



# **MINUTES**

**Ordinary Council Meeting**

**11 April 2022**

**MINUTES OF KYOGLE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE  
ON MONDAY, 11 APRIL 2022 AT 5PM**

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

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

**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 damage 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 future.

**5 DECLARATION OF INTERESTS**

Cr Kylie Thomas declared an interest in the following item(s):

- Item 15.2
- Reason for declaration – past association with one of the tenderers

**6 PUBLIC FORUM**

Nil

**7 CONFIRMATION OF MINUTES**

**7.1 COUNCIL REPORT - 14 MARCH 2022**

**RESOLVED CO/0422/1**

Moved by Cr Danielle Mulholland, seconded by Cr Maggie May

That Council confirms the minutes of the Council meeting of 14 March 2022.

**CARRIED**

FOR VOTE - Unanimous vote

**8 MAYORAL MINUTE**

Nil

**9 NOTICES OF MOTION****9.1 NOTICE OF MOTION - CR JANET WILSON: POPULARLY ELECTED MAYOR****MOTION**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council proceed with a referendum to determine residents' views about having a popularly elected Mayor.

**AMENDMENT**

Moved by Cr Maggie May, seconded by Cr Tom Cooper

That Council

1. Proceed with a referendum to ascertain resident's views about having a popularly elected Mayor, and that the referendum include a question on abolishing the ward system,
2. Conduct an education program with residents on the pros and cons of the proposals.

**LOST**

FOR VOTE - Cr Maggie May

AGAINST VOTE - Crs Kylie Thomas, Tom Cooper, Danielle Mulholland, John Burley, Janet Wilson, Hayden Doolan, Robert Cullen and James Murray

**MOTION**

Moved by Cr Janet Wilson, seconded by Cr Maggie May

That Council proceed with a referendum to determine residents' views about having a popularly elected Mayor

**AMENDMENT**

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Council

1. Proceed with a referendum to ascertain residents' views about having a popularly elected Mayor
2. Conduct an education program with residents on the pros and cons of a popularly elected mayor.

**CARRIED**

FOR VOTE - Crs Kylie Thomas, Danielle Mulholland, John Burley, Janet Wilson, Maggie May and Hayden Doolan

AGAINST VOTE - Crs Tom Cooper, Robert Cullen and James Murray

The amendment then became the motion

**RESOLVED CO/0422/2**

Moved by Cr Maggie May, seconded by Cr Robert Cullen

That Council

1. Proceed with a referendum to ascertain residents' views about having a popularly elected Mayor
2. Conduct an education program with residents on the pros and cons of a popularly elected

mayor.

**CARRIED**

FOR VOTE - Crs Kylie Thomas, Danielle Mulholland, John Burley, Janet Wilson, Maggie May and Hayden Doolan

AGAINST VOTE - Crs Tom Cooper, Robert Cullen and James Murray

**9.2 NOTICE OF MOTION - CR TOM COOPER: STAFF THANKS**

**RESOLVED CO/0422/3**

Moved by Cr Tom Cooper, seconded by Cr Danielle Mulholland

That Council convey its thanks to all staff for the work they've done following the unprecedented disasters over the past six weeks.

Unanimous

**CARRIED**

FOR VOTE - Unanimous vote

**10 REPORTS FROM DELEGATES****11.1 DELEGATES REPORT: CR DANIELLE MULHOLLAND - LOCAL GOVERNMENT NSW SPECIAL CONFERENCE****RESOLVED CO/0422/4**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

1. That Council:
  1. Receive and note the report on LGNSW Special Conference and the resolutions passed at conference;
  2. Endorse the recommendations that Council;
    - a) Engage with local groups and media to promote distribution of information around domestic violence, causes, assistance available for victims and perpetrators;
    - b) Encourage the inclusion of women in sport;
    - c) Encourage respectful relationships in businesses;
    - d) Ensure its social responsibilities are reflected in its strategic planning;
    - e) Refers the recently released *Northern Rivers Joint Organisation Renewable Energy Blueprint for the Northern Rivers* report to the Climate Change Working Group, requesting they make appropriate and practical recommendations to Council around the opportunities the report presents for the Kyogle LGA
    - f) Refers the IPCC report of February 2022 to the Climate Change Working Group, requesting they make appropriate and practical recommendations to Council around how the Kyogle LGA can reduce its carbon footprint in line with the recommendations contained within that report.
    - g) Correspond with the NRJO through the Chair, Mayor Sharon Cadwallader to request urgent and immediate advocacy be undertaken with state and federal government Ministers to address the housing crisis occurring in the Northern Rivers including but not limited to, social housing which is currently below the state average;
    - h) Write to the Minister for Housing and the Minister for Crown Lands requesting that crown land within the Kyogle LGA be unlocked for affordable housing and development;
    - i) Advocate around the housing crisis being experienced post flood and request state and federal government take urgent action to provide accommodation in the short term, and implement strategic responses that reduce the flood risk in the longer term.

**CARRIED**

FOR VOTE - Unanimous vote

**11 INFORMATION REPORTS****12.1 MONTHLY FINANCE REPORT - MARCH 2022****RESOLVED CO/0422/5**

Moved by Cr John Burley, seconded by Cr Danielle Mulholland

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

**CARRIED**

FOR VOTE - Unanimous vote

**12.2 WORKS PROGRAM PROGRESS REPORT - MARCH 2022****RESOLVED CO/0422/6**

Moved by Cr Maggie May, seconded by Cr Robert Cullen

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

**CARRIED**

FOR VOTE - Unanimous vote

**12 STAFF REPORTS****13.1 PECUNIARY INTEREST RETURNS****RESOLVED CO/0422/7**

Moved by Cr Danielle Mulholland, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Pecuniary Interest Returns*;
2. Notes the tabling of the Register of Returns.

**CARRIED**

FOR VOTE - Unanimous vote

**13.2 SIX MONTHLY REVIEW DELIVERY PROGRAM AND OPERATIONAL PLAN****RESOLVED CO/0422/8**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

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

**CARRIED**

FOR VOTE - Unanimous vote

**13.3 WAIVING OF DEVELOPMENT PROCESS FEES FOR COMMUNITY PROJECTS FUNDED UNDER GOVERNMENT GRANT PROGRAMS****RESOLVED CO/0422/9**

Moved by Cr Maggie May, seconded by Cr John Burley

That Council:

1. Receives and notes the report, Waiving of Development Process Fees for Community Projects Funded Under Government Grant Programs;
2. Authorises the waiver of Council development application, assessment and inspection fees and charges for projects submitted on land managed by a community trust or Crown Land manager or sporting club where the project is funded from a state or federal government funding program.

**CARRIED**

FOR VOTE - Unanimous vote

**13.4 KYOGLE CIVIC PRECINCT MASTERPLAN****RESOLVED CO/0422/10**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report, *Kyogle Civic Precinct Masterplan*;
2. Adopts the Kyogle Civic Heart: Detailed Landscape Design Revision C dated March 2022 as the master plan to guide the development of the civic precinct area;
3. Investigates options for the long-term provision of car parking spaces required to support the sustainable growth of the Kyogle business district, before further consideration of a master plan for the Kyogle Main Street.

**CARRIED**

FOR VOTE - Crs Kylie Thomas, Tom Cooper, Danielle Mulholland, John Burley, Janet Wilson, Maggie May, Hayden Doolan and Robert Cullen

AGAINST VOTE - Cr James Murray



**13.5 DRAFT COMMUNITY STRATEGIC PLAN**

**RESOLVED CO/0422/11**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, *Draft Community Strategic Plan*;
2. Adopts the attached Draft Community Strategic Plan 2022-2032 for the purposes of public exhibition and community comment.

**CARRIED**

FOR VOTE - Unanimous vote

**13.6 DRAFT OPERATIONAL PLAN 2022/2023 AND DELIVERY PROGRAM 2022/2026****RESOLVED CO/0422/12**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council:

1. Receives and notes the report, *Draft Operational Plan 2022/2023 and Delivery Program 2022/2026*.
2. Places the *Draft Operational Plan 2022/2023 and Delivery Program 2022/2026* 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 2022/2023* on public exhibition for a minimum of 28 days and seek submissions from the community on its content.
4. Applies for a permanent Special Variation under Section 508(2) of the Local Government Act for a 2.5% increase in General Rates in 2022/23, rather than the 0.7% allowed for by the IPART Rate Peg Determination, which will deliver \$135,702 additional income in 2022/23 if approved, and \$1,872,090 of cumulative additional income over the period 2022/23 to 2033/34, to help meet its capital funding requirements having considered the impact on ratepayers and the community in 2022-2023 and in future years is reasonable.

**CARRIED**

FOR VOTE - Unanimous vote

**13 URGENT BUSINESS WITHOUT NOTICE**

Nil

**15 CONFIDENTIAL BUSINESS PAPER****RESOLVED CO/0422/13**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

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 Purchase of Land Through Voluntary House Purchase Scheme**

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.

**15.2 Tender Evaluation Group 2 Bridges - Fixing Country Bridges Program**

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.

**15.3 Clarence Way Woodenbong to Urbenville Update**

This matter is considered to be confidential under Section 10A(2) - c, di and 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 information that would, if

disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and 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.

**CARRIED**

FOR VOTE - Unanimous vote

The Council closed its meeting to the public and the media and moved into Confidential at 6:36pm.

The Open Council Meeting resumed at 7:31pm.

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

### **15.1 Purchase of Land Through Voluntary House Purchase Scheme**

#### **RESOLVED CO/0422/14**

Moved by Cr John Burley, seconded by Cr Maggie May

That Council;

1. Receives and notes the report *Purchase of Land Through Voluntary House Purchase Scheme*
2. Proceeds with the purchase of 14 Norton Street, Kyogle (Lot 9 Sec 6 DP 4973) for \$440,000
3. Proceeds with the purchase of 5 Norton Street, Kyogle (Lot 10 DP 19080) for \$210,000
4. Authorises the Mayor and General Manager to sign documents relating to the purchase by Council of 14 Norton Street, Kyogle and 5 Norton Street, Kyogle.
5. Authorises the Common Seal to be affixed to documents relating to the purchase by Council of 14 Norton Street, Kyogle and 5 Norton Street, Kyogle.

**CARRIED**

FOR VOTE - Unanimous vote

### **15.2 Tender Evaluation Group 2 Bridges - Fixing Country Bridges Program**

#### **RESOLVED CO/0422/15**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council:

1. Receives and notes the report, Tender Evaluation Group 2 Bridges – Fixing Country Bridges Program.
2. Accepts the tender received under *Tender 202122-004 Design and Construct Replacement of up to 21 Bridges* from Ozwide Bridge Rail and Civil for Package F consisting of six bridges to the value of \$8,781,400 (Ex GST).
3. Not accept any tender for Packages C, E, or G under *Tender 202122-004 Design and Construct Replacement of up to 21 Bridges*

**CARRIED**

FOR VOTE - Crs Tom Cooper, Danielle Mulholland, John Burley, Janet Wilson, Maggie May, Hayden Doolan and Robert Cullen

AGAINST VOTE - Cr James Murray

ABSENT DID NOT VOTE - Cr Kylie Thomas

**15.3 Clarence Way Woodenbong to Urbenville Update**

**RESOLVED CO/0422/16**

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council receives and notes the report, Clarence Way Woodenbong to Urbenville Update.

**CARRIED**

FOR VOTE - Unanimous vote

**16 CLOSE OF MEETING**

**The Meeting closed at 7:34.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 9 May 2022.**

.....  
**CHAIRPERSON**