



# **MINUTES**

**Ordinary Council Meeting**

**8 November 2021**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 8 NOVEMBER 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 Lindsay Passfield, Cr Robert Dwyer

**IN ATTENDANCE:** The General Manager, Director Assets and Infrastructure Services, Director Planning and Environmental Services, Executive Manager Corporate Services, Executive Assistant to the General Manager.

## **1 OPEN MEETING**

The Mayor declared the meeting open at 5pm and advised those present the meeting was being webcast. All speakers were advised to refrain from making any defamatory statements or comments. Council accepts no liability 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**

An apology was received from Cr Kylie Thomas.

### **2.1 LEAVE OF ABSENCE**

#### **RESOLVED CO/1121/1**

Moved by Cr Lindsay Passfield, seconded by Cr Hayden Doolan

That Council:

1. Accept the apology from Cr Kylie Thomas;
2. Grant Cr Thomas a leave of absence for the meeting.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

## **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 John Burley declared an interest in relation to the following item:

Item 16.1 Review of General Manager's Remuneration Package

Reason for declaration – personal relationship with the General Manager.

The General Manager declared an interest in relation to the following item:

Item 16.1 Review of General Manager's Remuneration Package  
Reason for declaration – General Manager is subject of the report

The Director Planning and Environmental Services declared an interest in relation to the following item:

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

The Director Assets and Infrastructure Services declared an interest in relation to the following item:

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

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

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

## **6 PUBLIC FORUM**

Nil

## **7 CONFIRMATION OF MINUTES**

### **7.1 COUNCIL REPORT - 11 OCTOBER 2021**

#### **RESOLVED CO/1121/2**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council confirms the minutes of the Council meeting of the 11 October 2021.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

### **7.2 COUNCIL REPORT - 26 OCTOBER 2021**

#### **RESOLVED CO/1121/3**

Moved by Cr Lindsay Passfield, seconded by Cr Janet Wilson

That Council confirms minutes of the Extraordinary meeting of the 26 October 2021.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

## **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/1121/4**

Moved by Cr Earle Grundy, seconded by Cr Robert Dwyer

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

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**11 REPORTS FROM DELEGATES**

Nil

**12 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - OCTOBER 2021****RESOLVED CO/1121/5**

Moved by Cr Maggie May, seconded by Cr Janet Wilson

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

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**12.2 WORKS PROGRAM PROGRESS REPORT - OCTOBER 2021****RESOLVED CO/1121/6**

Moved by Cr Lindsay Passfield, seconded by Cr Robert Dwyer

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

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**12.3 INTERNAL AUDIT COMMITTEE**

**RESOLVED CO/1121/7**

Moved by Cr Janet Wilson, seconded by Cr Hayden Doolan

That Council receives and notes the minutes of the 26 October 2021 meeting of the Internal Audit Committee.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13 STAFF REPORTS****13.1 SEPTEMBER 2021 QUARTERLY BUDGET REVIEW****RESOLVED CO/1121/8**

Moved by Cr John Burley, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the September 2021 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

<b>STATEMENT OF SIGNIFICANT VARIANCES</b>		
<b>SEPTEMBER QUARTER BUDGET REVIEW</b>		
<b>DETAILS</b>	<b>QUARTERLY ADJUSTMENT</b>	
	<b>INCOME</b>	<b>EXPENSES</b>
Finance - Revenue Sharing Grant	105,328	
Environmental Health - Grants	22,565	
Environmental Health - Fawcetts Creek Restoration		22,565
Regional Roads - Capital Grants	(7,196)	
Regional Roads - Capital Expenditure MR 361		863,448
Regional Roads - Capital Expenditure MR 544		(140,000)
Regional Roads - Capital Expenditure Bridges		140,000
Urban Local Roads - Flood Funding	14,438	
Urban Local Roads - Flood Damage		4,438
Rural Roads - Roads to Recovery Grant	405,111	
Rural Roads - Revenue Sharing Grant	(16,476)	
Rural Roads - Capital Grants ( FLR )	1,327,798	
Rural Roads - Capital Grants ( Flood Funding )	1,659,590	
Rural Roads - Capital Expenditure ( FLR )		1,327,798
Rural Roads - Capital Expenditure ( Flood Damage )		1,659,590
Bridges - Roads to Recovery Grant	(405,111)	
Emergency Services - Bushfire Recovery Programme		(15,000)
Parks & Gardens - Capital Grants	990,001	
Parks & Gardens - Capital Expenditure		990,001
Engineering Administration - Recoveries		(400,000)
State Highways - Work Order Income	2,923,266	
State Highways - Work Order Costs		2,684,626

Quarries - Sales	403,303	
Quarries - Working Expenses		275,151
<b>Totals</b>	7,422,617	7,422,617
	<b>Net Adjustment</b>	-

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.2 2020-2021 ANNUAL REPORT****RESOLVED CO/1121/9**

Moved by Cr Hayden Doolan, seconded by Cr Robert Dwyer

That Council:

1. Receives and notes the report, *2020-2021 Annual Report*.
2. In accordance with s.428 of the Local Government Act, 1993, posts the finalised Annual Report on Council's website and provide a copy to the Minister.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.3 END OF TERM REPORT****RESOLVED CO/1121/10**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council receives and notes the End of Term Report.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.4 INVESTIGATIONS INTO THE PURCHASE AND INSTALLATION OF ELECTRIC VEHICLE AND SCOOTER CHARGERS****RESOLVED CO/1121/11**

Moved by Cr Maggie May, seconded by Cr Earle Grundy

That Council receives and notes the report *Investigations into the Purchase and Installation of Electric Vehicle and Scooter Chargers*.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.5 AGENCY INFORMATION GUIDE****RESOLVED CO/1121/12**

Moved by Cr Hayden Doolan, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Agency Information Guide*;
2. Adopts the attached Agency Information Guide 2021/22.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**13.6 PRESENTATION OF 2020/2021 FINANCIAL STATEMENTS****RESOLVED CO/1121/13**

Moved by Cr Lindsay Passfield, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, *Presentation of the 2020/21 Financial Statements*.
2. Presents to the public the Audited Financial Reports and Independent Audit Reports for the year ended 30 June 2021 in accordance with the Local Government Act 1993.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas



**13.7 REGIONAL ROADS HANDBACK****RESOLVED CO/1121/14**

Moved by Cr Hayden Doolan, seconded by Cr Earle Grundy

That Council:

1. Receives and notes the report, *Regional Roads Handback*.
2. Applies for, and authorises, the transfer to the State Road network of the full length of all Regional Roads within the Kyogle Local Government Area that are currently under Council control, specifically being
  - (a) Main Road 141 – Kyogle Road
  - (b) Main Road 150 – Clarence Way
  - (c) Main Road 361 – Clarence Way
  - (d) Main Road 544 – Bentley Road
  - (e) Main Road 622 – Mount Lindesay Highway
3. Supports the transfer to the State Road network of any sections of these Regional Roads in the adjoining Local Government Areas of Clarence Valley, Tweed Shire, Lismore City, Richmond Valley and Tenterfield Shire, with the concurrence of those councils.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

Director of Assets and Infrastructure Services and Cr Robert Dwyer declared an interest in Item 13.8 Financial Assistance Applications and left the meeting at 5.17pm. Both are members of community organisations which had submitted Financial Assistance Grant applications.

**13.8 FINANCIAL ASSISTANCE APPLICATIONS****RESOLVED CO/1121/15**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council

1. Receives and notes the report on *Financial Assistance Applications*
2. Approves the Community Assistance Grants listed in Attachment 1
3. Authorises the redistribution of funds from the Bushfire Recovery Funding as listed in Attachment 2
4. Dissolves the Emergency Disaster Relief Fund and distributes the remaining funds as listed in Attachment 3.

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas and Cr Robert Dwyer

Cr Dwyer and Director Assets and Infrastructure Services returned to the meeting at 5.19pm.

**14 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 QUESTIONS FOR NEXT ORDINARY MEETING**

Cr Maggie May: Questions have been raised in the community about the future of the Learn To Swim Pool in relation to the redevelopment of the Kyogle pool complex. As I understand it, the Learn To Swim pool will be replaced by a heated hydrotherapy pool. Is it the case that the hydrotherapy pool will have a dual use and will also be available for learn to swim?

General Manager: Yes, it is designed to have a dual use and will be available for hydrotherapy and learn to swim classes.

Cr Earle Grundy: A number of years ago, Council sent property owners a sticker that contained the GPS coordinates of their house/property. It was sent out with rates notices and is an incredible resource for people whose property addresses are not recognised on the likes of Google maps. It's particularly helpful if you have to contact emergency services such as the ambulance. Can Council look at sending them out again with rates notices?

General Manager: We sent them out to everyone at the time, and we still hold that information. Anyone who wants that information can just contact Council and we can give it to them. As for sending out stickers, Council will have to look into that.

Cr Lindsay Passfield: The High Country Medical Practice at Urbenville is at risk of closing in April next year. There is an MPS with an aged care facility and hospital beds at Urbenville that is currently not being serviced by a GP. Can Council, in association with Tenterfield Shire Council, lobby everyone we can to get additional medical people into that area.

Mayor: I have raised this issue with Wayne Jones, the Director of Health Services for our region, Member for Lismore Janelle Saffin, and Member of the Legislative Council Ben Franklin and in other meetings. Essentially the information we are getting back from the State Government is: "There are no problems, don't know what you are talking about, so why are you coming to us with this." They are saying it is our problem. I have put a community member in contact with the Director of Regional Health and she will be able to follow it up that way. But Council will continue to advocate on that issue.

Cr Lindsay Passfield: Will the ablutions block at the Woodenbong Campground be finished before Christmas?

Director Assets and Infrastructure Services: That is our intention.

Cr Robert Dwyer: There is a bad pothole developing on the corner at Anzac Drive and the skatepark. Can that be looked at?

Cr Robert Dwyer: The white cement blister at bottom of the main street has been town overtaken by grass. Can that be tidied up before Christmas?

**16 CONFIDENTIAL BUSINESS PAPER**

Pursuant to Section 10A(4), the Mayor invited the public to make representations to the council meeting before any part of the meeting was closed, as to whether that part of the meeting should be closed.

There were no representations from the gallery. The Mayor advised that under section 10A of the Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10(2) as outlined.

**RESOLVED CO/1121/16**

Moved by Cr Maggie May, 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 Review of General Manager's Remuneration Package**

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 Fixing Country Bridges Group Two - Expressions of Interest Outcomes**

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 Kylie Thomas

Council closed its meeting at 5.26pm.

The Open Council meeting resumed at 5.36pm.

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

**16.1 Review of General Manager's Remuneration Package**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Review of General Manager's Remuneration Package*;
2. Approves an increase of 5.67% for the position of General Manager to bring the total remuneration package into line with the average for the Rural category of councils.

**CARRIED**

FOR VOTE - Crs Danielle Mulholland, Janet Wilson, Hayden Doolan, Earle Grundy, Lindsay Passfield

AGAINST - Robert Dwyer, Maggie May,

ABSENT DID NOT VOTE - Crs John Burley and Kylie Thomas

**16.2 Fixing Country Bridges Group Two - Expressions of Interest Outcomes**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council:

1. Receives and notes the Fixing Country Bridges Group Two – Expressions of Interest Outcomes report;
2. Invites selective tenders for design and construction of Kyogle Group Two Fixing Country Bridges packages from;
  - Civil Mining & Construction Pty Ltd

- Daracon Contractors Pty Ltd
- Quickway Constructions Pty Ltd
- Ark Construction Group Pty Ltd
- Hazell Bros (Qld) Pty Ltd
- Ozwide Bridge Rail & Civil Pty Ltd
- Fortec Australia Pty Ltd
- Saunders Civilbuild
- GC Civil Contracting Pty Ltd
- Davbridge Properties Pty Ltd T/A Davbridge Constructions
- Coastal Works
- Murray Valley Piling Pty Ltd
- Burnett Civil Pty Ltd
- Country 2 Coast Concreting
- Wagners CFT Manufacturing Pty Ltd

**CARRIED**

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Cr Kylie Thomas

**17 CLOSE OF MEETING**

**The Meeting closed at 5.41pm.**

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

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**CHAIRPERSON**