



MINUTES

Ordinary Council Meeting

9 May 2022

**MINUTES OF KYOGLE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE KYOGLE COUNCIL CHAMBERS, STRATHEDEN STREET, KYOGLE
ON MONDAY, 9 MAY 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: General Manager, Director Assets and Infrastructure Services, Executive Assistant to the General Manager.

1 OPEN MEETING

The Mayor opened the meeting at 5pm 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 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

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(s):

- Item 9.1 Notice of Motion - Cr Danielle Mulholland: General Manager's Review Committee
- Reason for declaration – personal relationship with the General Manager.

6 PUBLIC FORUM

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL REPORT - 11 APRIL 2022

RESOLVED CO/0522/1

Moved by Cr Danielle Mulholland, seconded by Cr Robert Cullen

That Council confirms the minutes of the Council meeting of the 11 April 2022.

CARRIED

FOR VOTE - Unanimous vote

7.2 COUNCIL REPORT - 26 APRIL 2022

RESOLVED CO/0522/2

Moved by Cr Maggie May, seconded by Cr Danielle Mulholland

That Council confirms the minutes of the Council meeting of the 26 April 2022.

CARRIED

FOR VOTE - Unanimous vote

8 MAYORAL MINUTE

Nil

9 NOTICES OF MOTION

Having previously declared an interest in Item 9.1, Cr John Burley left the meeting at 5.05pm.

9.1 NOTICE OF MOTION - CR DANIELLE MULHOLLAND: GENERAL MANAGER'S REVIEW COMMITTEE

MOTION

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council:

1. Remove Councillor Maggie May from the General Manager's Review Committee;
2. Appoint Councillor Danielle Mulholland to the committee.

AMENDMENT

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council:

1. Remove Councillor Maggie May from the General Manager's Review Committee;
2. Appoint Councillor Janet Wilson to the committee.

LOST

FOR VOTE - Crs Danielle Mulholland, Janet Wilson and Hayden Doolan

AGAINST VOTE - Crs Kylie Thomas, Tom Cooper, Maggie May, Robert Cullen and James Murray

ABSENT DID NOT VOTE - Cr John Burley

FORESHADOWED MOTION

Cr Danielle Mulholland foreshadowed a motion.

That Council change the existing General Manager's Review Committee to a Whole of Council Committee.

MOTION

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council:

1. Remove Councillor Maggie May from the General Manager's Review Committee;
2. Appoint Councillor Danielle Mulholland to the committee.

LOST

FOR VOTE - Crs Danielle Mulholland, Janet Wilson and Hayden Doolan

AGAINST VOTE - Crs Kylie Thomas, Tom Cooper, Maggie May, Robert Cullen and James Murray

ABSENT DID NOT VOTE - Cr John Burley

RESOLVED CO/0522/3

Moved by Cr Danielle Mulholland, seconded by Cr Hayden Doolan

That Council change the existing General Manager's Review Committee to a Whole of the Council Committee.

EQUAL

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

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

ABSENT DID NOT VOTE - Cr John Burley

The Mayor used her casting vote to pass the motion.

CARRIED

Cr John Burley returned to the meeting at 5.31pm.

10 QUESTIONS WITH NOTICE FROM COUNCILLORS

Nil

11 REPORTS FROM DELEGATES

Nil

12 INFORMATION REPORTS

12.1 MONTHLY FINANCE REPORT - APRIL 2022

RESOLVED CO/0522/4

Moved by Cr John Burley, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

12.2 WORKS PROGRAM PROGRESS REPORT - APRIL 2022

RESOLVED CO/0522/5

Moved by Cr John Burley, seconded by Cr Hayden Doolan

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

CARRIED

FOR VOTE - Unanimous vote

13 STAFF REPORTS**13.1 MARCH 2022 QUARTERLY BUDGET REVIEW****RESOLVED CO/0522/6**

Moved by Cr Danielle Mulholland, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the March 2022 Quarterly Budget Review Statement;
2. Approves the variation of estimates contained in the table below:

STATEMENT OF SIGNIFICANT VARIANCES		
MARCH QUARTER BUDGET REVIEW		
DETAILS	QUARTERLY ADJUSTMENT	
	INCOME	EXPENSES
Finance - Other Expenses		(9,587)
Finance - Loan Repayments		9,587
Crown Reserves - Grants & Contributions	582,500	
Crown Reserves - Operating Costs		586,350
Strategic, Community & Cultural - Cultural Tourism Grant	15,000	
Strategic, Community & Cultural - Cultural Tourism Project		15,000
Urban Local Roads - Capital Expenditure		(10,000)
Rural Roads - Sealed Roads Maintenance		150,000
Rural Roads - Capital Contributions	16,089	
Rural Roads - Capital Expenditure		16,089
Rural Roads - Flood Damage Grant	2,500,000	
Rural Roads - Flood Damage Works		2,500,000
Bridges - Maintenance		75,000
Emergency Services - Income	15,458	
Emergency Services - Operating Costs		9,782
Parks & Gardens - Grants	7,700	
Parks & Gardens - Operating Costs		7,700
Parks & Gardens - Capital Expenditure		40,000
Public Cemeteries - Income	20,000	
Public Cemeteries - Operating Costs		20,000
Public Cemeteries - Capital Income	350,000	
Public Cemeteries - Capital Expenditure		350,000
Stormwater Management - Capital Expenditure		(30,000)
State Highways - Income	9,270	
State Highways - Operating Costs		8,505
Quarries - Income	490,000	
Quarries - Operating Costs		265,000
Plant Operations - Sales	316,113	
Plant Operations - Purchases		316,293

Water Fund - Capital Income	(450,000)	
Water Fund - Capital Expenditure		(600,000)
Sewerage Fund - Capital Income	225,000	
Sewerage Fund - Capital Expenditure		225,000
Totals	4,097,130	3,944,719
	Net Adjustment	152,411

CARRIED

FOR VOTE - Unanimous vote

13.2 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS POLICY**RESOLVED CO/0522/7**

Moved by Cr Janet Wilson, seconded by Cr Danielle Mulholland

That Council

1. Receives and notes the report *Payment of Expenses and Provision of Facilities for Councillors*.
2. Adopts the attached policy, *Payment of Expenses and Provision of Facilities for Councillors*.

CARRIED

FOR VOTE - Unanimous vote

13.3 CODE OF MEETING PRACTICE**RESOLVED CO/0522/8**

Moved by Cr Robert Cullen, seconded by Cr Janet Wilson

That Council:

1. Receives and notes the report *Code of Meeting Practice*;
2. Adopt the Code of Meeting Practice with the following change:
 - a. That application to speak at Public Forum must be received two hours prior to the meeting (Item 4.4)

CARRIED

FOR VOTE - Unanimous vote

Cr Hayden Doolan left the meeting at 6.14pm.

13.4 LOCAL GOVERNMENT RECOVERY GRANTS**RESOLVED CO/0522/9**

Moved by Cr Janet Wilson, seconded by Cr John Burley

That Council:

1. Receives and notes the report, *Local Government Recovery Grants*;
2. Authorises the General Manager to submit a Program of Works for the \$1 million allocation under the Local Government Recovery Grants for the 2022 flood and storm event on the following basis;
 - (a) \$250,000 for the extension of the Community Resilience Officer role to assist with community recovery
 - (b) \$250,000 for a round of community recovery grants
 - (c) \$250,000 for improvements to community led evacuation centres and associated resources
 - (d) \$250,000 for repairs and improvements to community infrastructure including;
 - (i) Bonalbo and Woodenbong Pre-Schools
 - (ii) Kyogle Visitor Information Centre
 - (iii) Kyogle Memorial Swimming Pool

CARRIED

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

ABSENT DID NOT VOTE - Cr Hayden Doolan

14 URGENT BUSINESS WITHOUT NOTICE

Nil

15 CONFIDENTIAL BUSINESS PAPER**RESOLVED CO/0522/10**

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 Notice of Motion - Cr James Murray: Renegotiate Tenders for Lamonds No 1 / ID 59-11123 and Grieves Crossing / ID 59-1056 Bridges

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

CARRIED

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

ABSENT DID NOT VOTE - Cr Hayden Doolan

The Mayor asked the media and the gallery to leave the chambers and Council moved into Confidential at 6.23pm.

Open Council resumed at 6.54pm.

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

Item 15.1 Notice of Motion – Cr James Murray: Renegotiate Tenders for Lamonds No 1/ ID 59-11123 and Grieves Crossing / ID 59-1056 Bridges

Moved by Cr James Murray, seconded by Cr Robert Cullen

That Council:

1. Request an alternate proposal from the successful contractor for Lamonds No 1 (ID 59-11123) and Grieves Crossing (ID 59-1056) bridges to enable better safety and traffic usability outcomes using any external funding that may become available within the timeframe of the Fixing Country Bridges Program.
2. Undertake post award negotiations with the successful contractor for Package 'F' under Tender 202122-004 to maximise the increase in the deck height of the bridge at Grieve Crossing (ID 59-1056) within the remaining budget for Package 'F'.

CARRIED

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

ABSENT DID NOT VOTE - Cr Hayden Doolan

16 CLOSE OF MEETING

The Meeting closed at 6.55pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 June 2022.

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CHAIRPERSON