

**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/0320/2**

Moved by Cr Janet Wilson, 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**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - FEBRUARY 2020****RESOLVED CO/0320/3**

Moved by Cr John Burley, seconded by Cr Kylie Thomas

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - FEBRUARY 2020****RESOLVED CO/0320/4**

Moved by Cr Robert Dwyer, seconded by Cr Kylie Thomas

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

**CARRIED**

FOR VOTE - Unanimous vote

**13 STAFF REPORTS****13.1 REVIEW OF FINANCIAL MANAGEMENT POLICY****RESOLVED CO/0320/5**

Moved by Cr Hayden Doolan, seconded by Cr Kylie Thomas

That Council:

1. Receives and notes the report, *Review of Financial Management Policy*;
2. Adopts the revised Kyogle Council Financial Management Policy included in the attachments to this report.

**CARRIED**

FOR VOTE - Unanimous vote

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Janet Wilson: Can Council write to NSW Premier to ask for the rationale on the harvesting of timber in the native hardwood forests which were felled during the recent bushfires when the advice has been that post fire forest salvaging increases the likelihood of more intense future fires?

Cr John Burley: Does Council need to liaise with any health organisation about the Corona virus?

Director Assets and Infrastructure Services: Not at this point. The Local Emergency Management Committee is across the situation and Council is keeping abreast of measures that are in place. At present, people are advised to go about their daily business but are advised to implement standard hygiene practices such as wash your hands regularly. There is no need for panic at the present.

Cr Kylie Thomas: Can I have an update, in writing, about the status of horse riding and wildlife signage on Roseberry Creek Road?

Cr Lindsay Passfield: How much was spent on the residence, cabins and maintenance of the Kyogle caravan park since Council took on its management?

Cr Lindsay Passfield: Council is only taking applications for the bushfire recovery community financial assistance grants online. Many people can't apply online or don't have access to computers. Can Council extend the applications so that they can be submitted in hard copy?

Cr Robert Dwyer: A person has raised innuendos and allegations in regard to the operation of the Cedar Point Quarry. When council responds to these questions, can we have a full report to Council?

General Manager: You are referring to an email Council received from an individual who has been advised that Council will no longer correspond with them on those matters. There will be no response to that email.

## **16 CONFIDENTIAL BUSINESS PAPER**

### **RESOLVED CO/0320/6**

Moved by Cr Kylie Thomas, seconded by Cr Lindsay Passfield

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 Performance 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 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.

#### **16.3 Climate Change Working Group**

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

**RESOLVED CO/0320/10**

Moved by Cr Lindsay Passfield, seconded by Cr Kylie Thomas  
That Council moves out of Closed Council into Open Council.

**CARRIED**

FOR VOTE - Unanimous vote

DID NOT VOTE – Cr John Burley

Open Council resumed at 6.13pm.

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

**ITEM 16.1a BRING FORWARDS ITEMS 16.2 AND 16.3**

Moved by Cr Janet Wilson, seconded by Cr Lindsay Passfield

That Items 16.2 and 16.3 be brought forward for determination before Item 16.1.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Cr John Burley.

**ITEM 16.2 OUTSTANDING RATES AND CHARGES**

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report on Outstanding Rates and Charges.
2. Sell Property Number 1 – Rate Assessment 10067565 for unpaid rates and charges should the outstanding debt not be paid by 20 April, 2020.
3. Sell Property Number 2 – Rate Assessment 10002851 for unpaid rates and charges upon confirmation of the caveat being removed by ILSC.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 16.3 CLIMATE CHANGE WORKING GROUP**

Moved by Cr Maggie May, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Climate Change Working Group*;
2. Endorses the following appointments to the Climate Change Working Group;
  - (a) Arthur Webb
  - (b) Roger Small
  - (c) Karen Webb
  - (d) Rob Drury

- (e) Genevieve Larsen
- (f) Dr Kym Watling
- 3. Writes to all unsuccessful applicants to thank them for their expression of interest.
- 4. Nominates the following Councillors to the Climate Change Working Group;
  - (a) Cr Maggie May
  - (b) Cr Kylie Thomas
  - (c) C John Burley
- 5. Lobby both state and federal government to recognise the importance of preparing communities for the impacts of climate change and to establish suitable funding programs to assist local government in delivering on Climate Change Adaptation Action Plans.

**CARRIED**

FOR VOTE - Unanimous vote

**ITEM 16.1 GENERAL MANAGER'S PERFORMANCE REVIEW**

Moved by Cr Danielle Mulholland, seconded by Cr Earle Grundy

That Council:

- 1. Receives and notes the report on the General Manager's Performance Review
- 2. Endorses 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.
- 3. Approves an increase in the General Manager's Total Remuneration Package of \$10,000.
- 4. Authorises the renewal of the General Manager's Contract for a further five years.

**CARRIED**

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

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

ABSENT. DID NOT VOTE - Cr John Burley

The Mayor used her casting vote to carry the motion.

**17 CLOSE OF MEETING**

The Meeting closed at 6.15pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 13 April 2020.

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**CHAIRPERSON**